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PART 213—EXCEPTED SERVICE

National Advisory Commission on Selective Service

Section 213.3189 is added to show that all positions on the staff of the National Advisory Commission on Selective Service are excepted under Schedule A until June 30, 1967. Effective on publication in the FEDERAL REGISTER, § 213.3189 is added as set out below.

§ 213.3189 National Advisory Commission on Selective Service.

(a) Until June 30, 1967, all positions on the staff of the Commission.

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

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

[F.R. Doc. 66-7948; Filed, July 19, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

On Pages 8819 through 8833 of the FEDERAL REGISTER of June 24, 1966, was published a notice of proposed rule making to issue regulations relating to farm acreage allotments, farm yields, and farm marketing quotas for flue-cured tobacco on an acreage-poundage basis for the 1966–67 and subsequent marketing years. Interested persons were given 15 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed regulations. No data, views, or recommendations were submitted pursuant to said notice. The proposed regulations are adopted with the following changes:

1. Effective date provision is added.

2. As required by Public Law 89–471, 80 Stat. 220, approved June 24, 1966, an addition has been made to § 725.72 to provide an exemption from the deadline of April 1 of each year for filing copies of leases of acreage allotments with the county committee if it is determined that the lease was agreed upon by the parties prior to April 1 of such year and the terms of the lease are reduced to writing and filed in the county office not later than July 31 of such year. A similar addition has been made in the same section to permit the filing of requests for dissolution of leases up to July 31 if it is determined that the agreement to dissolve the lease was made not later than April 1.

3. The authority clause has been amended to include "80 Stat. 220," referred to in change No. 2.

4. One center heading has been revised and center headings have been added to the table of contents and to the text of the regulations at appropriate places.

5. Spelling and capitalization errors in the table of contents and in the text of the regulations have been corrected.

6. The words "other diversion programs was as much" have been added in the first sentence of § 725.73(a)(1). These words were inadvertently omitted

7. The word "is" which was inadvertently omitted from the parenthetical matter in § 725.73(a)(2) immediately preceding the words "owned by the Federal Government" has been added.

8. A change has been made in § 725.94 (b)(1) to require that any nonauction sale of tobacco be recorded on Form MQ–79 at time of purchase rather than not later than the end of the calendar week in which the tobacco was purchased in order to avoid being considered as a sale of excess tobacco.

9. The percentages stated in the last sentence of § 725.94(c) which were inadvertently reversed have been corrected.

10. A change has been made in § 725.94 (d) to require that penalties paid on dealer resales which are in excess of dealer purchases shall be remitted to a marketing recorder who is an ASCS employee.

11. The word "sale" has been inserted after the word "auction" in the first sentence of § 725.99(c)(1).

12. The designation of Form "MQ–30" in § 725.99(f)(1) has been corrected to "MQ–80".

Effective date. Since the marketing of the 1966–67 crop of flue-cured tobacco to which these regulations relate will begin with the next week or two, it is essential that they be made effective at the earliest possible date. Accordingly, it is hereby determined that compliance with the effective date provision of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and this document shall become effective upon the date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 18, 1966.

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

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

GENERAL

ACREAGE ALLOTMENTS, HISTORY ACREAGE, MARKETING QUOTAS, AND YIELDS FOR OLD FARMS

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

AUTHORITY: The provisions of this Part 725 issued under sections 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 45, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, section 401, 63 Stat. 1054, as amended, sections 106, 112, 125, 70 Stat. 191, 195, 198, as amended, section 16(e), 76 Stat. 606, 80 Stat. 220; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836, 16 U.S.C. 590p(e).

§ 725.50 Basis and purpose.

The regulations contained in §§ 725.50 through 725.109 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are applicable to flue-cured tobacco for the 1966-67 and subsequent marketing years. They govern the establishment of farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the keeping of records and making of reports incident thereto, except that the provisions of Part 724 of this chapter shall continue to apply to the establishment of farm acreage allotments and marketing quotas for the 1966 crop of flue-cured tobacco. The applicability of the regulations for any marketing year subsequent to the 1966-67 marketing year is contingent upon the proclamation of a national marketing quota for such year pursuant to section 312(a) of the Act.

§ 725.51 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued.

The following words or phrases are defined in Parts 718 or 719 of this chapter and shall have the meanings assigned to them by such regulations: "County committee", "County office manager", "community committee", "current year", "Department", "Deputy Administrator", "Director", "farm", "Federally-owned land", "operator", "person", "preceding year", "producer", "representative of the county committee", "representative of the State committee", "Secretary", "State committee", and "State executive director".

(a) *Act.* The Agricultural Adjustment Act of 1938, as amended.

(b) *Auction sale.* A marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, including sale of all lots or baskets of tobacco at public auction in sequence at a given time.

(c) *Base period.* The 5 calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(d) *Buyers corrections account.* The warehouse account of tobacco purchased at auction by the buyer, but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights, which buyers debit or credit to the warehouseman and support with adjustment invoices.

(e) *Community average yield.* The average yield in the community as determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 percent of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield.

(f) *Current year.* The calendar year for which acreage allotments are being established, or tobacco history acreage and yields are being determined, or the farm is being considered under the provisions of the marketing quota program.

(g) *Dealer or buyer.* A person who engages to any extent in acquiring or selling tobacco in the form normally marketed by producers.

(h) *Director.* The Director, or Acting Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Effective farm acreage allotment.* The allotment determined under § 725.58.

(j) *Effective farm marketing quota.* The quota determined under § 725.60.

(k) *Excess tobacco for a farm.* The excess tobacco on a farm for the current year shall be the quantity of tobacco marketed in the current marketing year after 110 percent of the effective farm marketing quota has been marketed.

(l) *Farm acreage allotment.* The acreage determined by multiplying the preliminary farm acreage allotment by the national acreage factor.

(m) *Farm marketing quota.* The pounds determined by multiplying the farm acreage allotment by the farm yield.

(n) *Farm yield*—(1) *Old farm.* The farm yield for an old farm is that yield determined as provided in § 725.59.

(2) *New farm.* The farm yield for a new farm is that yield determined as provided in § 725.59.

(o) *Floor sweepings.* Scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business.

(p) *Leaf account tobacco.* All tobacco purchased or otherwise acquired by or for the account of a warehouse, including floor sweepings and tobacco from the buyers corrections account, and sales and resales of such tobacco.

(q) *Market.* The disposition of tobacco in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(r) *Marketing recorder or field assistant.* Any employee of the United States Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involve the preparation and handling of the records and reports pertaining to the identification of marketings of tobacco, and shall include any other person authorized on MQ–78, Warehouse Organization and Authorization to Issue Memoranda of Sale, to perform such duties in the absence of a marketing recorder.

(s) *Marketing year.* The period beginning July 1 of the year in which the tobacco is produced and ending June 30 of the following year.

(t) *New farm.* A farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(u) *Nonauction sale.* Any first marketing of tobacco other than by a sale at auction.

(v) *Old farm.* A farm on which there is tobacco history acreage in one or more years of the base period.

(w) *Overmarketings.* The pounds by which the pounds marketed exceed the effective farm marketing quota.

(x) *Pound.* That amount of tobacco which, if weighed in its unstemmed form

and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(y) *Preceding year.* The calendar year immediately preceding the year for which the allotments and quotas are established, or the marketing year preceding the marketing year for which the allotments and quotas are established.

(z) *Preliminary farm acreage allotment.* The preceding year's farm acreage allotment for a farm which has tobacco history acreage in the base period.

(aa) *Preliminary farm yield.* The yield determined for a farm as provided in § 725.57.

(bb) *Resale.* The disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(cc) *Sale day.* The period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(dd) *Scrap tobacco.* The residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(ee) *Suspended sale.* Any first marketing of tobacco at auction for which the sale is not identified by a marketing card by the end of the sale day on which such marketing occurred.

(ff) *Tobacco.* Flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture.

(gg) *Tobacco available for marketing.* All tobacco produced on a farm which has not been marketed and which has not been disposed of so that it cannot be marketed.

(hh) *Trucker.* A person who engages in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(ii) *Undermarketings.* The pounds by which the effective farm marketing quota is more than the pounds marketed.

(jj) *Warehouseman.* A person who engages in the business of holding sales of tobacco at public auction.

§ 725.52 Location of farm for administrative purposes.

(a) *County.* The location of a farm in a county for administrative purposes shall be as provided in Part 719 of this chapter.

(b) *Community.* (1) A farm that is geographically located entirely within one community shall be assigned to that community.

(2) A farm that is geographically located in one county and in more than one community shall be assigned to the community (i) where the principal dwelling is located, or (ii) where the largest amount of cropland is located, if there is no such dwelling.

(3) A farm that is geographically located in more than one county and in more than one community shall be assigned to the community in the county in which the farm is located for administrative purposes under Part 719 of this chapter in which the principal dwelling is located, or if the principal dwelling is not located in such county, or there is no such dwelling, to the community in such county having the largest amount of cropland.

§ 725.53 Extent of determinations, computations, and rule for rounding fractions.

(a) *General.* If rounding is prescribed herein, computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1.

(b) *Allotments.* Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

(c) *Yields.* Yields shall be determined in whole pounds. For example, 2006.50 equals 2006; and 2006.51 equals 2007.

§ 725.54 Supervisory authority of ASC State committee.

The State committee may take any action required by these regulations which has not been taken by a county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by a county committee which is not in accordance with these regulations, or (b) require a county committee to withhold taking any action which is not in accordance with these regulations.

§ 725.55 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

Acreage Allotments, History Acreage, Marketing Quotas, and Yields for Old Farms

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in § 725.73 of this part, in the base period, except that no preliminary farm acreage allotment shall be established for such farm in the current year if the county committee determines that the farm is devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the persons or agency that acquired it, and is retired from agricultural production: *Provided,* That this paragraph shall not preclude the determination of a preliminary farm acreage allotment for (1) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 725.68.

(b) *Preliminary farm acreage allotment.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under paragraph (a) of this section shall be the same as the farm acreage allotment (prior to reduction for violation, prior to adjustment for lease and transfer, and prior to adjustment for undermarketings or overmarketings) established for such farm for the immediately preceding year.

§ 725.57 Determination of preliminary farm yields.

(a) *Old farms.* The preliminary farm yield for an old farm shall be the same preliminary farm yield as was in effect for such farm in the immediately preceding year. Preliminary farm yields required to be established for farms reconstituted under § 725.63, using yield data for base years 1959–63, shall be determined as follows:

(1) An average yield per acre for each farm for each year of the period 1959 through 1963 shall be determined by dividing the total pounds of flue-cured tobacco produced on such farm by the total acreage of flue-cured tobacco harvested from such farm for each respective year.

(2) A simple average of the yields per acre for each farm for the three highest years of the five consecutive crop years beginning with the 1959 crop year shall be determined. If flue-cured tobacco was not produced for at least 3 years of the 5-year period, the average of the yields for the years in which tobacco was produced shall be determined. The provisions of subparagraph (4) of this paragraph shall be applied to the simple average of such yields.

(3) If no flue-cured tobacco was produced on the farm in the 5-year period (1959–63) but the farm is eligible for an allotment because it has tobacco history acreage in the 5-year period (1960–64), a preliminary farm yield for the farm shall be determined by the county committee taking into consideration (i) the soil and other physical factors affecting the production of tobacco on the farm, and (ii) the preliminary farm yields determined for other farms in the community on which the soil and other physical factors affecting the production of tobacco are similar. If no flue-cured tobacco was produced in the community in the 5-year period 1959–63, the preliminary farm yield shall be appraised on the basis of the soil and other physical factors affecting the production of tobacco on the farm and the preliminary farm yields for similar farms outside the community.

(4) If the simple average of the yields for the farm as determined under sub-

paragraph (2) of this paragraph is (i) as much as 80 percent but not more than 120 percent of the community average yield, the preliminary farm yield shall be the simple average of such yields; (ii) more than 120 percent of the community average yield, the preliminary farm yield shall be the sum of 50 percent of the average of the 3 highest years and 50 percent of the national average yield goal (1854 pounds) but not less than 120 percent of the community average yield or more than the average of the 3 highest years for the farm; or (iii) less than 80 percent of the community average yield, the preliminary farm yield shall be 80 percent of the community average yield.

(b) *New farms.* The preliminary farm yield for a new farm shall be determined by dividing the farm yield determined in accordance with § 725.59(b) for such farm by the national yield factor applicable for the year in which the new farm allotment was established.

§ 725.58 Determination of effective farm acreage allotments.

The effective farm acreage allotment for the current year shall be determined by multiplying the preliminary farm acreage allotment for such year by the national acreage factor for the current year, adjusted as follows:

(a) *Upward adjustment.* The farm acreage allotment shall be adjusted upward by adding (1) the acreage obtained by dividing the pounds undermarketed in the preceding marketing year, not to exceed 100 percent of the farm marketing quota established for the preceding marketing year (plus pounds leased and transferred to the farm in such year) by the farm yield for the current year, and (2) the acreage obtained by dividing the pounds leased and transferred to the farm in the current year by the current year's farm yield for the lessee farm.

(b) *Downward adjustment.* The farm acreage allotment, after adjustment under paragraph (a), if any, shall be adjusted downward by subtracting (1) the acreage computed by dividing the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, by the farm yield for the current year, (2) the acreage reduced for violation of the tobacco marketing quota regulations for a prior year, and (3) the acreage computed by dividing the pounds leased and transferred from the farm for the current year by the current year's farm yield for the lessor farm.

§ 725.59 Determination of farm yields.

(a) *Old farms.* The farm yield for an old farm shall be determined by multiplying the preliminary farm yield for the farm by the national yield factor for the current year.

(b) *New farms.* The farm yield for a new farm shall be that yield, not to exceed the community average yield, which the county committee determines for the farm taking into consideration (1) the soil and other physical factors affecting the production of tobacco on the farm, and (2) the farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.60 Determination of effective farm marketing quotas.

The effective farm marketing quota for a farm for the current year shall be the farm marketing quota determined by multiplying the farm acreage allotment for the current year by the farm yield established for the current year, adjusted as follows:

(a) *Upward adjustment.* The farm marketing quota shall be adjusted upward by adding (1) the pounds undermarketed in the preceding marketing year, not to exceed 100 percent of the farm marketing quota for the preceding marketing year, plus pounds leased and transferred to the farm in such year, and (2) the pounds leased and transferred to the farm for the current year.

(b) *Downward adjustment.* The farm marketing quota, after adjustment, if any, under paragraph (a) of this section, shall be adjusted downward by subtracting (1) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (2) the pounds reduced for violation of the tobacco marketing quota regulations for a prior year, and (3) the pounds leased and transferred from the farm for the current year.

§ 725.61 Determination of undermarketings and overmarketings for farms with conservation reserve contracts, cropland conversion program agreements, or land covered by a cropland adjustment program agreement.

The farm marketing quota established for a farm, all of which is under a conservation reserve contract or cropland conversion program agreement, or land covered by a cropland adjustment program agreement, including the tobacco acreage, shall be considered as zero for the purpose of determining undermarketings and overmarketings for such farm. For a farm, a part of which is under a conservation reserve contract or cropland conversion program agreement with the permitted acres less than the allotment, the marketing quota determined by multiplying that part of the allotment equal to the permitted acres by the farm yield shall be considered the farm marketing quota for the farm for the purpose of determining undermarketings and overmarketings. Permitted acres as used in this section means the total number of acres which could be devoted to nonconserving or soil bank base crops under the terms of the conservation reserve contract or cropland conversion program agreement.

§ 725.62 Determination of undermarketings and overmarketings for allotments while in eminent domain pool.

The farm marketing quota established for an allotment which is in the eminent domain pool for the current year shall be considered as zero for the purpose of determining undermarketings and overmarketings.

§ 725.63 Determination of allotments and yields for divided farms.

(a) *Allotments.* Farm acreage allotments for divided farms shall be divided pursuant to the provisions of Part 719 of this chapter. History acreages and other basic data for the base period shall be apportioned among the divided tracts as provided in Part 719 of this chapter, except as provided in paragraphs (b) and (c) of this section.

(b) *Preliminary farm yields.* (1) Where contribution method is used. Where a tract is separated from the parent farm and the tobacco acreage allotment is divided by the contribution method, the preliminary farm yield shall be determined as follows:

(i) Where a preliminary farm yield was established for the tract prior to the time the tract became part of the parent farm such yield shall be the preliminary farm yield for the tract.

(ii) Where the tract is one for which a preliminary farm yield has never been established and one which was not a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be the same as the preliminary farm yield for the parent farm.

(iii) Where the tract is (*a*) one for which a preliminary farm yield has never been established, and (*b*) one which was a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be determined in accordance with procedure in § 725.57, using the community average yield for the community in which the tract is located under the provisions of § 725.52. In determining the preliminary farm yield, the yield per acre for the parent farm shall be used for those years of the period 1959 through 1963 the tract was part of the parent farm and the yield per acre for the tract when it was a separate farm shall be used in the remaining years.

(2) Where the contribution method is not used. When a farm is divided and the allotments are divided by any method other than the contribution method, the preliminary farm yield for such tract shall be the same as the preliminary farm yield established for the parent farm.

(c) *Farm yield.* The farm yield for a tract separated from a parent farm by division shall be determined by multiplying the preliminary farm yield by the national yield factor for the current year.

§ 725.64 Determination of allotments and yields for combined farms.

(a) *Allotments.* Farm acreage allotments and history acreages and other basic data for combined farms shall be computed for the base period in accordance with Part 719 of this chapter, except as provided in paragraph (b) of this section.

(b) *Yields.* The farm yield for a combined farm shall be the weighted average of the farm yields established for

the parent farms. The preliminary farm yield for the combined farm shall be determined by dividing the farm yield for the combined farm by the national yield factor for the current year.

§ 725.65 Determination of undermarketings and overmarketings for reconstituted farms.

(a) *Divisions.* Undermarketings and overmarketing of the parent farms shall be apportioned among the divided tracts in the same ratio as the marketing quotas are established for the divided tracts.

(b) *Combinations.* Undermarketings of the parent farm shall be the total undermarketings of the combined farms and overmarketings of the parent farm shall be the total overmarketings of the combined farms.

§ 725.66 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community in which the farm is located.

(b) *Basis for adjustment.* Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed 1 percent of the national acreage allotment minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and correction of errors.

(c) *CR, CCP, and CAP farms.* The allotment for a farm under a conservation reserve contract or a farm under a cropland conversion program agreement, or land under a cropland adjustment program agreement shall be given the same consideration under this section as the allotments for other old farms.

(d) *Approved acreage.* Acreage approved for a farm under this section becomes a part of the farm acreage allotment. The farm marketing quota for such farm shall be adjusted by multiplying the adjusted farm acreage allotment by the farm yield.

§ 725.67 Time for making reduction of acreage allotment for violation of the marketing quota regulations.

Any reduction in the farm acreage allotment for a farm for the current year required for any of the reasons provided in § 725.98 shall be made no later than April 1 of the current year. If the reduction is not made by such date for the current year, the reduction shall be in the farm acreage allotment next established for the farm, but no later than by April 1 in the subsequent year: *Provided,* That no reduction shall be made in the acreage allotment for any farm for a violation if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

§ 725.68 Allotments and yields for farms acquired under right of eminent domain.

(a) *Allotments and marketing quotas.* The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in Part 719 of this chapter. Where all or a part of an allotment is pooled, all or a proportionate part of the farm marketing quota shall be pooled.

(b) *Yields for receiving farms.* The farm yield for a farm to which pooled acreage allotment and marketing quota are transferred shall be determined by dividing the farm marketing quota (including the transferred farm marketing quota) by the farm acreage allotment (including the transferred farm acreage allotment). The preliminary farm yield shall be determined by dividing the farm yield by the national yield factor for the current year.

(c) *Undermarketings and overmarketings.* Undermarketings of the farm acquired by eminent domain shall be added to the marketing quota of the receiving farm and overmarketings of the acquired farm shall be subtracted from the marketing quota of the receiving farm.

(d) *Release and reapportionment.* The displaced owner of a farm may, not later than April 1 of the current year, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for flue-cured tobacco. The marketing quota for the pooled acreage shall be adjusted downward by the amount determined by multiplying the acreage released by the farm yield for the farm acquired by eminent domain. The county committee may reapportion, not later than May 1 of the current year, the released acreage or any part of it to other farms in the county on the basis of past acreage of tobacco, land, labor, and equipment available for the production of tobacco, crop rotation practices, and soil and other physical factors affecting the production of tobacco. The marketing quota for the farm to which released acreage is reapportioned shall be adjusted upward by multiplying the reapportioned acreage by the farm yield for such farm. The allotment acreage reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned.

§ 725.69 Determination of acreage allotments for new farms.

(a) *Basis.* The acreage allotment, other than an allotment made under § 725.68, for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) *Conditions.* Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife.

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52), or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the current year.

(3) The farm shall not have an allotment for the current year for any of the kinds of tobacco listed in subparagraph (2) of this paragraph, other than the allotment requested in the application.

(4) The available land, type of soil, topography of the land on the farm for which the allotment is requested is suitable for the production of flue-cured tobacco requested in the application and the production of flue-cured tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of flue-cured tobacco.

(6) The operator will obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural prod-

ucts sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(7) The farm operator shall have had experience in producing, harvesting and marketing flue-cured tobacco either as a sharecropper, tenant, or farm operator during at least two of the 5 years immediately preceding the year for which the new farm allotment is requested. The production of flue-cured tobacco on a farm for which no farm acreage allotment for such kind of tobacco was established shall not be deemed as experience in growing tobacco for this purpose.

(8) A written application is filed by the farm operator at the office of the county committee on or before February 15 of the calendar year for which the application is made.

(9) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter until after a date 5 years from the date the former owner was displaced from the land acquired by eminent domain.

(10) A farm which includes land which has no tobacco acreage allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm tobacco allotment for a period of 5 years beginning with the year in which the farm reconstitution becomes effective.

(c) *Downward adjustment.* The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring the total of such allotments within the total acreage available for allotments to all new farms.

(d) *Basis for cancellation.* Any improperly established new farm allotment is subject to cancellation as further provided in this subpart.

§ 725.70 Approval of allotments and marketing quotas, and notices to farm operators.

(a) *Review by State committee.* All farm acreage allotments, yields, and marketing quotas shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under these regulations. All acreage allotments, yields, and marketing quotas shall be approved by a representative of the State committee, and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment and marketing quota has been so approved, except that revised notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or marketing quota, or (2) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished.

(b) *Notice to farm operator.* An official notice of the effective farm acreage allotment and effective farm marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) *Mailing notices.* If the records of the county committee indicate that the acreage allotment and marketing quota established for any farm may be changed because of (1) a violation of the marketing quota regulations for prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notices may be delayed: *Provided*, That the notice of allotment and marketing quota for any farm shall be mailed no later than April 1 of the current year.

(d) *Allotment erroneous notice.* If the official written notice of the farm acreage allotment and marketing quota issued for any farm erroneously stated an acreage allotment larger than the correct effective farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct effective farm acreage allotment.

(e) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof and he relied on such notice acting in good faith, and (2) the farm operator was not notified of the correct farm marketing quota prior to harvest.

Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

§ 725.71 Application for review.

(a) *If marketing quotas are in effect.* Any producer who is dissatisfied with the farm acreage allotment and farm marketing quota established for his farm, may within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment and quota reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

(b) *If marketing quotas are not in effect.* Any producer who is dissatisfied with the farm acreage allotment may request reconsideration of such allotment in accordance with Part 780 of this chapter, Appeal Regulations, and amendments thereto, which are available in the ASCS county office.

§ 725.72 Lease and transfer of tobacco marketing quotas.

(a) *Farms eligible.* For the 1966, 1967, 1968, and 1969 crop years, notwithstanding the provisions of §§ 725.51 through 725.71, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year, may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for flue-cured tobacco for use on such farm. Such lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Annual agreement.* Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) *Filing an approval of lease.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county com-

mittee to be in compliance with the provisions of this section, is filed with the county committee not later than April 1 of the current year, except that a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the lease, in writing, are filed with the county committee no later than July 31 of the current year.

(d) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. The maximum marketing quota that may be leased and transferred to a lessee farm shall be limited to that number of pounds obtained by multiplying five (5.00) acres by the current year's farm yield for the lessee farm: *Provided,* That the total acreage allotted to a lessee farm after lease and transfer (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm. The maximum marketing quota that may be leased and transferred from a farm shall be limited to the effective farm marketing quota for the lessor farm.

(e) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(1) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(2) The acreage allotment for the lessor farm shall be adjusted downward by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's yield for the lessor farm.

(f) *Allotment acreage considered fully planted.* For purpose of establishing allotments for subsequent years, the tobacco acreage computed for pounds leased and transferred from a lessor farm shall be considered to have been planted on the lessor farm.

(g) *Marketing quota for a new farm.* Marketing quota established for a new farm shall not be leased or transferred.

(h) *CR, CCP, and CAP farms.* Marketing quotas shall not be leased and transferred to or from any farm under a conservation reserve contract or cropland conversion program agreement, or from a farm for which the allotment is covered by a cropland adjustment program agreement, which would result in acreage allotments in excess of the total number of acres which could be devoted to nonconserving or soil bank base crops under the terms of such contract or agreement, less, in the case of a lessee farm, the tobacco allotment acreage for such farm without regard to the lease and transfer. For possible effects of a lease and transfer agreement on such conservation reserve contract or cropland conversion program agreement, or cropland adjustment agreement, the regulations issued with respect to the conservation reserve program, cropland conversion program, and cropland adjustment program are applicable.

(i) *Pooled allotments.* Marketing quotas established for allotments in a pool, including allotments which have been released to the county committee and reapportioned to other farms, shall not be eligible for lease and transfer.

(j) *No subleasing.* Any leased marketing quota shall not be subleased to another farm.

(k) *Revised notices.* A revised notice showing the effective farm acreage allotment and effective farm marketing quota after lease and transfer shall be issued by the county committee to each of the operators of all farms involved in the lease and transfer agreement.

(l) *Violations.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before April 1 the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota for flue-cured tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer agreement until the time for filing an application for review, as shown on the original notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to part 711 of this chapter.

(o) *Marketing quota after lease and transfer approval.* The acreage allotment and marketing quota finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, (3) eligibility for price support, (4) undermarketings and overmarketings, and (5) the percentage reduction in allotment and quota for violation of the tobacco marketing quota regulations. The percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer.

(p) *Dissolution of leasing agreement.* An agreement to lease and transfer may be dissolved at the request of all parties to the leasing agreement by so notifying the county committee in writing not later than April 1 of the current year, except that the dissolution of a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the dissolution, in writing, are filed with the county committee no later than July 31 of the current year. In such a case, an official notice of the effective farm acreage allotment and effective farm marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the applicable closing date, the acreage allotment and marketing quota resulting from the lease and transfer shall remain in effect.

(q) *Reconstitutions after lease and transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment computed for pounds leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of division, the county committee may allocate, under Part 719 of this chapter, the leased quota involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) (i) In the current year or either of the two preceding years the sum of (*a*) the final tobacco acreage as determined under Part 718 of this chapter, (*b*) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, (*c*) the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act, the cropland conversion program established under subsection 16(e) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(e)), and other diversion programs was as much as 75 per centum of the farm acreage allotment (after adjustment for overmarketings and reduction for violation of marketing quota regulations). If the erroneous notice of allotment is applicable, the correct allotment shall be used to determine whether the 75 per centum provision was met; or (ii) in the current year or either of the two preceding years

the farm acreage allotment is or was in the eminant domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco. (Federally owned land as used in this section means land owned by the Federal Government or any Department, bureau, or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.)

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage.

(2) Acreage regarded as planted to tobacco under the provisions of the Soil Bank Act, the cropland conversion program, and other diversion programs.

(3) Acreage computed for pounds leased and transferred from the farm.

(c) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final acreage, the acreage computed for pounds leased and transferred from the farm under the lease and transfer provisions, and the acreage regarded as planted to tobacco under the Soil Bank Act, the cropland conversion program, and other diversion programs is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (1) the farm acreage allotment, or (2) the sum of the (i) final tobacco acreage for the farm, (ii) the acreage computed for pounds leased and transferred from the farm, (iii) the acreage regarded as planted to tobacco under the Soil Bank Act, the cropland conversion program, and other diversion programs, and (iv) the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the farm acreage allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(d) *Zero allotment farms.* Any acreage planted to tobacco on a farm for which a farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(e) *Allotments in eminent domain pool.* The farm acreage allotments in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(f) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored for reduction of the farm acreage allotment for violation of the tobacco marketing quota regulations.

(g) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for a farm for the year it was a new farm.

§ 725.74 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in § 725.72 and Part 719 of this chapter.

§§ 725.75–725.84 [Reserved]

Identification of Tobacco, Marketing and Other Disposition of Tobacco, and Penalties

§ 725.85 Identification of kinds of tobacco.

(a) *Similar tobacco.* Any tobacco that has similar appearance and growth characteristics while growing in a field on a farm, or any cured tobacco that has the same characteristics and corresponding qualities, colors and lengths, of flue-cured tobacco shall be considered flue-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(b) *Discovering and identifying similar tobacco.* For the purpose of discovering and identifying tobacco subject to marketing quotas, the term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco on a farm unless the county committee with the approval of the State committee (1) determines all or part of such acreage should not be considered as flue-cured tobacco under paragraph (a) of this section, or (2) determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Consumer and Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

§ 725.86 Disposition of tobacco produced on excess acres.

Disposition of tobacco produced on excess acreage prior to harvest shall be subject to the provisions of Part 718 of the chapter.

§ 725.87 Issuance of marketing cards.

(a) *General.* A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (1) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (2) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest.

(b) *Person authorized to issue marketing cards.* The county office manager shall be responsible for the issuance of marketing cards.

(c) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

(2) Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm, shall, to the extent of such succession, have the same rights to the use of the marketing card and bear the same liability for penalties as the original producer.

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The farm is determined not to be in compliance with the tobacco allotment therefor under the provisions of Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, even though the allotment for the farm is not exceeded.

(e) *Cards for tobacco grown by publicly-owned experiment stations.* A marketing card shall be issued to identify tobacco grown for experimental purposes by or for publicly-owned experiment stations.

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota and pounds computed as 110 per-

cent of the effective farm marketing quota shall be entered in the spaces provided on reverse side of the marketing card and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases, (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota", and (ii) each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota".

§ 725.88 Debt stamping and replacing marketing cards.

(a) *Stamping to show indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, the face of the marketing card issued for the farm shall bear the notation "U.S. Debt" followed by the amount of indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the debt notation. A notation showing indebtedness to the United States shall constitute notice to any warehouseman or loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and the producer may reject price support from which such indebtedness would be deductible. As debt collections are made, the amount of the debt shown on the card shall be revised to show the debt balance, and the tobacco sale bill shall show the amount collected.

(2) Any marketing card may be marked for the purpose of notifying warehousemen or loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASCS county office of a marketing card which has been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card shall be issued to replace a card which has been determined by the county office manager who issued the card to have been lost, destroyed, or stolen.

§ 725.89 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) An entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) Any erasure or alteration has been made and not properly initialed by the county office manager or a marketing recorder.

(b) *Validating invalid cards.* If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county office manager who issued the card, or by a marketing recorder, then such card shall become valid.

(c) *Returning invalid cards.* In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry, which has not been corrected by the county office manager who issued the card, or by a marketing recorder), the farm operator, or the person having the card in his possession, shall return it to the ASCS county office at which it was issued.

§ 725.90 Misuse of marketing card.

Any information which causes a marketing recorder, a member of a State, county, or community committee, or an employee of an ASCS State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm, shall be reported immediately by such person to the ASCS county or State office.

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota, (2) 110 percent of quota, and (3) balance of 110 percent of quota after each sale. Also, each producer sale, auction or nonauction, shall be recorded on a uniform tobacco sale bill.

(b) *Other persons authorized to act as marketing recorder.* (1) A warehouseman or his representative who has been authorized to act as a marketing recorder during the current year on MQ–78—Tobacco, Warehouse Organization and Authorization to Issue Memoranda of Sale, may so act if the marketing recorder is not available at the warehouse.

(2) Any warehouseman or dealer who engages in the business of acquiring scrap tobacco from farmers, and who has been authorized to act as a marketing recorder, may record sales on MQ–76 covering a purchase of scrap tobacco.

(c) *Withdrawal of approval to act as marketing recorder.* The authorization on MQ–78 for a person to perform duties of a marketing recorder may be withdrawn by the State executive director if such action is determined to be necessary in order to properly enforce the regulations in this subpart.

(d) *Verification of penalty by warehousemen or dealers.* Each sale of tobacco by a producer which is subject to penalty and which has been recorded by a marketing recorder shall be verified by a warehouseman or dealer to determine whether the amount of penalty shown to be due has been correctly computed. Such warehouseman or dealer shall not be relieved of any liability for the amount of penalty due because of any error which may occur in computing the penalty and recording the sale.

(e) *Check register.* The serial number of the tobacco sale bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering the auction sale of tobacco by a producer.

(f) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer.

(g) *Separate display on auction warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the auction warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

§ 725.92 Rate of penalty.

(a) *Basic rate.* The basic penalty rate shall be equal to seventy-five (75%) percent of the average market price for the immediately preceding marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture. The rate of penalty will be determined for each marketing year and announced by the regulations in this subpart or amendment thereto.

(b) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified was:

AVERAGE MARKET PRICE

Marketing Year:	*Cents per pound*
1965–66	64.6

(c) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing Year:	*Cents per pound*
1966–67	48

§ 725.93 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Auction sale.* The penalty due on marketings by a producer through an auction sale shall be paid by the warehouseman who may deduct an amount

equivalent to the penalty from the price paid to the producer.

(b) *Non-auction sale.* The penalty due on tobacco acquired directly from a producer, other than at an auction sale, shall be paid by the person acquiring the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer in the case of a sale.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

Any marketings of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco.

(a) *Auction sale without marketing card.* Any first marketing of tobacco at an auction sale by a producer which is not identified by a valid marketing card at the time of marketing shall be considered to be a marketing of excess tobacco and the penalty thereon shall be collected and remitted by the warehouseman.

(b) *Nonauction sale.* Any nonauction sale of tobacco which:

(1) is not identified by a valid marketing card and recorded at the time of purchase on MQ–79, Dealer's Report; or,

(2) if purchased prior to the opening of the local auction market for the current year, is not identified by a valid marketing card and recorded on MQ–79 not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be considered a marketing of excess tobacco. The penalty thereon shall be collected by the purchaser of such tobacco, and remitted with MQ–79.

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including floor sweepings and tobacco from the buyers corrections account), when added to prior leaf account resales, is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. Floor sweepings which the State executive director determines have been properly identified and reported by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco provided the amount thereof for the warehouse does not exceed the floor sweepings limitation of 0.17 percent of producers' tied sales and 1.10 percent of producers' untied sales for the season.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale, which, when added to prior resales by such dealer as shown on Form MQ–79 presented to the warehouseman by the dealer, is in excess of total prior purchases shown on such Form MQ–79, shall be considered to be a marketing of excess tobacco. The penalty thereon shall be withheld by the warehouseman from the proceeds due the dealer and immediately transmitted by the warehouseman to a marketing recorder who is an ASCS employee.

(e) *Resales not reported.* Any resale of tobacco which is required to be reported by a warehouseman or dealer, but which is not so reported within the time and in the manner required, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by such person.

§ 725.95 Producers penalties; false identification; failure to account; cancelled allotments.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, penalty at the full rate shall be due on the larger of: (1) the actual marketings above 110 percent of the effective farm marketing quota, or (2) the amount of tobacco equal to 25 percent of the effective farm marketing quota plus the amount determined by multiplying the farm yield times the number of acres harvested in excess of the farm acreage allotment.

(b) *Cancelled allotment.* If part or all of the tobacco produced on a farm has been marketed and the allotment for the farm is cancelled, any penalty due on the marketings shall be paid by the producers.

§ 725.96 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that in the case of false identification or failure to account for disposition of tobacco, the penalty shall be due on the date of such false identification or failure to account for disposition. The penalty shall be paid by remitting the amount due to the ASCS State office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Auction sale—net proceeds.* If the penalty due on any auction sale of tobacco by a producer is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonauction sale.* Nonauction sales of excess tobacco shall be subject to the full rate of penalty and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 725.97 Request for return of penalty.

Any producer of tobacco and any other person who bore the burden of the payment of any penalty after the marketing of all tobacco available for marketing from the farm, may request the return of the amount of such penalty which is in excess of the amount required to be paid. Such request shall be filed on Form MQ–85, Farm Record and Account, with the ASCS county office within 2 years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

RECORDS AND REPORTS

§ 725.98 Producers' records and reports.

(a) *Failure to file reports or filing false reports.* If any producer on a farm files an incomplete or incorrect report, fails to file a report, or files or aids or acquiesces in the filing of any false report with respect to (1) the acreage of tobacco grown on the farm, or (2) the amount of tobacco produced on, or marketed from the farm, the tobacco allotment next established for any such farm shall be reduced except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to file, filing of, or aiding or acquiescing in the filing of, such report was not intentional on the part of any producer on the farm, and that no producer on the farm could reasonably have been expected to know that the report was false: *Provided*, That the failure to file or the filing of or aiding or acquiescing in the filing of the report will be construed as intentional unless a correct report is filed and any penalty is paid in full, or (ii) no person connected with the farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false report or failure to file a report.

(b) *Report of tobacco grown for experimental purposes.* For farms on which tobacco is being grown for experimental purposes only, the director of a publicly owned agricultural experiment station shall furnish the ASCS State office, prior to the beginning of the harvesting of tobacco from any farm on which experimental tobacco is being grown, a report for each current year showing the following information:

(1) Name and address of the publicly owned agricultural experimental station.

(2) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only.

(3) The amount of acreage of tobacco grown on each farm for experimental purposes only.

(4) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only, the tobacco was grown under his direction, and the acreage on each plot was considered necessary for carrying out the experiment.

(c) *Harvesting second crop tobacco from same acreage.* If, in the same calendar year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(d) *Cancellation of new farm allotment.* Any new farm allotment approved under this subpart which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

(e) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which, in fact, was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing: *Provided:* That the marketing shall be construed as intentional, unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(f) *Report on marketing card.* The operator of each farm on which tobacco is produced shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed, and, in no event, later than 20 days, in the year of issuance of the card, after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within 15 days after written request by certified mail from the county office manager shall constitute failure to account for disposition of all tobacco marketed from the farm unless disposition of tobacco marketed from the farm is otherwise accounted for to the satisfaction of the county committee. Upon failure to satisfactorily account to the county committee for disposition of Flue-cured tobacco marketed from the farm the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county committee and a representative of the State committee, that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided,* That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made; or (2) no person connected with such farm for the year for which the allotment is being established, caused, aided, or acquiesced in the failure to furnish such proof.

(g) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the United States mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the acreage, production and disposition of all tobacco produced on the farm by sending the same to the ASCS State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of the marketings, and (5) the complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided,* That such failure will be construed as intentional and unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof.

(h) *Amount of allotment reduction.* The amount of reduction in the allotment for the current year for a violation described in paragraph (a), (e), (f), or (g) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of tobacco involved in the violation(s) equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent and no deduction will be made in subsequent years for the violation(s). The quantity of tobacco in violation shall be the amount of tobacco as determined by the county committee. If the actual quantity of tobacco is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco is not known, the county committee shall determine the quantity in violation in the following manner: The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality in which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* that the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre as so determined by the county committee shall be deemed to be the actual production per acre. Where the actual quantity of tobacco produced on acreage not included in a report of acreage is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm, determined as aforesaid, by the acreage not shown on a report of acreage. Where the amount of tobacco produced on, or marketed from a farm is not known, such quantities shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production on the farm, as determined aforesaid, the quantity of tobacco for which proof of production and marketing has been furnished. The acreage reductions required under this section shall be in addition to any other adjustments made under these regulations and any amendments thereto later issued.

(i) *Allotment reductions for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required.

(j) *Allotment reduction for divided farms.* If the farm involved in the violation has been divided prior to the

reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced. Allotment reductions are applicable, except under paragraph (c) of this section, unless the violating producer has no interest in the current tobacco crop.

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing*—(1) *Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each auction sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller, in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer; and, in addition, with respect to each individual basket or lot of tobacco constituting the auction sale, the following information:

(v) Name of purchaser.

(vi) Number of pounds sold.

(vii) Gross sale price.

(2) *Separate account records.* Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Non-auction sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco. The resale record shall include data for leaf account floor sweeping tobacco.

(3) *Buyers corrections account.* Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–79 to the ASC State office showing the total pounds and amounts of the debits (for returned baskets, short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account. Where the warehouseman returns to the seller tobacco debited to the Buyers correction account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the Buyers Corrections Account.

(4) *Uniform tobacco sale bill and daily warehouse sales summary.* Each warehouseman shall use uniform tobacco sale bills furnished by Flue-cured Tobacco Cooperative Stabilization Corporation, Raleigh, N.C. (hereinafter referred to as "Record Center"). The warehouseman shall not weigh in any tobacco for sale unless a card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman. In the "Buyer and Grade" space on the tobacco sale bill (i) the left column shall show non-auction purchases by the warehouse and tobacco grade for tobacco consigned to price support, and (ii) the right column shall show the symbol for tobacco bought by private buyers. At the end of each sale day, the tobacco sale bills shall be sorted in numerical order, and on the top of such bills an executed Form MQ–80, Daily Warehouse Sales Summary, shall be placed. A copy of the tobacco sale bills and a copy of the executed MQ–80 shall be furnished the marketing recorder for the Record Center. Tobacco sale bills for suspended sales shall be sent in by the marketing recorder when the sale is cleared from suspension.

(5) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(6) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(7) In the case of resales for dealers, the name of the dealer making each resale, and in the case of resales for the warehouse, the word "Resale" shall be clearly shown on each tobacco sale bill covering such tobacco.

(b) *Identification of producer sales of tobacco—Tobacco Sale Bill.* The State and county codes and the farm serial number on the marketing card identifying the tobacco to be marketed at auction shall be recorded by the warehouseman on the tobacco sale bill at the time the tobacco is weighed in and the warehouseman shall retain the marketing card where tobacco is to be sold at auction until the producer has been paid for the sale of the tobacco or the tobacco is removed from the warehouse by the producer. The warehouseman shall be responsible for the safekeeping and proper use of the marketing card during his retention of it. Each tobacco sale bill issued to cover an auction sale of tobacco from a farm for which a marketing card is issued bearing the notation "No Price Support" shall bear the same notation. A separate tobacco sale bill shall be executed to cover any tobacco which represents more than 110 percent of the effective farm marketing quota and the notation, "No Price Support" shall be shown on such tobacco sale bill. The sale of such tobacco shall be considered a separate sale. The letters, "NA" shall be shown on each line of a tobacco sale bill on which there is recorded tobacco purchased by or for the warehouse at nonauction sale and there shall be recorded on all such tobacco sale bills the farm serial number on the marketing card identifying the tobacco marketed at the time the tobacco is purchased at nonauction sale. A copy of the tobacco sale bill bearing the letters, "NA" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

(c) *Marketing card.* Each marketing of tobacco from a farm shall be identified by a marketing card issued for the farm. The card shall be executed as follows:

(1) *Auction Sale.* A marketing card used to cover an auction shall show on the reverse side the poundage balance of the "110 percent of quota". The tobacco sale bill shall show the pounds on which penalty is due, and the amount of the penalty.

(2) *Nonauction sale to a warehouseman at the warehouse.* A marketing card used to cover a nonauction sale of tobacco to a warehouseman shall show on the reverse side the poundage balance of the "110 percent of quota". If the tobacco sale bill includes both an auction sale and a nonauction sale such combined pounds shall be used to compute and reflect the balance of the "110 percent of quota". The tobacco sale bill shall show the pounds on which penalty is due and the amount of the penalty.

(3) *Nonauction sale (country purchase) to a warehouseman.* A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side the poundage balance of the "110 percent of quota". The tobacco sale bill shall show the actual weight of the tobacco, the pounds on which penalty is due, and the amount of the penalty. Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ–79.

(d) *Suspended sale record.* Any tobacco sale bill covering first marketing of farm tobacco for which a valid marketing card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended", or if a marketing recorder is not available, the auction warehouseman may stamp such bills, "Suspended" and deliver them to a marketing recorder when one is available. Such tobacco sale bills shall be made available to the Record Center after the sale is cleared.

(e) *Warehouseman's entries or other dealer's report.* Each warehouseman shall record, or have the dealer record, on MQ–79, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him and carried over by him from a crop produced prior to the current crop, the entry on MQ–79 shall clearly show such fact.

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Report, showing:

(1) All nonauction purchases of tobacco, except nonauction purchases at his warehouse which are reported on MQ–80.

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

Form MQ–79 shall be prepared and a copy, including copies of tobacco sale bills for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided:* That, if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of tobacco sale bills for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 to be due shall be forwarded to the ASCS State office with the original copy of MQ–79.

(g) *Daily Warehouse Sales Summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ–80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer and Flue-Cured Stabilization (pool), pounds of tobacco purchased at auction (consigned in the case of the pool), and the total of all such pounds.

(2) For each dealer subject to reporting purchases and resales on MQ–79, as originally billed, the total pounds of tobacco purchased at auction, and the total of all of such pounds.

(3) The sum of the total pounds for subparagraphs (1) and (2).

(4) The total pounds purchased at auction for the leaf account.

(5) The total pounds purchased at nonauction at the warehouse for the leaf account.

(6) The sum of the total pounds for subparagraphs (4) and (5).

(7) The sum of the totals for subparagraphs (2), (3), and (6) of this paragraph.

(8) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due.

(9) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer number with daily remittance of the penalty due.

(10) As to the information required to be entered on MQ–80, Daily Warehouse Sales Summary, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of tobacco sale bills for the sale day, and (ii) The sum of pounds sold shown on the tobacco sale bills.

§ 725.100 Dealer's record and reports.

Each dealer, except as provided in § 725.101, shall keep the records and make the reports as provided by this section.

(a) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the ASCS State office with respect to each lot of tobacco purchased by him the following information:

(1) (i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale, (ii) the name of the operator of the farm on which the tobacco was produced, and the name of the seller in the case of a nonauction sale, including the records and reports for farm scrap tobacco, and (iii) the name of the seller in the case of nonauction purchases from warehousemen and dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer, and as to each lot of tobacco sold by him the following information:

(5) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than an auction warehouse sale.

(6) Date of sale.

(7) Number of pounds sold.

(8) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to the current crop, the fact that such tobacco was so bought and carried over.

(b) *Nonauction sale (country purchase) to a dealer.* Each purchase of tobacco from a producer shall be identified by a marketing card issued for the farm on which the tobacco was produced. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota". The tobacco sale bill shall show the actual weight of the tobacco, the pounds on which penalty is due, and the amount of the penalty. The dealer shall record each nonauction purchase of tobacco made by him on MQ–79.

(c) *Record and report of purchases and resales.* (1) Except as provided in subparagraph (2) of this paragraph, each dealer shall keep a record and make reports on MQ–79, showing all purchases and resales of tobacco made by or for the dealer, and in the event of purchase or resale of tobacco bought from a crop produced prior to the current crop, the fact that such tobacco was bought by him and carried over from a crop produced prior to the current crop.

(2) Form MQ–79 shall be prepared and a copy, together with copies of tobacco sale bills for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of tobacco sale bills for all nonauction purchases, forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such location open earlier than those where the tobacco would normally be sold at auction by farmers, reports shall be prepared and forwarded, together with copies of tobacco sale bills for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(d) *Daily report to warehouseman for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 725.101, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet. Such reports shall be furnished daily, if practicable; otherwise they shall be furnished at the end of each week.

§ 725.101 Dealers exempt from regular records and reports.

Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, five percent or less of any such tobacco shall not be subject to the requirements of § 725.100.

§ 725.102 Records and reports of truckers, persons redrying, prizing, or stemming tobacco, and storage firms.

(a) Each trucker shall keep such records as will enable him to furnish the ASCS State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer.

(2) The date of receipt of the tobacco.

(3) The number of pounds received.

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco for producers and storage farms handling producer tobacco shall keep such records as will enable him to furnish the director a report showing:

(1) The information required above for truckers, and, in addition:

(2) The purpose for which the tobacco was received.

(3) The amount of advance made by him on the tobacco.

(4) The disposition of the tobacco.

(5) Person to whom delivered and pounds involved.

§ 725.103 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, buyer, trucker, or as a person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.104 Failure to keep records and make reports or making false report or record.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the act, any warehouseman, processor, buyer, dealer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers who fails to make any report or keep any record as required, or who makes any false report or record, is guilty of a misdemeanor, and upon conviction shall be subject of a fine or not more than $500 for each offense. In addition, any tobacco warehouseman, dealer, or buyer who fails, upon being requested to do so, to remedy a violation by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(b) *False representations.* The penalties designated in paragraph (a) of this section are in addition to penalties prescribed by other criminal statutes including U.S. Code, Title 18, section 1001, which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, or falsely identifying tobacco.

(c) *Failure to obtain producer's marketing card or dealer identification card.* The failure of (1) any dealer or warehouseman to obtain a producer's marketing card, MQ–76, to identify a sale of producer tobacco and (2) any dealer or warehouseman who fails to obtain a dealer identification card, MQ–79–2, to cover a resale of tobacco, shall constitute a failure to make a report.

§ 725.105 Duties of Flue-Cured Tobacco Cooperative Stabilization Corporation.

Numerous record keeping and reporting provisions required of these regulations are the responsibility of the Flue-Cured Tobacco Cooperative Stabilization Corporation (also referred to as Record Center). The duties of the Record Center are set forth in writing in an initial memorandum of agreement, dated March 1966, between Record Center and Agricultural Stabilization and Conservation Service.

§ 725.106 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General, and of the Farmer Programs Division and Producer Associations Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, cancelled checks, check registers, check stubs, correspondence, contracts, documents, and memorandas as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.107 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 2 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director, or the Director.

§725.108 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, and by all members of county and community committees, and all ASCS county office employees and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under Title III of the act.

DISCOUNT VARIETIES

§ 725.109 Determination of discount varieties.

(a) *Definition.* "Discount variety" means any of the flue-cured tobacco seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244: *Provided,* That where there is growing in a field off-type plants of not more than 2 percent, such off-type plants shall not be considered in determining the flue-cured tobacco variety being produced. Flue-cured tobacco which is not determined to be discount variety shall be considered as "acceptable variety". Any breeding line of flue-cured tobacco identified as having appearance and growth characteristics similar to Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244, shall be considered to have the quality characteristics of Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244.

(b) *Producer's report.* (1) For each farm on which flue-cured tobacco is produced in the current year, the farm operator or any producer on the farm shall file with the county office a report on MQ–32, Certification of Flue-Cured Tobacco Varieties Planted, showing whether or not discount variety tobacco was planted on the farm.

(2) If the farm operator or any producer on a farm certifies on MQ–32 that there was not planted on the farm any discount variety of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be acceptable variety tobacco, unless a subsequent determination is made by the county committee or State committee that tobacco produced on the farm is discount variety tobacco. If the farm operator or any producer thereon has executed and filed a report with the county office on MQ–32, which shows there was not planted on such farm(s) in the current year, any of the discount varieties of flue-cured tobacco, and the operator or a producer on the farm wishes to change the MQ–32 to show there was planted on such farm(s) a discount variety, he may, at any time prior to the issuance of a marketing card for the farm, be permitted to file a new MQ–32 which shall supersede and replace the first MQ–32.

(3) If the farm operator or any producer on a farm certifies on MQ–32 that there was planted on the farm any discount variety of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless a subsequent determination is made by the county committee, or State committee, that tobacco produced on the farm is acceptable variety tobacco.

(c) *Right to examine growing varieties.* To assist in making a determination as to whether discount variety tobacco is being produced on a farm, the farm operator or any producer on the farm shall allow any member of the county committee or State committee, or any employee of the ASCS State office, or any employee of the Department of Agriculture designated by the State executive director, as a person qualified to examine and identify seed varieties of flue-cured tobacco, to enter upon the farm (1) to examine the appearance and growth characteristics of flue-cured tobacco plants on the farm, (2) to take and remove from the farm samples of flue-cured tobacco growing on or harvested from the farm, (3) to designate representative flue-cured tobacco plants on the farm to be allowed to go to flower, and (4) to take photographs of representative flue-cured tobacco plants.

(d) *Failure to file report or permit examination.* If the operator of a farm on which flue-cured tobacco is being produced in the current year fails or refuses, within 7 days after a request of the county committee on MQ–34–1, Notice of Action Required Regarding Determination of Seed Varieties of Flue-Cured Tobacco, (1) to file a report on MQ–32, showing whether or not there was planted any of the discount varieties of flue-cured tobacco on such farm, or (2) to permit examination of flue-cured tobacco plants in each field or area on the farm, or (3) to permit, not to exceed 50 representative plants to go to flower in each field or area on the farm, or (4) to permit the taking of photographs of flue-

cured tobacco in each field or area on the farm, or (5) to permit the taking and removal of green or cured leaf samples of flue-cured tobacco from the farm, all flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless the county committee finds that failure to comply with the request was due to circumstances beyond the control of the farm operator.

(e) *Notice to farm operator.* In any case where the county committee determines that discount variety tobacco is being or was produced on a farm, the farm operator shall be given written notice by certified mail of such determination on MQ–34–2, Notice of Determination of Discount Variety Flue-Cured Tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(f) *Producer's right of appeal.* Any producer on a farm who believes that the discount variety determination for his farm by the county committee is not correct, may file an appeal with the county committee asking it to reconsider such determination. The request for appeal and facts constituting a basis for such reconsideration must be submitted in writing and postmarked or delivered to the county committee within 7 days after the date of mailing of the notice on MQ–34–2. The request for appeal must be signed by the person making the appeal. If the appellant believes that the county committee's determination on his appeal is not correct, he may appeal to the State committee within 7 days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(g) *State committee decision final.* Any discount variety determination by the county committee may be reviewed by the State committee, whose decision shall be final.

(h) *Issuance of Marketing Cards—*(1) *Notation on Card.* If a farm is determined to have discount variety tobacco available for marketing and the farm is eligible for price support, the county office manager shall issue MQ–76, bearing the notation "Discount Variety—Limited Price Support". If the farm is determined to have discount variety tobacco but it is not eligible for price support, the county office manager shall issue MQ–76, bearing the notation "Discount Variety—No price Support".

(2) *Exchange of cards.* (i) Where an MQ–76, bearing the notation "Discount Variety—Limited Price Support" is issued for a farm, the card may be exchanged at the county office for an MQ–76 without the notation, or (ii) where an MQ–76, bearing the notation "Discount Variety—No Price Support" is issued for a farm the card may be exchanged at the county office for an MQ–76 with the notation "No Price Support": *Provided,* That the farm operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety tobacco produced on the farm or on any other farm operated by him, and that all discount variety tobacco has been marketed or satisfactorily disposed of, or accounted for.

(3) *Cards for publicly-owned experiment stations.* MQ–76 issued to identify marketings of tobacco grown for experimental purposes by or for publicly owned experiment stations shall bear the notation "Discount Variety—Limited Price Support" if such tobacco is determined to be discount variety tobacco.

(i) *Identification of flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1, Flue-Cured.* Whenever the Director determines there is a significant amount of discount variety tobacco available for marketing in any marketing year he may cause to be initiated the provisions of this paragraph. In addition, the Director may terminate any action initiated hereunder when he determines no discount variety of flue-cured tobacco remains available for sale during the remainder of the current marketing season. Notification to warehousemen of action required under this paragraph shall be by the State executive director.

(1) *Warehouseman.* (i) Each warehouseman who offers for auction sale any leaf account flue-cured tobacco on a warehouse floor other than his own, and who requests the other warehouseman to identify such tobacco as being "acceptable variety", shall either (*a*) execute MQ–79–1 (Flue-Cured), Dealer's Certification—Resale Tobacco, or (*b*) have the eligibility of such tobacco to be so identified determined by the State executive director or his representative.

(ii) Each warehouseman who is participating in the Commodity Credit Corporation price support program, and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco, by virtue of an executed MQ–79–1 (Flue-Cured), is of an acceptable variety, shall at the time the tobacco is weighed in have such tobacco covered by an executed MQ–79–1, unless the eligibility of such tobacco to be identified as being of an acceptable variety, is determined by the State executive director or his representative.

(iii) Each executed MQ–79–1 (Flue-Cured) shall show the following information with respect to each lot of resale tobacco:

(*a*) Crop year.

(*b*) Name and address of warehouse where the tobacco is being offered for sale.

(*c*) Tobacco sale bill number and date.

(*d*) Date, signature of dealer and current address, and dealer identification number.

(2) *Dealer.* (i) Each dealer or any other person who offers for auction sale any resale flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety", shall either (*a*) execute MQ–79–1 (Flue-Cured), Dealer's Certification—Resale Tobacco, or (*b*) have the eligibility of such tobacco to be so identified determined by the State executive director or his representative.

(ii) Each executed MQ–79–1 (Flue-Cured) shall show the following information with respect to resale tobacco:

(*a*) Crop year.

(*b*) Name and address of warehouse where the tobacco is being offered for sale.

(*c*) Date, signature of dealer and current address, and dealer identification number.

(*d*) Tobacco sale bill number and date.

(iii) Each dealer or any other person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification on MQ–79–1, or who has on hand both discount variety tobacco and acceptable variety tobacco, and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the State executive director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(iv) If any dealer fails to timely file MQ–79, Dealer's Report or if there is substantial indication that a dealer has executed a false certification on MQ–79–1, the State executive director may notify such dealer and all auction warehouses participating in the Commodity Credit Corporation price support program that certification by such dealer on MQ–79–1 shall not be accepted for the purpose of identifying tobacco offered for auction sale by such dealer as being of acceptable variety until further notice.

[F.R. Doc. 66–7956; Filed, July 18, 1966; 4:38 p.m.]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 791—AUTHORITY TO MAKE PAYMENTS WHEN THERE HAS BEEN A FAILURE TO COMPLY FULLY WITH THE PROGRAM

Sec.

AUTHORITY: The provisions of this Part 791 issued under authority contained in sec. 602(c), 79 Stat. 1208, 7 U.S.C. 1838; sec. 105(e), 79 Stat. 1188, 7 U.S.C. 1441 note; sec. 339(c), 76 Stat. 623, 7 U.S.C. 1339; sec. 379c(e), 79 Stat. 1206, 7 U.S.C. 1379; sec. 103(d)(11), 79 Stat. 1196, 7 U.S.C. 1444.

§ 791.1 Applicability.

This part is applicable to the cropland adjustment program for 1966 through 1969, Part 751 of this chapter, as amended; the feed grain program for 1966 through 1969, Part 775 of this chapter, as amended; the wheat diversion and wheat certificate programs for 1966 through 1969, Part 728 of this chapter, as amended; and the upland cotton program, Part 722 of this chapter, as amended.

§ 791.2 Payments when there has been a failure to comply fully with the program.

In any case in which the failure of a producer to comply fully with the terms and conditions of a program to which this part is applicable precludes the making of payments or the issuance of wheat marketing certificates, the Deputy Administrator, State and County Operations, may nevertheless authorize the making of payments or the issuance of wheat marketing certificates in such amounts as he determines to be equitable in relation to the seriousness of the default. The provisions of this part 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 Part may file a request therefor with the county committee.

§ 791.3 Delegation of authority.

The authority contained in this part may be redelegated in whole or in part.

Effective date: Date of signature.

Signed at Washington, D.C., on July 14, 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-7876; Filed, July 19, 1966; 8:48 a.m.]

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

[Sugar Reg. 817, Amdt. 6]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Sugar-Containing Products and Mixtures

Basis and purpose and bases and considerations. This amendment is issued pursuant to authority vested in the Secretary of Agriculture, by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 89-331, approved November 8, 1965 (79 Stat. 1271). The purpose of this amendment is to amend and broaden the procedural requirements governing the importation of sugar-containing products or mixtures. Those procedures were made effective on June 15, 1966, and published in the FEDERAL REGISTER, June 18, 1966, on page 8536. The application required for the release of a sugar-containing product on Form SU-9-A has been amended to include the identification of the carrier, the port and date of departure and the date of arrival. A new subparagraph has been added to clarify the order of eligibility and approval of such application.

A new subparagraph has also been added which provides that importers of sugar-containing products or mixtures subject to the provisions of § 817.10 shall keep accurate records of importations and make such records available when properly requested by a representative of the Department.

Pursuant to the provisions of section 403 of the Act (60 Stat. 932), § 817.10 is amended as follows:

1. Section 817.10 is amended by changing subparagraph (2) of paragraph (b) and adding subparagraphs (3) and (4) to read as follows:

§ 817.10 Sugar-containing products and mixtures.

* * * * *

(b) (1) * * *

(2) Any sugar-containing product or mixture as to which the Secretary has determined that the actual or prospective importation or bringing thereof into the continental United States, Hawaii, or Puerto Rico will substantially interfere with the attainment of the objectives of the Act, shall not be imported or brought into the continental United States, Hawaii, or Puerto Rico until a release directed to the Collector of Customs has been obtained by the importer from the Secretary. If the Secretary or his delegate determines that the release of the product is permissible within the limitations provided in subparagraph (1) of this paragraph such release will be issued upon application to the Sugar Quota Group, Policy and Program Appraisal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, in triplicate on a prescribed form designated as Form SU-9A. Application forms will be available from the above mentioned source and at all Customs Houses and provide the following information regarding the product to be imported on each vessel or carrier:

The name and address of the importer.
The name of the vessel or carrier.
The port of departure.
The date of departure.
The port of entry.
The date of arrival.
The quantity of product to be imported (total pounds or gallons).
The country from which the product is being imported.
The name of the product.
How the product is to be used.
The percentage of sugar and each other ingredient in the product including moisture.
A certification that the information contained in the application is true and correct to the best of the importer's knowledge and belief.
The date, signature and title of the importer.

(3) An application for issuance of an authorization to a Collector for the release of a sugar-containing product or mixture shall become eligible for authorization at 12:01 a.m. on the fifth calendar day prior to the date of departure of the shipment from the area of origin, as stated on the application, or at the time of receipt of the application whichever time occurs later. If two or more applications for release become eligible for authorization at the same time and a quantity permissible for importation within the limitations provided in subparagraph (1) of this paragraph is less than the total quantity covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each such application by the percentage which the permissible importation is of the total quantity covered by such applications.

(4) Each importer subject to the provisions of this section 817.10 shall keep and preserve, for a period of 3 years following the end of a calendar year in which a sugar-containing product or mixture was imported or brought into the continental United States, Hawaii, or Puerto Rico, an accurate record of the importation of such products or mixtures and the quantities and analyses pertaining thereto. Upon request by any authorized employee of the Department such records shall be made freely available for examination by such employee during the regular hours of a business day.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 206; 61 Stat. 927, as amended by P.L. 89-331, 79 Stat. 1277).

Effective date. Since this amendment establishes rules of procedure and is not a substantive rule, the notice, public procedure, and effective date requirements of the Administrative Procedure Act are inapplicable and unnecessary and this amendment shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 19th day of July 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-7980; Filed, July 19, 1966; 11:29 a.m.]

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

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposal submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the rate of assessment, during the current season, will not provide sufficient income because of a curtailment of the crop due to excessive rainfall to meet current operating expenses.

It is, therefore, ordered that paragraph (b) of § 915.206 Expenses and rate of assessment (31 F.R. 9044) is hereby amended to read as follows:

§ 915.206 **Expenses and rate of assessment.**

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 915.41, is fixed at $0.06 per bushel of avocados.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the increase in the rate of assessment does not involve an increase in the total expenses heretofore established by the Secretary (31 F.R. 9044), (2) the said committee in the performance of its duties and functions are likely to incur obligations which may be in excess of the income likely to be received from handlers at the current rate of assessment, (3) it is essential that this amendatory action be issued immediately so that said committee can meet its obligations, (4) the relevant provisions of said marketing agreement and this part require that the amended rate of assessment herein fixed shall be applicable to all assessable avocados handled during the aforesaid period, and (5) such period began on April 1, 1966, and said rate of assessment will automatically apply to all such avocados beginning with such date.

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

Dated: July 15, 1966.

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

[F.R. Doc. 66-7870; Filed, July 19, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 3]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 30 F.R. 8096, 30 F.R. 15795, and 31 F.R. 4389, as Cotton Loan Program Regulations, and containing terms and conditions with respect to the Cotton Loan Program, are hereby amended as follows:

1. Paragraph (a) of § 1427.1354 is amended to delete certain counties which no longer have extra long staple cotton acreage allotments, and paragraph (c) is amended to provide that notes must be mailed or delivered to county offices not later than fifteen days after producers execute the notes. The new amended paragraphs (a) and (c) now read as follows:

§ 1427.1354 **Availability of loans.**

(a) *Warehouse-storage loans.* Loans on cotton represented by warehouse receipts will be available to eligible producers on:

(1) Eligible upland cotton produced in the continental United States and stored at approved warehouses.

(2) Eligible extra long staple cotton produced in an area designated in the following subparagraphs for the particular type of extra long staple cotton and stored at approved warehouses:

(i) American-Egyptian cotton produced in Cochise, Gila, Graham, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, Ariz.; Imperial and Riverside Counties, Calif.; Chaves, Dona Ana, Eddy, Hidalgo, Luna, Otero, and Sierra Counties, N. Mex.; and Brewster, Culberson, El Paso, Hudspeth, Loving, Pecos, Presidio, Reeves, and Ward Counties, Tex.

(ii) Sea Island and Sealand cotton produced in Berrien and Cook Counties, Ga.; and Alachua, Bradford, Hamilton, Jefferson, Lake, Madison, Marion, Putnam, Sumter, Suwannee and Union Counties, Fla., and Sea Island cotton produced in Puerto Rico.

* * * * *

(c) *Period of availability of loans.* Loans on a crop of cotton will be available from the beginning of harvest of the crop through April 30 following the calendar year in which such crop is grown. Notes for loans must be signed by the producer and mailed or delivered to the county office that is to disburse the loans within 15 days after the producer signed the notes and within this period of loan availability. Loans on cotton represented by a bill of lading will be available in any area only during the period specified by the New Orleans office. Whenever the final date of availability falls on a nonworkday for county offices, the applicable final date of availability shall be extended to include the next workday.

2. Section 1427.1356 is amended to change the requirements for eligible cotton as follows:

§ 1427.1356 **Eligible cotton.**

Upland cotton produced by eligible producers in the continental United States or extra long staple cotton produced by eligible producers in an area designated in § 1427.1354 for the particular type of extra long staple cotton is eligible cotton if it meets the following requirements:

(a) Such cotton must be tendered for a loan within the availability period of § 1427.1354(c) and must be cotton of a crop for which loans are available, as provided in an annual supplement to these regulations.

(b) Upland cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm determined to be in compliance with price support payment requirements of the Upland Cotton Program as prescribed in Parts 718, 722, and 791 of this title and any amendments thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended.

(c) Such cotton must be of a grade and staple length specified in (1) the schedule of premiums and discounts, or (2) the schedule of loan rates for extra long staple cotton, contained in the applicable annual supplement to these regulations and must be represented by a warehouse receipt meeting the requirements of § 1427.1369 or by a bill of lading meeting the requirements of § 1427.1370.

(d) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced more than two grades because of preparation; extra long staple cotton must have been ginned on a roller gin and must not have been designated as "wasty" (or show a micronaire reading of 2.6 or less) or reduced in grade for any reason.

(e) Such cotton must be in existence and in good condition.

(f) Such cotton must not be compressed to high density.

(g) The producer or association tendering the cotton for a loan must have the legal right to pledge it as security for a loan.

(h) If such cotton was produced on land owned by the Federal Government pursuant to a lease, permit, or other right of possession, it must not have been produced in violation of the provisions of the lease, permit, or right of possession. Such cotton must not have been produced on land owned by the Federal Government which is being occupied without lease, permit, or right of possession.

(i) The producer or association tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(j) Each bale of cotton must weigh not less than 350 or more than 625 pounds gross weight, including any bagging allowance authorized under § 1427.1359(a).

(k) Cotton compressed to a standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands.

(l) Each bale must be adequately packaged in new material manufactured for cotton bale covering, except that used jute and sugar sack bagging will be acceptable if such bagging is clean and in sound condition. Bagging manufactured from sisal and other hard fibers will not be acceptable. The bagging must adequately protect the cotton. Heads of bales must be completely covered.

(m) Each bale must bear the gin bale number.

(n) To be eligible for price support, the beneficial interest in the cotton must (except as provided in § 1427.1355) be in the producer tendering the cotton for a loan (or in the producer-member delivering the cotton to the cooperative marketing association which tenders the cotton for a loan) and must have always been in him or in him and a former pro-

ducer whom he succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming unit on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(o) If the person tendering cotton for a loan is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if the person tendering such cotton produced it in the capacity of a landlord, it must be his separate share of the crop, unless he is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

3. Paragraph (f) of § 1427.1357 is amended to permit use of power of attorney forms other than Forms ASCS–211. The new paragraph (f) reads as follows:

§ 1427.1357 Forms and authorizations.

* * * * *

(f) *Powers of Attorney.* A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans may use Power of Attorney, Form ASCS–211 (referred to in this subpart as "Form 211"), or a power of attorney on another form if it is determined by CCC to be legally sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office disbursing the loan proceeds and with the county office maintaining custody of the loan documents, if not the same.

4. Paragraph (a) of § 1427.1359 is amended to permit a warehouseman to enter on warehouse receipts bale weights determined at a gin in cases where the warehouse is operated under common ownership in conjunction with the gin in the immediate vicinity of the warehouse. The new paragraph (a) reads as follows:

§ 1427.1359 Weight, loan rate, and amount.

(a) *Weight.* Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. If the loan is made on cotton represented by warehouse receipts, the gross weight of the bale shall be the gross weight shown on the warehouse receipt. The gross weight shown on the warehouse receipt shall be the gross weight as determined by the warehouseman at the warehouse site, except that the warehouse receipt may show the gross weight established at a gin in case the gin is in the immediate vicinity of the warehouse and is operated under common ownership with such warehouse or in any other case in which the showing of gin weights on the warehouse receipts is approved by CCC. If the loan is made on cotton represented by order bills of lading pursuant to § 1427.1370, the gross weight of the bale shall be the gross weight shown on the Weight and Condition Certificate. Notes for loans on cotton pledged on reweights will not be accepted if CCC determines that such reweights reflect an increase in weight due to the absorption of moisture. In making loans on upland cotton covered with bagging made of cotton material manufactured specifically for covering cotton bales, an allowance of not to exceed seven pounds per bale will be added to the gross weight of the bale: *Provided*, That the allowance to be added to the gross weight of the bale shall not exceed an amount which will reflect a normal tare weight of 21 pounds for bagging and ties for the bale. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight in making loans on upland cotton wrapped with material under the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tenn., there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary to adjust to normal tare weight of 21 pounds. The bale tag must identify the bale with the program and must also show the actual tare weight of the bale. No allowances other than those provided for in this section will be made.

* * * * *

5. Section 1427.1360 is amended by deleting paragraph (b), marketing cards, and renumbering paragraphs (c), (d), and (e) as (b), (c), and (d) respectively. The amended section reads as follows:

§ 1427.1360 Preparation of documents.

(a) *Preparation of loan forms.* The producer may obtain assistance in preparing and executing loan forms from his county office or from a loan clerk. All applicable blanks on the loan forms shall be filled in with typewriter or ballpoint pen. Documents containing additions, alterations, or erasures, may be rejected by CCC. All copies shall be clearly legible, and the copies shall contain all information contained on the original, including all signatures.

(b) *Schedule of pledged cotton.* All cotton pledged as security for a loan must be stored in the same warehouse but may be of different grades and staple lengths. Not more than 500 bales of upland cotton or 200 bales of extra long-staple cotton may be pledged as security for a loan on one Form A.

(c) *Producer's request for payment.* The spaces provided on Form A for the producer to request payment of the proceeds must be completed.

(d) *Execution of loan forms.* Loan forms shall not be signed in blank under any circumstances. A Form A must be signed by the producer in the presence of the loan clerk or county office employee who witnesses the producer's signature, except that loan documents for nonresident producers may be prepared in the county office and mailed to the producer for signature. All applicable entries must be completed on the Form A prior to the time the form is signed by either the producer or by the witness. The loan clerk or county office employee shall not sign as witness on his own or his spouse's Form A. A loan clerk or county office employee who, under power of attorney, executes the Form A on behalf of the producer shall not sign as witness on the Form A.

6. Section 1427.1361 is amended by deleting the requirement for Form CCC–810–1, Supplement to Cotton Loan Program Clerk's Agreement, and substituting in lieu thereof the requirement for a producer to obtain a certificate of eligibility in cases where he requests his loans be disbursed by a county office other than the one maintaining his farm program records. The amended section now reads as follows:

§ 1427.1361 Disbursement of loans.

Disbursement of each loan will be made by any county office located in the cotton producing area by means of loan drafts drawn on CCC by the county office. If a producer tenders the loan documents for disbursement to a county office more convenient to him than the county office which keeps the farm program records for the farm on which the cotton was produced, he must present a certification of eligibility on a form approved by CCC obtained from the county office which keeps the farm program records for the farm on which the cotton was produced. The certification shall provide that (a) to the best of the county office's knowledge and belief, the producer is an eligible producer as defined in § 1427.1355, and all the cotton produced on farms owned or operated by him in the county is eligible cotton as defined in § 1427.1356, (b) the producer's name is not on the county debt record, and (c) the producer does not have a farm storage facility or mobile drying equipment loan installment due and not paid. The producer or his agent shall not present the Form A for disbursement unless the cotton covered by the Form A is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the loan draft issued in payment of the loan, or if the loan draft has been negotiated, shall promptly refund the proceeds.

7. Paragraph (c) of § 1427.1365 is amended by deleting references to marketing cards. The new paragraph (c) reads as follows:

§ 1427.1365 Setoffs.

* * * * *

(c) Any amount which is to be set off must be entered in the space provided in the Cotton Producer's Note by the county office.

* * * * *

8. A new § 1427.1379 is added to provide for liquidated damages to be paid to

CCC by producers and CCC approved cooperative marketing associations for failure to comply with the provisions of the cotton loan program.

§ 1427.1379 Failure to comply.

The obtaining of loans by producers or associations of producers on cotton which is not eligible for tender to CCC for loans will cause serious and substantial program damages to CCC, such as damage to its cotton price support program and the incurring of certain administrative and other costs, in addition to any loss to CCC in disposing of the ineligible cotton. Inasmuch as it will be difficult, if not impossible, to prove the exact amount of such program damages, producers or associations shall pay to CCC as liquidated damages an amount equal to $5.00 for each bale of cotton on which a loan is made by CCC but which is not eligible cotton as defined in § 1427.1356 or is cotton not eligible for tender by an association to CCC as provided in the cotton cooperative loan agreement executed with CCC by the associations. By obtaining a loan under the program, the borrower agrees with CCC that such liquidated damages are reasonable estimates of the probable actual damages that would be incurred by CCC. Such amounts shall be paid to CCC promptly upon demand. Also, the borrower shall redeem such cotton upon demand by CCC, and, upon his failure to redeem such cotton, whether or not demand for redemption is made by CCC, shall be liable for any deficiency on the loan arising from sale of such cotton.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment shall become effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on July 14, 1966.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

Approved: July 15, 1966.

JOHN A. SCHNITTKER,
Acting Secretary of Agriculture.

[F.R. Doc. 66-7873; Filed, July 19, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6016; Amdt. 39-261]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-102 (30 F.R. 8328), AD 65-15-1, requires repetitive removal and inspection of the fin-body terminal attachment bolts until modification on Boeing Model 707 and 720 Series airplanes. The bolt replacement requirements of Amendment 39-243 (31 F.R. 7675), AD 66-16-1, as amended by Amendment 39-253 (31 F.R. 8870) obviate the need for the inspections and replacements required by AD 65-15-1 with the exception of paragraphs (f) and (g), that require replacement or modification in accordance with Boeing Service Bulletin No. 1975(R-2). Subsequent to the issuance of Amendment 39-102, the Agency has determined that the replacements and modifications required by paragraphs (f) and (g) are not necessary in the interest of safety. Therefore the need for AD 65-15-1 is obviated.

Since this amendment relieves a restriction and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39-102 (30 F.R. 8328), AD 65-15-1.

This amendment becomes effective July 15, 1966.

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

Issued in Washington, D.C., on July 15, 1966.

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

[F.R. Doc. 66-7965; Filed, July 19, 1966; 10:40 a.m.]

[Docket No. 1186; Amdt. 91-31]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Altimeter System Requirements; Extension of Compliance Time

The purpose of this amendment is to provide an additional period of one year for operators to comply with the requirements of § 91.170 of Part 91 of the Federal Aviation Regulations prescribing periodic inspections and tests of altimeter systems installed in airplanes operating under IFR conditions. In addition, it provides that the first required test and inspection need not be made, in the case of airplanes under annual inspection, until the first annual inspection after July 31, 1967.

As issued on June 21, 1965, effective July 29, 1965, this section prohibits any person from operating an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43. The altimeter must be tested by an appropriately rated repair station and compliance with this section is required by August 1, 1966. The Agency anticipated that the period before August 1, 1966, would provide ample time for operators to prepare for and complete the required inspections and tests. However, it appears that this expectation was too optimistic.

Requests for extension of the compliance time for § 91.170 have been received from Aerospace Industries Association, Airline Owners and Pilots Association, National Aviation Trades Association, National Business Aircraft Association, and National Pilots Association. From the information furnished in these requests and after further consideration by the Agency, it appears that numerous questions have arisen concerning the required tests and inspections. In this connection, the supply of new altimeters that will meet the test requirements of § 91.170 is apparently quite limited. With approximately 30,000 to 40,000 aircraft involved, it will not be possible for all persons needing new altimeters to purchase them by August 1, 1966. Moreover, it appears that a number of existing repair stations are not yet equipped or ready to perform the required altimeter tests. This situation is delaying compliance with the test requirements, since some persons have not found a facility where they can have the altimeter test performed.

In view of the foregoing, the Agency has concluded that the granting of a reasonable additional time period in which to establish compliance with the requirements of § 91.170 is appropriate and this amendment extends the beginning date for compliance to August 1, 1967, and the beginning date for those aircraft under annual inspection to the first annual inspection after July 31, 1967.

In view of the imminence of the compliance date of the subject amendment and because the amendment is an extension of compliance time for an existing requirement, I find that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, paragraph (b) of § 91.170 is amended, effective immediately, to read as follows:

§ 91.170 Altimeter system tests and inspections.

* * * * *

(b) Compliance with this section is not required until August 1, 1967. However, the first test and inspection required by this section for airplanes under annual inspection is not required to be made until the first annual inspection after July 31, 1967.

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

Issued in Washington, D.C., on July 15, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-7928; Filed, July 19, 1966; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

Microwave Region

Under the provisions of 15 U.S.C. 275(a) and 277, Part 201—Electricity—is amended to add certain calibration services, and to revise items 201.940a–20 and 201.940b–20 to include reference to the calibration services in Items 201.940a–9 and 201.240b–9, respectively. This amendment is effective upon publication in the FEDERAL REGISTER.

Section 201.910 *Continuous low-level, power measurement of waveguide bolometer units and bolometer-coupler units,* is amended by adding calibration services as follows:

Item	Description	Fee
	Measurement of effective efficiency of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connectors:	
201.910a–5	WR187 (3.95–5.85 GHz)	(*)
	Measurement of calibration factor of bolometer unit at a single frequency of the following waveguide size terminated with standard waveguide connectors:	
201.910b–5	WR187 (3.95–5.85 GHz)	(*)
	Measurement of calibration factor of bolometer-coupler unit at a single frequency of the following waveguide size terminated with standard waveguide connectors:	
201.910c–5	WR187 (3.95–5.85 GHz)	(*)

*See 201.900(b). Fees.

Section 201.920 *Reflection coefficient magnitude measurement on waveguide reflectors (mismatches),* is amended by adding calibration services as follows:

Item	Description	Fee
	Measurement of reflection coefficient magnitude of reflector at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.920a–4	WR112 (7.05 to 10.0 GHz)	(*)
201.920a–5	WR187 (3.95 to 5.85 GHz)	(*)

* See 201.900(b). Fees.

Section 201.940 *Attenuation difference measurements on variable attenuators,* is amended by adding calibration services as follows:

Item	Description	Fee
	Measurement of attenuation difference of direct-reading variable attenuator at an initial prescribed dial setting at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940a–9	WR430 (1.70–2.60 GHz)	(*)
	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at an initial prescribed attenuation difference value at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940b–9	WR430 (1.70–2.60 GHz)	(*)

*See 201.900(b). Fees.

Items 201.940a–20 and 201.940b–20 are amended as follows to include reference to items 201.940a–9 and 201.940b–9, respectively:

Item	Description	Fee
201.940a–20	Measurement of attenuation difference of direct-reading variable attenuator at each prescribed dial setting additional to the initial dial setting at the same frequency and on the same attenuator as 201.940a–1 to 201.940a–9	(*)
201.940b–20	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at each prescribed attenuation difference value additional to the initial attenuation difference value at the same frequency and on the same attenuator as 201.940b–1 to 201.940b–9	(*)

*See 201.900(b). Fees.

Section 201.941 *Insertion loss measurements on fixed attenuators,* is amended by adding a calibration service as follows:

Item	Description	Fee
	Measurement of insertion loss of fixed attenuator at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.941a–9	WR430 (1.70–2.60 GHz)	(*)

*See 201.900(b) Fees.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies Sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: July 6, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66–7782; Filed, July 19, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Products Composed of Ground Leather May Not Be Described as "Leather" Without Proper Qualification

§ 15.71 Products composed of ground leather may not be described as "leather" without proper qualification.

(a) In an advisory opinion issued by the Commission, it said that a product composed of ground leather may not be described as "leather" without proper qualification.

(b) The product in question involved a manicure case, the outer portion of which was composed of 85 percent to 90 percent ground leather combined with latex rubber. In its opinion the Commission said, "the use of the word 'leather,' without qualification, means top grain leather." "Since the manicure case is composed of ground leather," the Commission added, "it would be improper to describe it as leather without proper qualification." The Commission opinion then pointed out several ways in which this could be done, such as:

"Ground leather" (or "shredded leather" or "pulverized leather").
"Composed of ground leather."
"Contains ground leather."

(c) The Commission's opinion further pointed out that, if the requesting party decided not to disclose the ground leather composition of the case, it would be necessary to disclose that the outer portion is not leather by such language as:

"Not leather."
"Imitation leather."
"Simulated leather."

"The reason for this," the Commission added, "is that the outer portion of the case has the appearance of leather and in order to remove the potential deception inherent in its appearance, it is necessary to disclose the fact that the material is not leather."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 19, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–7846; Filed, July 19, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Franchise Agreement

§ 15.72 Franchise agreement.

(a) A distributor of electronic equipment requested the Commission to render an advisory opinion with respect to the legality of a proposed franchise agreement with its dealers. A Schedule of Fair Trade Prices was to be attached to and made a part of the agreement and the dealer must agree that he will not advertise, offer for sale or sell any products at less than the fair trade prices, nor make any refunds, discounts, allowances, or concessions which will have the effect of decreasing those prices, nor offer any of the fair traded items in combination with other merchandise at a single, combination, or joint price. The agreement further provided that this provision should be applicable only in those States where agreements of this character are lawful.

(b) The Commission advised that in view of the McGuire Act amendment to section 5 of the Federal Trade Commission Act it could see no objection to inclusion of the provision in the agreement. However, the Commission added, the responsibility rests squarely upon the seller exacting such agreements from his dealers to see that they are not given effect outside those areas where permitted by State law, for then no exemption would exist to protect the agreements from established antitrust rules applying to resale price maintenance.

(c) Even though the contract provides that this provision shall be applicable only in those States where such agreements are lawful, it would appear that to some extent the burden is placed upon the dealer to ascertain whether or not the agreement is lawful in his own State before he can know whether or not he is obligated to honor it. If this has the effect of creating a situation whereby the Schedule is generally adhered to in States where fair trade is not legal, the presence of the provision in the franchise agreement could raise a serious inference of an unlawful resale price maintenance program in those States.

(d) The Commission further advised that such pitfalls can be avoided in the franchise agreements with dealers in nonfair trade States by specifically eliminating therefrom provisions relating to the maintenance of fair trade prices. If the distributor desires to circulate price schedules to dealers in nonfair trade States, it would be more appropriate to circulate them under the heading "Suggested Prices" rather than "Fair Trade Prices." In the alternative, the danger of involving dealers in illegal resale price maintenance could be avoided by expressly noting on the franchise agreement those States wherein the provisions relating to maintenance of fair trade prices cannot be given effect.

(e) Additionally, the Commission noted the provision that the distributor will establish, with the aid of the latest marketing information, a reasonable yearly sales volume objective of $____ and this volume will be a consideration in yearly franchise renewal. The Commission advised that it could see no objection to the establishment of such quotas so long as they are reasonable. However, the distributor was advised that much of the legality of any franchise system depends upon the manner in which the agreements are implemented and enforced, for if apparently reasonable reservations of rights by the distributor are in practice administered in an unreasonable manner, so as to unfairly encroach upon the freedom of the licensees, an agreement which is legal on its face can become illegal in effect.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 19, 1966.

By direction of the Commission.

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

[F.R. Doc. 66–7847; Filed, July 19, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 41—SERVICE IN POST OFFICE

Miscellaneous Amendments

The following regulations are effective upon publication in the FEDERAL REGISTER. The amendment to § 4.2 merely updates the list of publications available to the general public, and the amendment to § 41.3 relates to procedures for post office box rentals. For these reasons, advanced notice and public rule making procedures are unnecessary as well as a delayed effective date.

I. In § 4.2 *General postal publications,* as amended by 30 F.R. 10051–10052, make the following changes in the list of Post Office Department publications:

A. *Postage stamps of the United States* is amended to read:

Title	*Price*
Postage Stamps of the United States, 1847–1965	$1.25

Illustrates all stamps from the first stamp issued in 1847, through the Abraham Lincoln Stamp, issued November 19, 1965. Gives detail on each stamp and miscellaneous historical information.

B. The publication date for *Mailing chute rules, regulations, and specifications* is revised to read:

(May 1966)

C. The publication date for *Apartment house mail receptacles, and instructions* is revised to read:

(July 1966)

NOTE: The corresponding Postal Manual section is 114.22.

II. In § 41.3, paragraph (b) is revised to outline the procedures for post office box rentals.

§ 41.3 Post office boxes.

* * * * *

(b) *How to rent a box*—(1) *Applications.* The patron must submit Form 1093, "Application for Post Office Box," to the postmaster at the post office where the box is located. This form may be obtained from local postmaster. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. When the application is approved, a box will be assigned.

(2) *Known applicant.* A box will be assigned immediately to a known qualified applicant upon submission of an application and payment of rent.

(3) *Unknown applicant.* Applications from unknown applicants must be treated as follows:

(i) The applicant must present his driver's license, social security card, military identification card, or other identification document.

(ii) Postmasters will verify that the applicant resides or conducts business at the addresses shown, and that the applicant is served by the telephone number shown.

* * * * *

NOTE: The corresponding Postal Manual section is 151.32.

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

TIMOTHY J. MAY, *General Counsel.*

JULY 14, 1966.

[F.R. Doc. 66–7842; Filed, July 19, 1966; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950____)

Subpart I—Meaning of Terms and Correction of Records Prior to Expiration of Time Limitation

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.801 is amended by adding paragraphs (d) and (e) to read as follows:

§ 404.801 Meaning of terms.

For the purposes of this subpart:

* * * * *

(d) The term "year" means a calendar year when used with respect to wages and a taxable year (as defined in section 211(e) of the Act) when used with respect to self-employment income.

(e) The term "survivor" means an individual's spouse, surviving divorced wife, child, or parent, who survives such individual. The term "survivor" also includes an individual's divorced wife who survives him and who is or may be entitled to benefits as a surviving divorced mother.

2. Section 404.805 is amended to read as follows:

§ 404.805 Revision of records of earnings prior to expiration of time limitation.

Prior to the expiration of the time limitation following any year, the Administration may correct on its own motion or pursuant to a request for revision filed under § 404.810 any erroneous entry of earnings or include omitted earnings for such year. The Administration may correct an earnings record after the time limitation has expired and deem such correction made within the time limitation where the correction is made pursuant to an investigation initiated before the expiration of the time limitation and where such investigation was pursued diligently. An investigation is initiated when the Administration takes an affirmative step leading to the resolution of an issue concerning the earnings record, e.g., when an Administration component requests another component to obtain additional pertinent information or evidence. An investigation has been pursued diligently when, in the light of the facts and circumstances of the particular case, it is determined that the necessary or appropriate subsequent action or actions were undertaken with reasonable

promptness and carried forward without undue delay.

(Secs. 205, 1102, 53 Stat. 1368, as amended; 49 Stat. 647, as amended; sec. 5, Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631, 42 U.S.C. 405, 1302)

3. *Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: July 6, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 14, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-7885; Filed, July 19, 1966; 8:48 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 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Preserves and Jams; Order Amending Identity Standard To Permit Optional Use of Concentrated Fruit Ingredients

In the matter of amending the standard of identity for fruit preserves and jams (21 CFR 29.3) to permit the optional use of concentrated fruit ingredients in the manufacture of these foods:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 9, 1966 (31 F.R. 5638), setting forth a proposal by National Preservers Association, 25 East Chestnut St., Chicago, Ill. 60611.

Based on information submitted by the petitioner, comments received in response to the notice, and other pertinent information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendments.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That § 29.3 be amended by changing the introduction to paragraph (b) and by adding new subparagraphs to paragraphs (c) and (e), respectively. As amended the affected portions read as follows:

§ 29.3 Preserves, jams; identity; label statement of optional ingredients.

* * * * *

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, concentrated, frozen and/or canned:

* * * * *

(c) * * *

(4) In the case of the use of concentrated fruit, the weight of the fresh fruit used to produce such concentrated fruit.

* * * * *

(e) * * *

(7) The term "concentrated fruit" means a concentrate made from the properly prepared edible portion of mature, fresh or frozen fruits by removal of moisture with or without the use of heat or vacuum, but not to the point of drying. Such concentrate is canned or frozen without the addition of sugar or other sweetening agents and is identified to show the weight of the properly prepared fresh fruit used to produce any given quantity of such concentrate. The volatile flavoring material or essence from such fruits may be captured during concentration and separately concentrated for subsequent addition to the concentrated fruit either directly or during manufacture of the preserve or jam, in the original proportions present in the fruit.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following 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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 14, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-7882; Filed, July 19, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following materials set forth miscellaneous amendments to various parts of Chapter 5B.

PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B-2.2—Solicitation of Bids

1. Paragraph (g) of the clause entitled "Listing of Subcontractors", prescribed in § 5B-2.202-70(e), is amended to specifically provide for rejection of any subcontractor who does not meet the requirements of an applicable Specialty Subcontractor or Competency of Bidder clause. As amended, the section reads as follows:

§ 5B-2.202-70 Listing of subcontractors.

* * * * *

(e) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

* * * * *

(g) Notwithstanding any of the provisions of this clause, the Contracting Officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible or who does not meet the requirements of an applicable Specialty Subcontractor or Competency of Bidder clause. He shall have the right to require any information concerning the cost of performance of this contract by any subcontractor listed or proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or subcontractor proposed as a substitute. Imposition of any requirements under this subparagraph shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

PART 5B-7—CONTRACT CLAUSES

Subpart 5B-7.6—Fixed-Price Construction Contracts

New § 5B-7.602-70 is added, as follows:

§ 5B-7.602-70 Payments to contractors.

The following provision shall be included in all construction, repair, alteration, improvement, painting, or decorating contracts without regard to amount or form on which executed. This includes contracts of $2,000 or less made under the small purchases procedures.

PAYMENTS TO CONTRACTORS

The Contractor, prior to receiving a progress or final payment under this contract, shall submit to the Contracting Officer a certification that the Contractor has made payment from proceeds of prior payments, or that he will make timely payment from the proceeds of the progress or final pay-

ment then due him, to his subcontractors and suppliers in accordance with his contractual arrangements with them.

PART 5B–53—CONTRACT ADMINISTRATION

Subpart 5B–53.70—Administration of Construction Contracts

Section 5B–53.7001(a)(9) is amended to delete the reference to § 5B–2.202–70 (g)(8) and to substitute therefor a reference to § 5B–53.7001(a)(8).

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective with respect to bids issued after August 15, 1966, but may be observed earlier.

Dated: July 11, 1966.

CASPER F. HEGNER,
Commissioner,
Public Buildings Service.

[F.R. Doc. 66–7843; Filed, July 19, 1966; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

INTERIOR PLANNING AND DESIGN SERVICES

The following material sets forth general procedures for obtaining interior planning and design services available from General Services Administration, Federal Supply Service.

The table of contents for Subpart 101–26.5 is amended by adding the following:

101–26.506	Interior planning and design services.
101–26.506–1	Types of service.
101–26.506–2	Limitations.
101–26.506–3	Submission of requests.
101–26.506–4	Acceptance and processing of requests.
101–26.506–5	Reimbursement for services.

Subpart 101–26.5 is amended by adding a new section reading as follows:

§ 101–26.506 Interior planning and design services.

In addition to the assistance provided in selection of furniture and furnishings as specified in § 101–26.505–7, the Federal Supply Service, through facilities at GSA Central Office and regional office locations, will provide advice and assistance on various phases of interior planning and design to interested Federal agencies and, to the extent necessary, will provide for these services either directly or through commercial sources (for services involving interior office design or space layout see § 101–20.404).

§ 101–26.506–1 Types of service.

The Federal Supply Service will provide advice and assistance to Federal agencies covering:

(a) Selection of styles, colors, textures, construction, and finishes of furniture and furnishings;

(b) Determination of quantities and qualities of furniture and furnishings required;

(c) Practical standardization of types and styles of furniture and furnishings in accordance with need and climatic and other environmental conditions; and

(d) Complete plans, drawings, layouts, color schemes, specifications, and cost estimates for services provided under this program.

§ 101–26.506–2 Limitations.

(a) When furniture and furnishings requirements have been developed in connection with interior planning and design services furnished by GSA, the requesting agency shall determine that such requirements are in consonance with the criteria for acquisition of furniture and furnishings as provided in §§ 101–25.302 and 101–25.404.

(b) Furniture and furnishings to be obtained in connection with interior planning and design services furnished by GSA shall be acquired, to the extent available, from GSA supply depots or through Federal Supply Schedules in accordance with the provisions of §§ 101–26.301 and 101–26.401.

§ 101–26.506–3 Submission of requests.

Requests for interior planning and design service shall be forwarded to the GSA regional office servicing the requesting activity and shall include the following minimum information.

(a) Type of space in terms of its use;

(b) General preference as to color, style, etc., of furniture and furnishings;

(c) Amount of funds available for project (agency budget);

(d) Date service is desired;

(e) Rough floor plan of space being considered; and

(f) Name, title, and address of requesting official.

§ 101–26.506–4 Acceptance and processing of requests.

Agency requests for interior planning and design service will be reviewed and, if considered feasible, will be accepted. Upon acceptance of a request by GSA, a proposal will be furnished the requesting activity for review and approval within 30 days. The proposal will include the following:

(a) Approximate date the work can be started;

(b) Estimated completion date of planning and design services;

(c) The amount to be reimbursed GSA for the services; and

(d) Other pertinent data or recommendations.

§ 101–26.506–5 Reimbursement for services.

If the GSA proposal is acceptable, a purchase order, requisition, or other funded authorization document shall be issued to the GSA office named in the proposal. GSA will bill the office indicated in the order or authorization for the amount specified in the proposal. The reimbursement procedures are designed to recover GSA's direct cost for providing these services. Any changes in the scope of the project requested by the requisitioning agency prior to its completion may require a revision in the amount of the reimbursable charges and the time schedule for completion.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 13, 1966.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 66–7836; Filed, July 19, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

MISSISSIPPI

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County;	Place for filing;	Beginning date.
*	* * * *	*
Madison;	(1) Canton—285 Peace Street;	August 10, 1965;
	(2) Flora—Segrist Building opposite post office;	July 20, 1966.

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

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

[F.R. Doc. 66–7978; Filed, July 19, 1966; 11:26 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66–626]

PART 1—PRACTICE AND PROCEDURE

Requests for New or Modified Call Sign Assignments

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 13th day of July 1966;

Section 1.550(c)(1) of the rules of practice and procedure provides that requests for new or modified call sign assignments for standard, FM or television broadcast stations shall include a statement that a notice pertaining to the request has been mailed to broadcast

stations located within 35 miles of the community in which the applicant is authorized to operate. As presently phrased, this provision indicates, at least implicitly, that the notice must be separately prepared and mailed some time in advance of the day on which the request is filed. In our judgment, it would be simpler for the person filing the request, and more useful to the stations receiving notice, to require that a copy of the request rather than a separate notice be served upon the stations in question. As provided in § 1.47(b) of the rules of practice and procedure, service is properly made on or before the day on which the request is filed. Also, it would appear that the request should be served upon nearby stations whose construction has been authorized but who have not been licensed, since holders of construction permits may have requested or received call sign assignments. We are therefore amending § 1.550(c)(1) in these respects.

Authority for this amendment is contained in sections 4 (i) and (j) and 303 (o) and (r) of the Communications Act of 1934, as amended. Because the amendment is procedural in nature, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In view of the foregoing: *It is ordered*, Effective July 22, 1966, that § 1.550 of the rules of practice and procedure is amended as set forth below.

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

Released: July 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.550 (c)(1) is revised to read as follows:

§ 1.550 Requests for new or modified call sign assignments.

* * * * *

(c) ***

(1) A statement that a copy of the request has been served upon each broadcast station licensed to operate, or whose construction has been authorized, in communities wholy or partially within a 35-mile radius of the main post office of the community in which the applicant is authorized to operate, and a list of the call signs and locations of all stations upon which copies of the request have been served.

* * * * *

[F.R. Doc. 66-7851; Filed, July 19, 1966; 8:46 a.m.]

[1] Commissioner Johnson absent.

[Docket No. 16218; FCC 66-640]

PART 87—AVIATION SERVICES
PART 89—PUBLIC SAFETY RADIO SERVICES
PART 91—INDUSTRIAL RADIO SERVICES
PART 93—LAND TRANSPORTATION RADIO SERVICES

Report and Order

In the matter of amendment of Parts 87, 89, 91, and 93 of the Commission's rules to permit expanded cooperative sharing of operational fixed stations, Docket No. 16218; petition of the Central Committee for Communication Facilities of the American Petroleum Institute concerning cooperative use of private microwave systems in the Petroleum Radio Service, RM-533.

1. On October 21, 1965, the Commission issued a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on October 27, 1965, 30 F.R. 13652). Comments were requested by December 29, 1965, and reply comments by January 28, 1966. These dates were later extended to January 28, 1966, and to February 28, 1966, respectively, by order released January 17, 1966 (FCC 66-29).

2. Briefly, in the notice we proposed to permit persons eligible in the same Public Safety, Industrial, and Land Transportation Radio Services, and persons eligible for operational stations in the Aviation Radio Service, to share the use of fixed stations or systems[1] on a nonprofit, cooperative basis. In addition, we proposed to permit cross service sharing among governmental entities and regulated companies on frequencies commonly available to all participants. (In Docket 11866, In the Matter of Allocation of Frequencies above 890 Mc/s, sharing of private point-to-point microwave stations was limited to public safety services and to right-of-way entities and to companies whose rates and services are regulated by a governmental body, 27 FCC 359, 408). Also we proposed to require joint users of fixed stations to file a statement with the Commission describing the proposed sharing arrangement before it went into effect, and an annual financial statement showing the relationship between the pro rata sharing of the system and the pro rata contribution of the costs. Finally, we asked for comments on whether licensees of fixed stations should be required to render service to others on a cost-sharing, nonprofit basis, on request, if their systems have sufficient capacity.

* * * * *

[1] The proposal considered herein concerns the sharing of fixed stations operated on microwave as well as on lower frequencies. However, for convenience, these stations are referred to hereinafter as "microwave stations" or "microwave systems".

3. Twenty-nine comments and twelve reply comments were timely filed. The comments and reply comments are listed in Appendix B below. On March 25, 1966, the Halliburton Co. of Duncan, Okla., filed comments in this proceeding. However, since its comments were filed well beyond the closing dates for filing comments or replies and since there was no request for accepting late filing and no showing was made why its late comments should be accepted, this document has not been considered. All timely comments have been considered. In reaching our determinations herein, however, we have considered information available to us from other sources. In general, users and potential users and their representatives supported the proposed wider sharing of microwave systems enthusiastically. The communication common carriers, on the other hand, opposed the proposed rules strongly. Their comments, beginning with those of the carriers, are summarized in more detail below.

COMMENTS IN OPPOSITION

4. The common carriers that filed comments and reply comments argued that our proposed rules would result in the proliferation of shared private microwave systems and that they would encourage undesirable situations where microwave cooperatives would have many of the attributes of common carriers without their burdens and responsibilities. They suggested that "multiple and unregulated quasi-common carriers" will construct facilities duplicating the existing facilities of common carriers, and would develop along high density routes leaving to the common carriers the responsibility of serving low density high cost routes to the eventual detriment, in terms of higher costs, to small users of common carrier communications service who are not in a position to establish cooperative microwave systems. They argued that, although the proposed rules would be of short-run advantage to selected groups of users, their long range consequences would be detrimental to the interests of the communications users as a whole.

5. The carriers seemed to agree that shared usage would result in more efficient utilization of microwave systems, but argued that shared communications facilities should be provided by regulated common carriers. They maintained that the only possible justification for permitting cooperative sharing of private microwave is the lower cost to those who may establish such systems, but that lower cost does not constitute a valid reason for departing from the Commission's existing policy limiting shared use of microwave facilities. It was variously argued that the responsibility for rendering communications service should be left exclusively with the common carriers. However, the Western Union Telegraph Co. (Western Union) and the National Association of Radiotelephone Systems (NARS) suggested that in isolated situ-

ations sharing of private microwave systems may be appropriate. AT&T stated that the petition filed by the American Petroleum Institute—

> relates to a very special situation which can be considered on its own merits without raising the much more complicated considerations and issues * * * involved in the proposed rule making.

Western Union and NARS suggested that sharing may be permitted on a case-to-cases basis if the service is needed and common carrier service is not available.

6. Practically all carriers referred to the Commission's 1959 microwave decision in Docket 11866 which limited sharing of microwave systems to public safety organizations, right-of-way companies, and to companies whose rates and services are regulated by a governmental body. They stated that the Commission has not disclosed the information that led it to depart from that policy, and argued that the same considerations that persuaded the Commission then still exist today and that the public interest will not be served, as GT&E Service Corp. (GT&E) put it, by "refighting the old battles of 11866". However, GT&E stated that the crucial issue in this proceeding is the impact of the Commission's proposal upon the communications common carriers, which was a central issue in Docket 11866, that this question is being considered in Docket 14650, In the Matter of Domestic Telegraph Service, and indirectly in Docket 16258, In the Matter of American Telephone & Telegraph Co. and Associated Bell System Cos. Charges for Interstate and Foreign Communications Service, that all these matters should be considered together, and that the Commission should not adopt the proposed rules but should continue "the present ban" on sharing of private microwave systems. In this connection, AT&T argued that the "spread of private microwave systems would intensify the regulatory problems" with which the Commission is concerned in the Telpak proceeding, Docket 14251, and with which it will be concerned in the above-mentioned Bell System rate investigation proceeding in Docket 16258.

7. Western Union argued that, in addition to their direct adverse economic impact, shared private microwave systems would have indirect adverse effect on Western Union. Thus, it claimed that the Commission's 1959 microwave decision in Docket 11866 resulted in AT&T's Telpak offering which, Western Union claims, has affected it seriously and that, if the proposed rules are adopted, it expects AT&T to adopt the same provisions on sharing of its Telpak circuits causing additional adverse competitive impact on Western Union.

8. The National Association of Radiotelephone Systems (NARS), an association of common carriers rendering mobile radiotelephone service, alleged that our more liberal policy concerning sharing in the private land mobile services has encouraged "an extensive and unhealthy growth of pseudo-common carriers * * *" which "* * * compete directly and destructively with regulated carriers", and argues that the "cooperative system should be flatly prohibited in all services * * * not encouraged," or "should be permitted * * * only under the most closely regulated waiver situations." In support of its arguments, NARS discussed in some detail certain communication systems established in the Safety and Special Radio Services which involve the shared used of mobile radio facilities and it concluded that all such systems are common carrier operations and should not be permitted. It claimed that the Commission exceeds its statutory authority when it permits unregulated "pseudo-carriers" to compete with regulated carriers and that, even if the Commission has statutory authority, it should not permit such competition. NARS claimed that in the mobile field so-called "pseudo-common carriers" attract the more profitable trade and leave the low density, high cost service to mobile common carriers and that these alleged conditions substantiate the arguments of AT&T and other carriers that the same situations would develop in the microwave field if our proposed rules are adopted.

9. NARS requested the Commission to refuse to adopt the proposed rules, to terminate the instant proceeding, and to institute an inquiry looking towards the prohibition of all cooperative arrangements in both the mobile and microwave fields and to permit sharing only in specific cases on showing of a need which would include a showing that common carrier service is not available.

Comments In Support

10. As mentioned above, private users and potential users of private microwave systems enthusiastically endorse our proposal to permit wider sharing. They maintained that expanded sharing is the logical extension of the Commission's decision in the microwave proceeding in Docket 11866 in that it would encourage the development of private microwave systems which the Commission has found to be in the public interest. They claimed that current limitations on sharing have been one of the prime inhibiting factors in the development of private microwave, along with the costs of microwave equipment and the availability of competitive service, such as AT&T's Telpak, from the common carriers.

11. The Idaho and California Highway Departments, whose comments were included in the filing of the American Association of State Highway Officials, stated that the ability to share a microwave system by various state agencies, under authorizations in the Local Government Radio Service, has enabled these states to establish statewide microwave systems which are used as control and repeater systems associated with mobile systems and for other communication purposes. The State of Nevada states that sharing will enable it to make arrangements with utility and industrial organizations for mutual use of buildings, roads, power supply and sites, and in some cases microwave stations, which will enable the state to establish a statewide system to cover the vast and sparsely populated areas where the state needs communications. Many claimed that suitable transmitter sites are scarce and inaccessible and that sharing will permit them to make the best possible use of the best available sites. Union Oil Co. of California stated that it has been operating a microwave system on a cooperative basis with two other oil companies (which was established before the Commission's decision in Docket 11866 and whose status quo had been maintained) and claimed that their relationship has been excellent permitting them maximum use of the facilities with sensible investment and costs.

12. It was argued that the ability to share a microwave system would permit the establishment of communications in areas where the need, though present, did not justify either the cost of common carrier service or the cost of an unshared private microwave radio system. For example, the State of California argued that sharing with utilities and other regulated companies would permit it to extend its system to remote areas and would enable small communities to obtain the benefits of microwave service. NCUR claimed that cross-service sharing will permit utilities to extend microwave control to remote and isolated utility stations.

13. The NAM Communications Committee claimed that the demand for communications in the manufacturing industry continues to grow and that the industry is at the "threshhold of fantastic new development for data transmission and other techniques" and that they must have a choice between common carrier and private facilities if a full development of communications is to be achieved. Union Oil and others claimed that industry needs more communications in its operations to control cost and to achieve more efficient operations, and that sharing will contribute to the more extensive use of communications by industry.

14. Others argued that less restrictive sharing provisions would increase usage of microwave equipment and thus broaden the manufacturing and technical base of microwave communications; would contribute to the business expansion of those furnishing related equipment, services, and supplies; and would aid the general advancement of the communications art.

15. Land mobile radio system users claimed that the ability to share microwave stations would encourage the use of microwave frequencies rather than VHF and UHF frequencies for control and repeater operations in the mobile services thus making more frequencies available for mobile communications. Use of microwave frequencies, it was claimed, would also enable licensees of mobile systems to employ strategically located base station transmitter sites and increase the effective coverage of mobile communications systems.

16. The private users argued that the most significant effect of the proposed

rules would be conservation of microwave frequencies and the fuller and more efficient utilization of microwave systems by avoiding duplication of facilities and frequencies and by employing the microwave equipment to its fullest capacity.

REPLIES TO COMMON CARRIER OPPOSITION

17. Supporters of the proposed rules urged that the arguments of the common carriers concerning proliferation of "pseudo carriers" and their impact on common carriers should be rejected as baseless and claimed that these arguments were considered and rejected by the Commission in Docket 11866, and that they have no more validity now than when the Commission allegedly disposed of them in that proceeding.

18. Beyond that, it was argued that shared private microwave facilities will be limited because the nature of the operation is self-limiting. The Special Industrial Radio Service Association (SIRSA), for example, claimed that the inherent necessity for joint users to have communication needs along substantially the same narrow path and a willingness to work closely under precise contractual arrangements for operation and financing of a system, plus the requirement that joint shared users must be eligible in the same radio service, involving more often than not business competitors, would limit the growth of shared private systems. SIRSA argued that experience thus far indicates that joint use would be limited, claiming that in the petroleum industry, where sharing has been permitted for more than 16 years in connection with pipelines and from 1949 to 1959 in connection with other petroleum activities, and where microwave is heavily used, there are no more than 20 shared systems. The Forest Industries Radio Communications Association (FIRC) claims that the need for microwave service in the forest products industry is in rural areas where common carriers have shown no particular interest in providing service and where no modern communications service is available. It too argued that experience thus far shows that shared systems have not developed along high volume, low cost routes nor paralleling common carrier facilities. NCUR argues that the need for shared service for utilities is primarily in remote areas to control isolated hydro stations or gas or water pumping stations requiring a small number of highly reliable communications circuits that can be shared by others having similar requirements.

19. The Central Committee for Communication Facilities of the American Petroleum Institute (API) argued that even if private microwave systems would divert traffic from common carriers, the national growth patterns create enough communications demand to make up for whatever revenue losses might result and to utilize whatever circuits are duplicated. Dow Jones & Co. claimed that there is an "explosive demand" for advanced communication systems and, therefore, there is no evidence that a selective expansion of private microwave would materially hurt the common carriers. On the contrary, API argued, the long range results of microwave sharing in which the users have the choice of either providing their own or receiving service from common carriers will benefit the common carriers in terms of the stimulating effect of competition on the quality, characteristics, and cost of service.

20. It was also claimed that it is not true, as the carriers argued, that the most effective joint use of facilities can be achieved through the use of common carrier facilities. NCUR argued that utilities need highly reliable microwave systems, to activate remote equipment and for other purposes, under close control of the user, and that the necessary degree of control can be achieved through contractual arrangements with one or two others but that the same degree of control cannot be achieved from facilities available from common carriers. API pointed to the inefficiencies of common carrier circuit utilization because of indirect routing that often occurs in sending communications over common carrier facilities.

21. The suggestion of GT&E that the instant proposal should be considered in the Commission's investigation of AT&T interstate rate structure was vigorously opposed on the basis that expanding the permissible sharing of microwave systems has no bearing on the issues of that proceeding and would unduly delay the instant matter.

22. It was also argued that the carrier's position in this proceeding is not consistent with the absence of their objections in Docket 15586 where the Commission decided to permit sharing of microwave stations among Community Antenna Radio Service licensees since there was no difference between the need for joint use of systems in that service and the need for joint use in other services.

23. Supporters of the proposed rules urged that the arguments presented by NARS are inappropriate and irrelevant to the question of sharing in the fixed field and that they lack creditability because, they claimed, NARS has no experience in the microwave field, that it is simply looking for a forum to redress alleged grievances of its members in the mobile radio field and that whatever problems may exist in the mobile radio field have no bearing in the instant proceeding. They argued that sharing of microwave systems has been permitted since 1949 and there are no known abuses or complaints with respect thereto. API argued that the NARS proposal to prohibit cooperative use or multiple licensing of transmitting equipment was an attempt to restrict freedom of choice between private and common carrier services by radio users. It maintained that "no possible argument" could be made that pro-rata sharing of cost of radio equipment is a common carrier operation; that the cases cited by NARS are inapplicable and not in point; that there can be no common carrier operation unless there is for hire status of the parties; and that the Commission has long considered sharing agreements not to constitute common carrier operations. Communication Industries, Inc., an MCC operator and radio equipment supplier, disagreed with NARS that all cooperative systems should be prohibited because, although there may have been abuses in the mobile radio field, the cooperative and multiple licensing arrangements have merit from the engineering and spectrum management point of view since they conserve frequency spectrum.

COMMENTS ON OTHER MATTERS

24. Some of those who supported the proposed rules urged that sharing should be expanded further than was proposed by the Commission. Dow Jones argued that cross-service sharing should be permitted to all on the most desirable frequency available to any one participant. NCUR argued that cross-service should be permitted for right-of-way companies (which are not rate regulated) to enable certain electric cooperatives to share cross-service in the same manner as other utilities. It claimed that the rates and services of electric cooperatives are regulated in some states and not in others—although they are right-of-way entities in all—and, unless permitted cross-service sharing, there would be an anomalous situation where some electric cooperatives would be able to share but not others although the purpose of all such cooperatives is to provide low-cost electric service and there is no real distinction between them and regulated privately owned electric utility companies.

25. NCUR, SIRSA, FIRC, and others urged that cross-service sharing should be permitted among commonly owned companies. NCUR stated that there are many situations in the utilities industry where several subsidiaries may be engaged in different activities towards a common end, such as mining, private rail transportation of coal, land acquisition and development, and the production of electricity, that all these activities are coordinated and closely managed and have similar communications requirements and, unless permitted cross-service sharing, they would not be able to use a common microwave system because they all are not eligible in the same radio service. SIRSA and FIRC described similar situations. All argued that it would be unreasonable to deny common use of a system where integrated and closely coordinated activities of this type require common communications facilities.

26. There were divergent views on the procedures we proposed for insuring that sharing be on a cooperative, nonprofit basis. Almost all agree with our proposal that the Commission examine all proposed sharing arrangements before they become effective. However, not all agreed with the proposed requirement for filing annual statements. Many suggested that there should be no annual statement where service is rendered free of charge. Public safety licensees also see no need for annual statements where

the system is shared by public safety licensees only. Others suggested that the statement should be filed when there is a change in the arrangement, such as where a new user is added, that the statement be kept with the station file available for inspection but not submitted to the Commission. Some suggested that the statement should be filed only with the application for renewal.

27. Almost all those who commented on it argued against the requirement for mandatory sharing. They claimed that systems must be engineered with some excess capacity to take care of future expansion, that joint use of a system requires a special kind of relationship and arrangements that can only be arrived at by voluntary agreements, and that involuntary sharing would compromise the control a licensee must have over his system. In this connection, it was suggested that the rules specify that, in all sharing arrangements, the licensee must have complete control of the system and that he alone must be responsible for its proper operation.

ANALYSIS OF THE COMMENTS AND CONCLUSIONS

28. The comments summarized above, especially those discussing the issue of whether sharing of microwave systems should be expanded, must be considered in relation to the history of microwave usage in the Safety and Special Radio Services in order to place them in the proper prospective. Microwave frequencies have been available to private users since 1949, mainly to public safety organizations and to right-of-way companies, some 10 years prior to our microwave decision in Docket 11866. Also, to the extent that microwave frequencies were available, before that decision, intraservice sharing was also permitted. In Docket 11866, we made microwave frequencies available to all private users generally on a regular basis and without regard to the availability of common carrier service, but we permitted intraservice sharing only among public safety licensees, right-of-way companies and regulated entities. Thus, since 1960 (when our decision in Docket 11866 became final), and in some cases since 1949, intraservice sharing has been available to public safety organizations (police, fire, highway and conservation departments, county, and municipal governments), to right-of-way companies (railroads, pipelines, gas, electric and other utilities), and entities whose rates and services are regulated (truckers, buslines, airlines, and similarly regulated enterprises). In the instant proceeding, we proposed to permit interservice (cross-service) sharing between public safety organizations and regulated entities and extend intraservice sharing to such industries as manufacturing, petroleum (for activities in addition to pipeline operations such as producing, collecting or refining petroleum), forest products, construction, mining, farmers, ranchers, ready mix concrete and asphalt dealers, the press, the movie film producers, auto clubs, and others. In addition, we proposed to permit commercial entities, such as banks, department stores, service companies, and retailers, eligible in the Business Radio Service, to share microwave systems on frequencies above 10,000 Mc/s. Our proposal to expand permissible intra- and inter-service sharing was made against the background of experience of microwave usage in those services where sharing has been permitted, and we think that the various comments on this issue should be considered on the basis of that experience.

29. Thus, although microwave usage on a shared basis has been available for a number of years, the common carriers offered no evidence to substantiate their argument that, either under the current conditions or under the more flexible proposed conditions, there has been or would be a proliferation of "pseudo-common carriers" along high density, low cost routes to the substantial detriment of the carriers and to communications users in general. In fact, in services where sharing has been permissible, relatively few shared microwave systems have been established and in good part these systems provide service along predominantly rural routes to functions such as pipeline pumping stations, electric power substations, railroad stations, and specialized functions of this type. Experience thus does not support a finding that to permit sharing of microwave systems would result in such an undesirable multiplication of such systems as to adversely affect the public interest.

30. Nor do the comments filed in this proceeding by users and potential users indicate that there will be a surge of shared microwave systems in the immediate future, although AT&T so argued in its reply comments. As a matter of fact, the comments, while stating potential needs or tentative plans for microwave communications, at the same time indicated that no conclusion had been reached to satisfy those needs solely through shared private microwave systems. The thrust of the comments was rather that enlarged sharing of private microwave facilities would enable a more reasoned choice among communications facilities under the particular circumstances. For example, NAM stated that a competitive choice in the manufacturing industry between common carrier service and private microwave service is a necessity for the full development of communications in that industry and argued that the availability of sharing "will contribute to the strengthening of this * * * choice." The Aerospace Flight Coordinating Council described possible joint use of a microwave system by the aircraft manufacturing industry in the Los Angeles area and pointed out that the industry has no plans to establish such systems, but favorabe action in this proceeding "can set the stage" for serious and meaningful exploration "to determine the possible desirability of cooperative usage of facilities." SIRSA argued that sharing would remove one of the primary inhibiting factors which thus far have made the establishment of microwave systems in the Special Industrial Radio Service unfeasible. The National Retail Merchants Association pointed out a number of reasons why private microwave systems have not been established in the retail industry and claimed that sharing would eliminate cost as one of the inhibiting factors. On the other hand, Humble Communications argued that the proposed rules will allow "increased flexibility" in the use of communications by the petroleum industry and that such flexibility is essential in those instances where the common carriers are unable to commit themselves to provide the required service. Others, such as FIRC and a number of public safety licensees, argued that sharing would make it economically feasible to provide communications service in remote areas where adequate service is not available and, by substituting microwave frequencies in control and repeater systems, free other frequencies for mobile use.

31. Moreover, the principal factors that have affected the growth of private microwave systems—shared and non-shared—thus far, will continue to exist even if enlarged sharing is permitted. It is clear that although microwave frequencies have been available to all private users since 1960, the development of private systems has been modest and the systems that have been established traverse almost totally remote and rural areas. Thus, the cost of microwave systems, the availability of competitive service from common carriers and the interconnection policies of the common carriers have all been inhibiting factors. Sharing will, of course, tend to reduce the cost of microwave service to individual users, but shared systems, by their nature, are not practical in all cases. Only persons with communications needs over the same routes can normally share a system, and even such users must meet our eligibility criteria and must be able to work out the practical problems inherent in cooperative arrangements of this type.

32. Thus, the conclusion urged by the carriers that permitting further sharing of private microwave systems would result in an undesirable proliferation of such systems and cause substantial injury to the carriers and to the general public is not supported by the record, nor by experience thus far. Nor do we find any basis for reversing our longstanding policy by prohibiting cooperative sharing of microwave systems generally and permitting them only in isolated cases where common carriers are not available, as has been urged by Western Union and NARS. This general issue was considered in Docket 11866 and we concluded that the public interest would be served by authorizing private microwave systems whether or not common carrier facilities are available. The same principle applies here. There is nothing in the record of this proceeding or our experience since 1960 requiring reversal of that policy. Thus, we find no reason to consider separately the petition (RM-533) of the American Petroleum Institute, as suggested by AT&T, nor any reason to postpone action in the instant proceeding until after the conclusion of

our common carrier investigatory proceedings as suggested by GT&E.

33. As more fully set forth above, the common carriers have argued that the extent to which sharing should be permitted was considered and disposed of by the Commission in Docket 11866; that the same reasons for limiting sharing exist now as then; and that the Commission has not disclosed the considerations that have led it to depart from existing policy. But the Commission's decision in Docket No. 11866 in this regard clearly contemplated future reexamination. It stated that the number of cases where sharing would be permitted under that decision would provide a "basis upon which to make meaningful observations as to the desirability and impact of such [cooperative] arrangements," 27 FCC 359, 401. Almost 6 years have elapsed since that decision, and we are unaware of any significant problems arising out of the sharing arrangements permitted to date. On the other hand, the comments filed by various communications users in this proceeding indicate that the limitations on sharing of microwave systems have restricted unreasonably the fuller and more efficient utilization of microwave frequencies in the Safety and Special Radio Services.

34. The arguments of NARS to the effect that the experience[2] with sharing in the mobile field militates against the liberalization of the sharing policy in the microwave (fixed) field are not persuasive. Even if NARS's allegations with respect to alleged abuses in the mobile services were established, they would not support the conclusion that the same situation would develop in the microwave field. Sharing of microwave stations—though somewhat more limited than sharing of mobile systems—has been permitted for more than 16 years and we have no evidence, nor indeed any allegations, of any "abuses" or "unhealthy growth" with respect to sharing of microwave stations. Thus NARS's request to broaden the instant proceeding to include an investigation of sharing practices in the mobile radio field is denied.

35. In summary, we are not discussing herein the establishment ab initio of a policy regarding sharing of private microwave facilities. The issue at hand is whether the already established policy should be broadened. The record herein and our experience of over 15 years show that the shared microwave systems that have been established have worked well. Sharing has enabled the users to obtain the benefit of microwave communications which might not have otherwise been possible. Furthermore, even those who opposed the proposed rules conceded that joint usage of a microwave system generally results in its fuller and more efficient use; that sharing generally conserves frequency spectrum and antenna sites; and that the attendant economies enable more potential users to obtain the benefits of microwave radio service. However, as we stated in the notice, jointly used systems generally are feasible between two or more persons who have communication needs substantially along the same route and, in these cases, the alternative to sharing is the construction of parallel systems which we think, absent special circumstances, are wasteful in many respects. Shared systems, such as have been established, also enable the users to maintain the necessary control and flexibility to meet special communications requirements. Such reasons have already led us to authorize the shared use of microwave facilities by community antenna television systems in the Community Antenna Radio Service. The same reasons lead us to conclude that liberalized sharing in the Safety and Special Radio Services generally would result in the fuller and more efficient utilization of microwave frequencies in those services and would be in the public interest.

36. In reaching this conclusion, we have considered the question, raised in the comments of the carriers, of whether we have statutory authority to permit the shared use of private microwave systems on a cooperative, nonprofit basis and have concluded that we have. The touchstone for the regulation of the use of radio is the public interest and we think that, under that standard, we have ample authority to permit cooperative use of radio stations if we find, as we have, that the public interest would be served and the larger and more effective use of radio would be encouraged. Furthermore, we have long made the distinction between persons engaged in providing service as common carriers and those rendering service on a nonprofit, cooperative basis. Thus, the rules governing practically all Safety and Special Radio Services provide for the cooperative use of facilities authorized therein (see, for example, §§ 81.352, 81.531, 87.291, 87.335, 87.349, 87.453, 89.13, 91.6, 93.3, and 95.87 of the Commission's rules and Aeronautical Radio Inc. v. American Telephone & Telegraph Co., 4 FCC 155 (1937)).[3] The Communications Act has given broad authority to the Commission to regulate the use of radio and to prescribe the service of radio stations in the public interest. Also, the Act neither prohibits the use of radio on a cooperative basis, nor prescribes a method for regulating that use, and we think we have ample authority to prescribe any special method of regulating the cooperative use of private systems that would best serve the public interest. See Philadelphia Television Broadcasting Co. v. FCC, —— U.S. App. D.C. ——, 359 F. 2d 282 (1966).

37. Turning now to other matters, we have considered the arguments suggesting that we permit wider cross-service sharing than proposed in the notice of proposed rule making. First, we believe that the unrestricted sharing suggested by Dow Jones is not desirable because, for example, persons solely eligible in the Business Radio Service may not generally use microwave frequencies below 10,000 Mc/s and to permit such persons to share a system licensed in another service would nullify that policy. However, "unrestricted" sharing will be permitted as a practical matter, on frequencies above 10,000 Mc/s because most of those eligible for authorizations in the various Safety and Special Radio Services are also eligible in the Business Radio Service. But we want to limit cross-service sharing below 10,000 Mc/s so that we will be able to observe the development of cooperative systems on a cross-service basis before removing the remaining restrictions in this regard.

38. We are not persuaded by the argument of the American Automobile Association that cross-service sharing should be made available to automobile clubs. Auto clubs would be permitted to share systems on frequencies in the 952–960 Mc/s band and above 10,000 Mc/s with others eligible in the Business Radio Service, if there is no other entity in a particular area with whom to share a system in the Automobile Emergency Radio Service. As a practical matter, similar situations could exist in other radio services where a particular company or entity would be unable to find another entity eligible in the same radio service and with similar communication needs with whom to share a microwave system. In that respect, the position of the automobile clubs is not unique. In these situations, the Business Radio Service would be available. Nor are we persuaded that cross-service sharing should be available to commonly owned companies, because giving that preference to organizations merely because they are substantially under common ownership would be a factor favoring concentration of economic interests and discriminating against smaller competitive enterprises.

39. However, we agree with NCUR that it is not appropriate to treat electric cooperatives whose rates and services happen not to be regulated in a particular state differently from regulated cooperatives and privately owned utility companies since all perform essentially the same service to electricity users. Accordingly, the privilege of cross-service sharing will be extended to right-of-way entities even though their rates and services may not be regulated in all jurisdictions.

[2] In support of its allegations, NARS described the activities of a few mobile radio equipment suppliers which NARS claims are "pseudo-common carrier" operations and should be prohibited. We need not decide what the nature of these operations is and what action, if any, the Commission should take with respect to them. This is beyond the scope of this proceeding. However, we are looking into the specific allegations made by NARS and the staff is reviewing the cooperative and joint usage of radio equipment in the mobile services, and, following such review, the Commission will take such action as may be appropriate.

[3] Basically, all stations authorized in the Safety and Special Radio Services are flatly prohibited from rendering communications common carrier service (see, for example, §§ 89.7, 91.2, 93.2, 95.87) with the exception of certain specific types of stations, especially in the maritime and aviation services, which are authorized to engage in public correspondence.

40. We have also considered the various arguments and suggestions with respect to our specific proposal for prior review [4] of all sharing arrangements and the submission of annual reports. We agree that when two or more governmental agencies share a system, there is no need for the filing of the annual statement. However, their arrangement must be submitted to the Commission for prior review, and, if a governmental entity is to share a system with a nongovernmental entity, the annual statement would be required. We also agree that there is no need for filing annual statements when service is rendered free of charge or without any other consideration flowing from the person who receives service. The various other suggestions concerning reporting requirements are rejected. We think that the Commission has a duty to supervise closely the operation of cooperative use of microwave systems, and the requirement for submitting a financial statement each year and a statement showing the relation of the contributions of each participant to his use of a station will be helpful to us in discharging that responsibility.

41. In view of the almost universal opposition to mandatory sharing and, since there appears to be no need therefor, we will not impose such requirement and licensees will be permitted to share their systems, under the conditions specified in the rules, on a voluntary basis. However, a party who has been refused unreasonably access to a system with sufficient excess capacity despite his offer to bear a proportionate share of the costs thereof may request the Commission to review his situation to see whether there is any unfair discrimination involved.

42. In the notice, we proposed to extend eligibility for radio station authorizations in all radio services governed by Parts 87, 89, 91, and 93, to nonprofit cooperative enterprises (associations or corporations) whose sole function would be to establish and run microwave systems on behalf of their members. Such cooperative organizations are now permitted and are licensable in some of these radio services but not in others. If the proposal were adopted, such communications cooperative entities would be made eligible for licenses in all of these services. The comments did not indicate any particular need for this, nor do we see any. Communications cooperatives do not appear to be necessary to make sharing of microwave systems fully effective. A shared microwave system can be licensed under existing rules to a company which has a need therefor and is itself eligible and it can render service to other companies on a nonprofit, cost-sharing basis. Authorizing a system to an organization that is formed solely for the purpose of operating the system is not desirable because it offers the opportunity to third persons to enter the picture who might be tempted to abuse and commercialize shared microwave systems. For these reasons, that proposal is not adopted.

43. The rules governing the shared use of fixed radio systems are set forth in new §§ 87.467, 89.14, 91.7, and 93.4. Sections 89.13, 91.6, and 93.4 have been modified only for the purpose of deleting therefrom existing provision with respect to sharing of fixed radio stations.

44. *Accordingly, it is ordered,* This 13th day of July 1966, that Parts 87, 89, 91, and 93 of our rules are amended as shown in the Appendix below effective August 22, 1966. Authority for adopting these amendments is found in sections 4(i) and 303 of the Communications Act of 1934, as amended.

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

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

Released: July 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

1. Subpart M, of Part 87 of the Commission's rules is amended by adding a new section, § 87.467, to read as follows:

§ 87.467 Cooperative use of operational stations.

(a) Licensees and persons eligible to become licensees of operational fixed, operational land, or operational mobile stations under this Subpart may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed for an operational station in the Aviation Radio Services; or by (2) government entities, units or subunits, right-of-way companies, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits, companies, or enterprises are licensed or eligible to be licensed within the Aviation Radio Services.

(c) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated equitably among all participants using the facilities.

(e) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilites or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the commission.

(f) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(g) The licensee may institute the service described in the notification filed pursuant to paragraph (f) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis, shall file an annual report with the Commission within 90 days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the

[4] SIRSA seems to have interpreted the proposed rules concerning prior review of cooperative arrangements by the Commission as "self-licensing." It should be made clear, that although prior authorization will not be required to begin rendering service to another, the facilities must be properly licensed, and, if the particular radio station involved is to be changed in any material respect, such as adding a point of communication, appropriate prior Commission authorization would be required.

[1] Commissioner Bartley dissenting; Commissioner Johnson absent.

application for the license or in a notification under this section.

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration flowing from any of the participants, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within ninety days after the close of his fiscal year a statement advising the Commission of that fact.

(j) The licensee shall inform the Commission whenever the cooperative use of any of his facilities in accordance with this section is permanently discontinued.

2. The headnote and the introductory material of § 89.13 of the Commission's rules is amended to read as follows:

§ 89.13 Cooperative use of radio stations in the mobile service.

Arrangements may be made between two or more persons for the cooperative use of radio station facilities in the mobile radio service provided all persons sharing in the use of a station are eligible to hold licenses to operate the particular type of station shared. Such cooperative arrangements shall be governed by the following:

* * * * *

3. Subpart A, Part 89 of the Commission's rules is amended by adding a new section to read as follows:

§ 89.14 Cooperative use of fixed radio stations.

(a) Licensees and persons eligible to become licensees of operational fixed stations under this part may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed within the same radio service; or by (2) Government entities, units or subunits, right-of-way companies, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits, companies, or enterprises are licensed or eligible to be licensed within the same radio service.

(c) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated equitably among all participants using the facilities.

(e) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the Commission.

(f) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(g) The licensee may institute the service described in the notification filed pursuant to paragraph (f) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis, shall file an annual report with the Commission within ninety days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the application for the license or in a notification under this section.

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration flowing from any of the participants, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within ninety days after the close of his fiscal year a statement advising the Commission of that fact.

(j) The licensee shall inform the Commission whenever the cooperative use of any of its facilities in accordance with this section is permanently discontinued.

(k) This section authorizes the sharing of facilities of fixed stations using mobile frequencies in the 25–50, 150–173, and 450–470 Mc/s bands on a secondary basis only by persons all of whom are licensed or are eligible to be licensed in the same radio service.

4. In § 91.6, the headnote and paragraph (a) are amended to read as follows:

§ 91.6 Cooperative use of radio stations in the mobile radio service.

(a) Arrangements may be made between two or more persons for the cooperative use of radio station facilities in the mobile radio service, provided all such persons are eligible to hold station licenses in one of the radio services established under this part, and provided further that all such persons are eligible for the same radio service. Such arrangements shall be governed by the following:

(1) *Mobile service.* A group of persons eligible for a license in the same industrial radio service may share the use of a base station licensed to one member of that group in either of the following two ways:

(i) A person who is to receive service from a base station licensed to a person other than himself may obtain a license for his own mobile radio units. The application for such license shall be accompanied by an application from the licensee of the base station for modification of his license to permit rendition of the desired service. The application for modification of the base station license shall name the person to be served and may be filed either on FCC Form 400 or by letter, in duplicate; or

(ii) A person who is to furnish base station service to mobile radio units installed in vehicles owned and operated by persons other than himself may, if he desires, be licensee of these mobile radio units. Each person owning and operating such mobile radio units shall enter into a written agreement giving the licensee thereof the sole right of control over such units, and that agreement shall be kept as a part of the records of the base station. The operator of each vehicle shall operate the radio units subject to the orders and instructions of the base station operator. The licensee shall at all times have such access to, and control of, the mobile radio equipment as will enable him to discharge his responsibilities under the Communications Act.

(2) [Reserved]

* * * * *

5. Subpart A of Part 91 of the Commission's rules is amended by adding § 91.9 to read:

§ 91.9 Cooperative use of operational fixed radio stations.

(a) Licensees and persons eligible to become licensees of operational fixed stations under this part may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed within the same radio service; or by (2) government entities, units or subunits, right-of-way companies, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits, companies, or enterprises are licensed or eligible to be licensed within the same radio service.

(c) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated equitably among all participants using the facilities.

(e) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the Commission.

(f) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(g) The licensee may institute the service described in the notification filed pursuant to paragraph (f) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission within 90 days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the application for the license or in a notification under this section.

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration flowing from any of the participants, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

(j) The licensee shall inform the Commission whenever the cooperative use of any of its facilities in accordance with this section is permanently discontinued.

(k) This section authorizes the sharing of facilities of fixed stations using mobile frequencies in the 25–50, 150–173, and 450–470 Mc/s bands on a secondary basis only by persons all of whom are licensed or are eligible to be licensed in the same radio service.

6. In § 93.3 of the Commission's rules, the headnote is amended, paragraph (d) is deleted and the term [Reserved] is inserted in lieu thereof, and paragraph (f) is amended to read as follows:

§ 93.3 Cooperative use of radio stations in the mobile radio service.

* * * * *

(d) [Reserved]

* * * * *

(f) In order to comply with the requirement of specific advance approval contained in paragraphs (b), and (c) of this section, a licensee proposing to render a private radio communication to any other person (other than to render base station service to the licensee of a mobile station) shall make application for authority to render that service with respect to each base station involved, naming each person who is to receive service and including a description of the kind and extent of the transportation activity in which each is engaged. When the radio communication service is to be rendered on a regular basis, the requests for such authority shall be made on FCC Form 400. However, if the service is to be rendered on an irregular or temporary basis, the request may be in the manner provided for in § 93.53. Upon approval of the request, the Commission will designate the persons to whom service may be rendered on the station authorization or in the special temporary authority which shall be kept with the station records.

7. In subpart A, Part 93, of the Commission's rules, §§ 93.4, 93.5, and 93.6 are redesignated as §§ 93.5, 93.6, and 93.7, respectively, and a new § 93.4 is added to read:

§ 93.4 Cooperative use of fixed radio stations.

(a) Licensees and persons eligible to become licensees of operational fixed stations under this part may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed within the same radio service; or by (2) government entities, units or subunits, right-of-way companies, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits, companies, or enterprises are licensed or eligible to be licensed within the same radio service.

(c) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(d) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated equitably among all participants using the facilities.

(e) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the Commission.

(f) Each licensee sharing its facilities under this section shall file a notification with the Commission 30 days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station or stations;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

(g) The licensee may institute the service described in the notification filed pursuant to paragraph (f) of this section 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section on a nonprofit, cost-sharing basis shall file an annual report with the Commission within 90 days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the application for the license or in a notification under this section.

(i) When radio facilities are shared under the provisions of this section without charge and without any other consideration flowing from any of the participants, or when the facilities are shared solely by governmental entities, in lieu of the statements required to be filed by paragraph (h) of this section, the licensee shall file with the Commission within 90 days after the close of his fiscal year a statement advising the Commission of that fact.

(j) The licensee shall inform the Commission whenever the cooperative use of any of its facilities in accordance with this section is permanently discontinued.

(k) This section authorizes the sharing of facilities of fixed stations using mobile frequencies in the 25–50, 150–173, and 450–470 Mc/s bands on a secondary basis only by persons all of whom are licensed or are eligible to be licensed in the same radio service.

APPENDIX B

LIST OF THOSE WHO FILED COMMENTS AND REPLY COMMENTS

Comments generally in support of our proposals were filed by:

Nevada Highway Department.
Idaho Highway Department.
Arizona Highway Department.
Association of American Railroads.
National Retail Merchants Association.
Union Oil Co. of California.
Litton Systems, Inc.
Forest Industries Radio Communications.
The State of Colorado.
Forestry, Conservation Communications Association.
Dow Jones & Co., Inc.
The American Trucking Associations, Inc.
The American Automobile Association.
International Association of Chiefs of Police, Inc.
Aerospace Flight Test Radio Coordinating Council.
Central Committee on Communication Facilities of the American Petroleum Institute.
National Committee for Utilities Radio.
Associated Public Safety Communications Officers, Inc.
National Association of Motor Bus Owners.
The NAM Communications Committee.
The Great Northern Railway Co.
Southern California Gas Co.
American Association of State Highway Officials.
Special Industrial Radio Service Association, Inc.

Comments generally in opposition of our proposals were filed by:

Western Union Telegraph Co.
American Telephone & Telegraph Co.
GT&E Service Corp.
The United States Independent Telephone Association.
The National Association of Radiotelephone Systems.

Reply comments were filed by:

Communications Industries, Inc.
Forest Industries Radio Communications.
Humble Communications Co.
National Retail Merchants Association.
National Committee for Utilities Radio.
Special Industrial Radio Service Association, Inc.
Xerox Corp.
Central Committee on Communication Facilities of the American Petroleum Institute.
American Telephone & Telegraph Co.
National Association of Radiotelephone Systems.
Frank Chalfont.
Allied Telephone Companies Association.

[F.R. Doc. 66-7853; Filed, July 19, 1966; 8:46 a.m.]

[Docket No. 16420; FCC 66-629]

PART 97—AMATEUR RADIO SERVICE

Report and Order

In the matter of amendment of Part 97 of the Commission's rules to authorize on a permanent basis the Radio Amateur Civil Emergency Service (RACES) on an integral phase of the Amateur Radio Service for Civil Defense operations; Docket No. 16420, RM-670.

1. On January 13, 1966, the Commission released a notice of proposed rule making to amend its rules to establish the Radio Amateur Civil Emergency Service (RACES) on a permanent basis. The notice was duly published in the FEDERAL REGISTER on January 18, 1966 (31 F.R. 575). By order released on February 28, 1966, the Commission extended the time for filing original comments and reply comments in response to the notice until March 30, 1966, and April 14, 1966, respectively. This order was duly published in the FEDERAL REGISTER on March 4, 1966 (31 F.R. 3407). All original comments and reply comments filed in this proceeding have been carefully considered by the Commission.

2. Nearly all of the comments received supported the proposed rule changes and were submitted by individuals who are closely invloved in RACES operations, by many state and county Civil Defense departments, and by the American Radio Relay League, Inc. (ARRL). Typical of the majority of the supporting comments was that submitted by the Department of Civil Defense for the State of Minnesota:

> We have given careful consideration to the proposed change amending §§ 97.161(a), 97.163(a), 97.189(c), and 97.191(a) of the Commission's rules to remove the temporary connotation from the RACES rules, and wish to have the State of Minnesota recorded as favoring this change.
>
> We feel that strengthening RACES by authorizing this service on a permanent basis, within its existing framework, would in effect be in accordance with civil defense objectives and enhance the future development of the RACES Program.

3. The one opposition comment received is based upon the contention that the RACES program has become obsolete and no longer serves any purpose which cannot be better served by other volunteer amateur groups. The Commission does not agree with this view and attention is invited to our position with respect to the continuing value of the RACES as emphasized in our notice of proposed rule making.

4. After consideration of all of the factors presented and for the reasons set forth herein and in the notice of proposed rule making, the Commission concludes that the proposed rule changes should be adopted without modification.

5. Authority for the amendments set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. *Therefore, it is ordered,* That effective August 22, 1966, the Commission's rules are amended as set forth below.

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

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

Adopted: July 13, 1966.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson absent.

Sections 97.161(a), 97.163(a), 97.189 (c), and 97.191(a) of the Commission's rules are amended to read as set forth below:

§ 97.161 Nature of this service.

(a) The Radio Amateur Civil Emergency Service provides for amateur radio operation for civil defense communications purposes only, during periods of local, regional or national civil emergencies, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

§ 97.163 Definitions.

* * * * *

(a) *Radio Amateur Civil Emergency Service.* A radiocommunication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands under the direction of authorized local, regional or federal civil defense officials pursuant to an approved civil defense communications plan.

* * * * *

§ 97.189 Term of station authorization.

* * * * *

(c) Nothing in this section shall be construed to alter the Commission's authority to cancel or amend a station authorization in the Radio Amateur Civil Emergency Service in accordance with the applicant's agreement as indicated on the initial application for station authorization.

§ 97.191 Cancellation of station authorization.

(a) Each authorization for operation in the Radio Amateur Civil Emergency Service shall be issued with the express provision that such authorization is subject to revocation or cancellation without hearing whenever, in the opinion of the Commission, the security of the United States or the proper functioning of the Radio Amateur Civil Emergency Service would be served thereby.

* * * * *

[F.R. Doc. 66-7852; Filed, July 19, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1061, 1064]

[Docket Nos. AO 327-A8, AO 23-A28]

MILK IN ST. JOSEPH, MO., AND GREATER KANSAS CITY MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas, which was issued June 30, 1966 (31 F.R. 9279), is hereby extended to July 27.

Signed at Washington, D.C., on July 15, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-7871; Filed, July 19, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION

Extension of Time for Comments

In accordance with requests received from persons interested in the proposed amendment to Schedule A of 29 CFR Part 60 published in the FEDERAL REGISTER on July 9, 1966 (31 F.R. 9420), relating to immigration that will not adversely affect wages and working conditions of workers in the United States similarly employed, the time for filing written statements of data, views, and argument regarding the proposal is hereby extended to August 9, 1966.

Signed at Washington, D.C., this 19th day of July 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-7982; Filed, July 19, 1966; 11:37 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16762; FCC 66-637]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Reedsburg, Wis., Portland, Ind., Brazil, Ind., Winner, S. Dak., Ardmore, Okla., Hutchinson and St. Cloud, Minn., Gonzales, Tex., Cullman, Ala., Deland, Winter Park, Live Oak, and Ocala, Fla., Rockford, Ill., Adrian and Jackson, Mich., and Corinth, Miss.), Docket No. 16762, RM-969, RM-984, RM-967, RM-971, RM-974, RM-977, RM-978, RM-983, RM-988, RM-987, RM-989, RM-990.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. *RM-969. Reedsburg, Wis.* (Sauk Broadcasting Corp.) *RM-984. Portland, Ind.* (The Graphic Printing Co., Inc.).

In these two cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities are of substantial size and appear to warrant the proposed assignments. Comments are therefore invited on the additions to the table listed below:

City	*Channel No.*
Portland, Ind	265A
Reedsburg, Wis	285A

3. *RM-967. Brazil, Ind.* On May 23, 1966, Community Broadcasting Corp., licensee of radio Station WWCM(AM), Brazil, Ind., filed a petition requesting rule making so as to add the assignment of Channel 249A to Brazil, Ind., as follows:

City	Channel No.	
	Present	Proposed
Brazil, Ind	232A	232A, 249A

Brazil has a population of 8,853 and Clay County, in which it is located and is the county seat, has a population of 24,207. Its only radio station is WWCM, a daytime-only operation, licensed to petitioner. The sole FM channel (232A) assigned to Brazil is in operation at Greencastle under the "25 mile rule". Greencastle is located in the next county. Community urges that there is a definite need for an FM station in Brazil due to its importance to the county, the economic importance of the community, and the lack of any early morning and nighttime local radio service.

4. Normally, Brazil is the type of community to which we would assign only one FM channel. However, since the assigned channel is in use at a community about 18 miles distant, the proposed additional assignment may be in effect a first local assignment. We are therefore inviting comments on petitioner's proposal as outlined above.

5. *RM-971. Winner, S. Dak.* Midwest Radio Corp., licensee of Station KWYR (AM), Winner, S. Dak., in a petition filed May 26, 1966, requests that Channel 229 be substituted for Channel 228A at Winner, S. Dak., as follows:

City	Channel No.	
	Present	Proposed
Winner, S. Dak	228A	229

Winner, with a population of 3,705 persons, is the county seat and largest community in Tripp County, which has a population of 8,762. Its only AM station, licensed to petitioner, is a daytime-only operation. Midwest submits that there are no other AM or FM stations in Tripp County or the nearby six counties and that the coverage of KWYR is very extensive due to the high soil conductivity in central South Dakota. Petitioner states that it is anxious to provide fulltime rural service to the county and surrounding area and that this cannot be done with the assigned Class A channel. Winner is located in a very large rural area and is over 160 miles from the nearest large population center (Sioux Falls). Midwest adds that the nearest stations in operation are at Pierre (about 70 miles north) and Mitchell (about 90 miles northeast).

6. While Winner is the type of community which normally is assigned a Class A channel, it is in a sparsely settled rural area and located far from any

metropolitan areas or population centers. It may thus merit a departure of our policy of making Class A assignments to the smaller communities and Class B or C assignments to the metropolitan areas and large cities. We therefore invite comments on the petitioner's proposal outlined above.

7. *RM–974. Ardmore, Okla.* On June 3, 1966, Albert Riesen, Jr., Betty Maurine Riesen Dillard, Jean Lowenstein Riesen Hughes, an individual, and Jean Lowenstein Riesen Hughes and T. Fred Collins, cotrustees of John N. Riesen, doing business as KVSO Broadcasting Co., licensee of Station KVSO (AM), Ardmore, Okla., filed a petition requesting the addition of Channel 239 to Ardmore, Okla., as follows:

City	Channel No.	
	Present	Proposed
Ardmore, Okla.	221A	221A, 239

Ardmore has a population of 20,184 and its county (Carter) has a population of 39,044. It has a Class IV AM station (KVSO) and no application has been filed for the sole FM assignment, Channel 221A.

8. Petitioner submits that Ardmore is centrally located in south central Oklahoma and serves as the hub and distribution center for much of the area comprising eight counties with a total population of 100,000 persons. KVSO states that it has been serving the area with its AM station and is anxious to do the same with FM but that only a Class C assignment would make this possible. It urges that the proposed assignment would conform to all the rules and practices of the Commission, that in Oklahoma a total of four Class C assignments have been made in three communities smaller than Ardmore, and that it would serve the public interest since KVSO would take the needed steps to bring a service geared to the needs and desires of the people in the effective service radius of the proposed station.

9. We are of the view that Ardmore, being a substantial sized community and of importance to the general area and well removed from population centers, may merit the assignment of a Class C channel and invite comments on the petitioner's proposal as outlined above.

10. *RM–977. Hutchinson, Minn.* In a petition filed on June 6, 1966, and supplemented on June 8, 1966, by North American Broadcasting Co., licensee of Station KDUZ(AM), Hutchinson, Minn., requests the assignment of Channel 296A to Hutchinson, Minn., by substituting Channel 269A for 296A at St. Cloud, Minn., as follows:

City	Channel No.	
	Present	Proposed
Hutchinson, Minn.		296A
St. Cloud, Minn.	284, 296A	269A, 284

Hutchinson, located about 55 miles west of Minneapolis, has a population of 6,207. It is the largest community in McLeod County, which has a population of 24,401. The only radio station in the area is KDUZ, which operates daytime only. Petitioner urges that Hutchinson needs an FM assignment since it has no local nighttime service, is the largest community in the county, and is located in an important business, manufacturing, and farm products area. Finally, petitioner submits that the proposal would conform to all the separation requirements. In the case of Channel 269A, it is alleged that sites are available about 2 miles northwest of the city of St. Cloud, from which the required spacings can be met.

11. We are of the view that rule making should be instituted on this request and invite comments on the petitioner's proposal as stated above.

12. *RM–978. Gonzales, Tex.* A petition filed by Waterman Broadcasting Corp. of Texas, licensee of Station KTSA (AM), San Antonio, Tex., on June 8, 1966, requests that Channel 292A be substituted for Channel 272A in Gonzales, Tex. Petitioner points out that since Channel 272A is assigned to Gonzales at somewhat less than the required 65 miles to the assignments of Channel 270 and 274 at San Antonio, this places a burden on applicants for potential uses of these assignments to find locations to the west of the city of San Antonio. It therefore urges that Channel 292A, which can be assigned to Gonzales in full conformance with the spacing rules and without limiting the applicants for stations in San Antonio, be substituted for Channel 272A.

13. We are of the view that the proposal merits rule making and therefore invite comments on the requests as follows:

City	Channel No.	
	Present	Proposed
Gonzales, Tex.	272A	292A

14. *RM–983. Cullman, Ala.* Kenneth E. Lawrence, in a petition filed June 10, 1966, requests the addition of Channel 221A to Cullman, Alabama, as follows:

City	Channel No.	
	Present	Proposed
Cullman, Ala.	266	221A, 266

Cullman, a community of 10,883 persons, is the county seat and largest community in Cullman County, which has a population of 45,572 persons. It has two unlimited time AM stations and an FM station operating on Class C Channel 266. Petitioner states that he will file an application for the additional Class A assignment in the event it is adopted and that he plans an independent, good music, stereo station. He urges that Cullman is large and important enough from a business standpoint to merit a second FM station.

15. We are of the view that rule making should be instituted on the petitioner's proposal in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal outlined above. In the past we have tried to avoid mixing Class C and Class A channels in the same community, except where other considerations clearly warrant such assignments; comments are invited on the question of whether a departure from this policy is warranted here.

16. *RM–988. DeLand, Fla.* In a petition filed on June 16, 1966, Shom Broadcasters, Inc., licensee of Station WOOO (AM), DeLand, Fla., requests the assignment of Channel 290 to DeLand by deleting it from Winter Park, Fla., and making other necessary changes as follows:

City (all in Florida)	Channel No.	
	Present	Proposed
DeLand		290
Winter Park	276A, 290	276A
Live Oak	291	251
Ocala	229, 252A	229, 272A

DeLand has a population of 10,775 and is located about 20 miles southwest of Daytona Beach, both of which are located in Volusia County, which has a population of 125,319. There are no FM assignments in DeLand but two AM stations operate in the community, one daytime-only licensed to petitioner, and a Class IV station. Daytona Beach (population 37,395) has two Class C stations in operation. Winter Park has a population of 17,162 and is located about 5 miles north of Orlando and is in its SSMA and Urbanized Area. It has a station in operation on Channel 276A and an unlimited time AM station. Orlando has four Class C stations.

17. Petitioner points out that Channel 290 was assigned to Winter Park in Docket No. 16006 (30 F.R. 13644) in response to a petition from Contemporary Broadcasting Co., Inc., licensee of Station WABR(AM), Winter Park, Fla., but that no application has been filed for its use in spite of the more than 6 months which have elapsed. Petitioner points out in this connection that Contemporary Broadcasting, the party which sought Channel 290 in Winter Park has filed an application for the assignment of its license for WABR and stated that the officers desire to retire partly from business. It urges that DeLand is more deserving of its first FM assignment than Winter Park its second since DeLand is a substantial community without any FM assignments and is not near a large population center while Winter Park already has an FM station and is located within an urbanized area and standard metropolitan statistical area, the central city of which has four Class C stations and five AM stations (four fulltime), that DeLand is an area of considerable growth

in spite of its small geographical area; and that the new assignment would better serve the objective of section 307(b) of the Act.

18. We are of the view that rule making should be instituted on petitioner's proposal in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal outlined above.

19. *RM–987. Rockford, Ill.* In a petition filed on June 13, 1966, the First Church of the Open Bible, Rockford, Ill., requests the addition of Channel 285A to Rockford as follows:

City	Channel No.	
	Present	Proposed
Rockford, Ill.	248	248, 285A

Rockford has a population of 126,706 and its SSMA has a population of 209,765 persons. Channel 248 is presently in operation, as are three AM stations, two of which are daytime-only operations. Petitioner submits that Channel 285A is the only assignment which can be added to Rockford and that it can be made to Rockford in conformance with the spacing rules provided a site is selected in an angular area whose apex is on the east side of the city.

20. We are of the view that comments should be invited on the petitioner's proposal as outlined above. In view of Rockford's size and the contention that Channel 285A is the only channel which can be assigned to it, we are of the view that mixing a Class A and B assignment is warranted in this case.

21. *RM–989. Adrian, Mich.* On June 17, 1966, Gerity Broadcasting Co., licensee of Station WABJ(AM), Adrian, Mich., filed a petition for rule making proposing the addition of a second Class A assignment to Adrian, Mich., by substituting one Class A for another at Jackson, Mich., as follows:

City	Channel No.	
	Present	Proposed
Adrian, Mich.	280A	280A, 296A
Jackson, Mich.	231, 291, 296A	231, 240A, 291

Adrian, located midway between Jackson, Mich., and Toledo, Ohio (30 miles from each), has a population of 20,347. Lenawee County, in which it is the largest community and county seat, has a population of 77,789. Station WLEN (FM) operates on the sole FM assignment (Channel 280A) and the only AM station in the community is a Class IV station (WABJ), licensed to Gerity. The proposal would retain the same number of assignments in Jackson.

22. Adrian may be large enough to warrant a second Class A assignment and comments are therefore invited on the Gerity proposal as outlined above.

23. *RM–990. Corinth, Miss.* The Corinth Broadcasting Co., Inc., filed comments and reply comments on May 20, 1966, and June 13, 1966, respectively in Docket No. 16601, RM–934, in which it proposed the assignment of Channel 237A to Corinth, Miss. Since this counterproposal was not directly related to the proposal made in that proceeding, it is being considered herein as a new proposal. Corinth, a community of 11,453 persons, is the county seat and largest community in Alcorn County, which has a population of 25,282. A construction permit has been recently granted for Channel 232A, the sole FM assignment in Corinth. Corinth also has two AM stations, one a Class IV and the other a daytime-only station. Petitioner submits that Channel 237A can be assigned to the community of Corinth and that sites are available in a 5 square mile area from which the required minimum spacings can be met and the required signal placed over the entire community. It urges further that this assignment will not preclude any other related channel in any community of over 1,000 population. Finally, Corinth states that the nighttime coverage of its AM station, WCMA, is severely limited due to interference and that the only way in which it can serve the rural population at night is by means of the FM assignment sought.

24. We are of the view that the petitioner's request merits rule making and invite comments on the proposal as follows:

City	Channel No.	
	Present	Proposed
Corinth, Miss.	232A	232A, 237A

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

26. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 15, 1966, and reply comments on or before August 31, 1966. All parties must be made in written comments, reply comments or other appropriate pleadings.

27. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 13, 1966.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66–7854; Filed, July 19, 1966; 8:46 a.m.]

[1] Commissioner Johnson absent.

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on September 19, 1966, in the Butte County Memorial Building, Arco, Idaho 83213, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of a wilderness area comprising about 40,800 acres within the Craters of the Moon National Monument. Portions of this proposed wilderness area are located in Blaine and Butte Counties, Idaho.

A packet containing a map depicting the preliminary boundary of this proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Craters of the Moon National Monument, Post Office Box 29, Arco, Idaho 83213, or the Regional Director, National Park Service, 450 Golden Gate Avenue, Post Office Box 36063, San Francisco, Calif. 94102.

A description of the preliminary boundary and a map of the area proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets, NW., Washington, D.C. The master plan for the monument, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Craters of the Moon National Monument, Post Office Box 29, Arco, Idaho 83213, by September 15, 1966, of their desire to appear. Those not wishing to appear in person may submit written statements on this wilderness proposal to the hearing offcer at that address for inclusion in the official record, which will be held open for 10 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to a determination that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,
Acting Director,
National Park Service.

JULY 15, 1966.

[F.R. Doc. 66-7964; Filed, July 19, 1966; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 66-42]

NEW LONDON HARBOR

Closure to Navigation During Launching of "Will Rogers"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of J. A. Alger, Jr., Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy and acting under the authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby establish a Security Zone in the waters of New London Harbor, New London, Conn., between the latitudes of 41 degrees 20 minutes 32 seconds North, and 41 degrees 21 minutes 03 seconds North, from 1215 e.d.s.t., on Thursday, 21 July 1966, until the "Will Rogers" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "Will Rogers" is scheduled for 1245 e.d.s.t., on Thursday, 21 July 1966. The Northern and Southern Limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

No person or vessel shall enter this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall board or take or place any article or thing on board any vessel in this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall take or place any article or thing upon any waterfront facility in this zone without such permission. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917 as amended, 50 U.S.C. 192, provides as follows:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: July 13, 1966.

[SEAL] P. E. TRIMBLE,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66-7845; Filed, July 19, 1966; 8:45 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 64]

ASSISTANT ADMINISTRATOR FOR MATERIAL RESOURCES

Delegation of Authority Relating to Domestic Excess Property

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby delegate to the Assistant Administrator for Material Resources with respect to the disposal of property retained by A.I.D. pursuant to the provisions of section 605(a) of the Foreign Assistance Act of 1961, as amended, the following:

1. The function of determining that personal property located within the States of the Union, Puerto Rico, and the Virgin Islands is excess to the needs of A.I.D. and is therefore "domestic excess property."

2. The function of determining that it is necessary to dispose of such "domestic excess property" without regard to provisions of law relating to the disposal of property owned by the U.S. Government to prevent spoilage or wastage or to conserve the usefulness thereof.

3. The function of disposing of "domestic excess property" (a) in accordance with, as far as practicable, the Federal Property and Administrative Services Act of 1949, as amended, and the regulations issued thereunder; or (b) on such terms and conditions as he deems proper where it has been determined that such disposal is necessary for the reasons set forth in paragraph (2) above.

The authorities delegated herein may be redelegated; however, the function of making determinations under paragraphs (1) and (2) above may not be redelegated to the same person or position as the function delegated under paragraph (3).

The authorities delegated herein shall be exercised in accordance with Agency policies, regulations, and procedures.

This delegation of authority is effective immediately.

Dated: July 14, 1966.

WILLIAM S. GAUD,
Deputy Administrator.

[F.R. Doc. 66-7837; Filed, July 19, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Cyclimine hydrochloride, 1.25 mg. and 2.5 mg.	Pagitane Hydrochloride (tablet).	Antispasmodic-anti-Parkinson agent.	Eli Lilly & Co.	Aug. 11, 1965 [2]	R_x
Sodium chromate, Cr 51, not less than 0.200 μg. per ml.	Rachromate-51 (intravenous injection).	Diagnostic radiopharmaceutical.	Abbott Laboratories.	Jan. 17, 1966 [2]	R_x
Potassium chloride, 5, 10, and 15 gr.	Potassium Chloride (enteric-coated tablet).	Electrolyte source.	Vitamix Pharmaceuticals, Inc.	May 6, 1966	R_x
Tolnaftate, 10 mg. per gm.	Tinactin Cream 1% (dermatologic cream).	Antifungal agent.	Schering Corp.	May 17, 1966	R_x
Oxybenzone, 3%; dioxybenzone, 3%.	Solbar (lotion).	Sunscreen.	Person & Covey, Inc.	May 20, 1966	OTC
Sodium citrate, sodium lauryl sulfoacetate, sorbitol, sorbic acid, and glycerin in aqueous vehicle.	Index (disposable enema).	Enema.	Johnson & Johnson.	June 3, 1966 [2]	OTC
Ethinyl estradiol, 0.1 mg. in white tablet; dimethisterone and ethinyl estradiol, 25 mg. and 0.1 mg., respectively, in pink tablet.	Oracon (tablet).	Oral contraceptive.	Mead Johnson & Co.	June 7, 1966 [2]	R_x
Chloroprocaine hydrochloride, 20 mg. or 30 mg. per ml.	2K Nesacaine-CE and 3% Nesacaine-CE (parenteral solution).	Local anesthetic.	Strasenburgh Laboratories, Division of Wallace and Tiernan Inc.	June 10, 1966 [2]	R_x
Potassium chloride, 0.3 gm.	Potassium Chloride Tablets (tablet).	Electrolyte source.	Strong Cobb Arner, Inc.	June 10, 1966	R_x
Dichlorphenamide, 50 mg.	Daranide (tablet).	Carbonic anhydrase inhibitor.	Merck Sharp & Dohme, Division of Merck & Co., Inc.	June 13, 1966 [2]	R_x
Meprobamate, 400 mg.	Meprobamate (tablet).	Tranquilizer.	Modern Drugs, Inc.	June 17, 1966	R_x

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Supplemental application, labeling change.

Dated: July 14, 1966.

J. K. KIRK,
Acting Commissoner of Food and Drugs.

[F.R. Doc. 66-7883; Filed, July 19, 1966; 8:48 a.m.]

Social Security Administration

SPAIN

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old-age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Spain from which evidence it appears that Spain, beginning May 1966, has a social insurance or pension system of general application which pays periodic benefits on account of old-age, retirement, or death, and under which citizens of the United States, not citizens of Spain, who leave Spain, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Spain has in effect, beginning with May 1966, a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of July 26, 1958 (23 F.R. 5673).

Dated: July 6, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 14, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 66-7884; Filed, July 19, 1966; 8:48 a.m.]

Office of the Secretary

VOCATIONAL REHABILITATION ADMINISTRATION

Statement of Organization and Delegation of Authority

The Statement of Organization and Delegation of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045) as amended, is hereby amended in the following respect:

Part 12 entitled "Vocational Rehabilitation Administration" is revised as follows:

1. Section 12.00, *Mission*, is revised to include additional programs resulting from the 1965 Amendments to the Vocational Rehabilitation Act (P.L. 89–333).

2. Section 12.10, *Organization*, is revised to reflect the current organization of the Vocational Rehabilitation Administration as approved by the Secretary of Health, Education, and Welfare on February 21, 1966.

3. Section 12.20, *Assignment of responsibilities*, is revised to include assignment of additional responsibilities resulting from the 1965 legislation.

4. Part 12 is published in full, as follows:

PART 12—VOCATIONAL REHABILITATION ADMINISTRATION

SEC. 12.00 *Mission.* A. The Vocational Rehabilitation Administration is the focal point in the Department of Health, Education, and Welfare for the administration of programs to support and increase the vocational rehabilitation of disabled persons and their greater utilization in suitable employment, and to eliminate or minimize obstacles to this objective.

B. The Vocational Rehabilitation Administration administers programs of grants to states in support of the Federal-State rehabilitation program; intramural and extramural research and demonstration programs to expand knowledge and advance practice in rehabilitation; training grant programs to increase the supply of professionally trained rehabilitation personnel; an international program in rehabilitation research, research training, the interchange of rehabilitation experts, and the training of foreign nationals in rehabilitation techniques; grants for the construction, alteration, expansion, equipment, and initial staffing of rehabilitation facilities and workshops; grant programs and supporting service activities for the improvement of workshops for the handicapped; grants for service projects to expand the number of disabled people rehabilitated; grants to assist states in planning activities in rehabilitation; the operation of a data system for furnishing information on rehabilitation programs and activities; and grants in support of the national study of manpower problems in correctional rehabilitation.

C. The Vocational Rehabilitation Administration also administers the Randolph-Sheppard Act under which blind persons are licensed to operate vending stands on Federal and other property.

D. The Vocational Rehabilitation Administration cooperates with the Social Security Administration in making disability determinations under the Social Security Act and in providing vocational rehabilitation services to disabled beneficiaries; with the Bureau of Employees' Compensation, Department of Labor, in providing rehabilitation services for disabled Federal employees; and with the Public Health Service in administering grants for the construction of rehabilitation facilities under the Medical Facilities Survey and Construction Act.

SEC. 12.10 *Organization.* A. The Vocational Rehabilitation Administration, which is under the supervision and direction of the Commissioner of Vocational Rehabilitation, consists of:

1. Office of the Commission:

Deputy Commissioner.
Special Assistant, Civil Rights.

2. Assistant Commissioner, Legislation and Public Affairs:

Publications and Reports Staff.
Legislative Services Staff.

3. Assistant Commissioner for Administration:

Division of Budget and Fiscal Operations.
Division of Personnel and Management Services.
Division of Statistics and Studies.

4. Assistant Commissioner, Research and Training:

Division of Research and Demonstrations.
Division of Training.
Division of Research and Training Centers.
Division of International Rehabilitation Activities.
Division of Grants Management.

5. Assistant Commissioner, Program Services:

Division of State Program Administration.
Division of State Plans, Projects, and Grants.
Division of Disability Services.
Division of Services to the Blind.
Division of Rehabilitation Facilities and Workshops.

6. Assistant Commissioner, Regional Operations:

Regional Representatives.

7. Assistant Commissioner, Health and Medical Affairs.

B. *Order of succession.* In the absence of the Commissioner of Vocational Rehabilitation, the Deputy Commissioner acts for the Commissioner.

SEC. 12.20 *Assignment of responsibilities.* A. Except as provided in Chapter 2–000 and section 12.30 the Commissioner of Vocational Rehabilitation shall exercise the:

1. Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4), hereinafter referred to as the Act.

2. Functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation and the National Advisory Council on Correctional Manpower and Training.

3. Functions of the Secretary under the proviso of P.L. 88–605 under the heading, Vocational Rehabilitation Administration-Research and Training, relating to the recognition of contributed funds from private sources which are earmarked for the establishment of a particular rehabilitation facility or workshop under a State plan for vocational rehabilitation services.

4. Functions under section 9 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 19 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

5. Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

6. Functions vested in the Secretary by amendments to the foregoing statutes enacted subsequent to Reorganization Plan No. 1 of 1953.

7. Authority vested in the Secretary under sections 637 and 654(a) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities.

8. Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of a program of international rehabilitation research under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(k)).

9. Authority vested in the Secretary by section 4 of the International Health Research Act of 1960 (P.L. 86–610, 22 U.S.C. 2102), with respect to international rehabilitation research and research training activities.

10. Authority vested in the Secretary by Executive Order 11001 to prepare national emergency plans and develop preparedness programs covering rehabilitation of disabled survivors. The Commissioner shall coordinate these activities with the Surgeon General in order that preemergency plans shall be developed in consonance with post-attack organizational plans and structure of the Department for the Emergency Health Service.

SEC. 12.30 *Reservation of authority.* A. The authority to appoint members to the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped, and the National Advisory Council on Correctional Manpower and Training shall be exercised only by the Secretary.

B. Authority to disapprove a State plan or an amendment to a State plan submitted pursuant to the Act shall be exercised only by the Secretary.

C. Authority to disapprove an application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), or to revoke a designation made pursuant to that Act, shall be exercised only by the Secretary.

D. Except as specifically authorized, only the Secretary shall exercise the authority conferred by section 5(c) of the Act.

SEC. 12.40 *Redelegation of authority.* Authority contained in 12.20 above may be redelegated by the Commissioner to such officials of the Vocational Rehabil-

itation Administration as the Commissioner may deem appropriate.

Dated: July 13, 1966.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-7886; Filed, July 19, 1966; 8:48 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 66-2]

NEGOTIATIONS BY KOREA FOR ACCESSION TO GENERAL AGREEMENT ON TARIFFS AND TRADE

Notice of Public Hearing

Timetable. A. Requests to present oral testimony must be submitted by Monday, August 8, 1966.

B. Written briefs must be submitted by Friday, August 19, 1966.

C. Hearing begins Monday, August 22, 1966.

1. *Notice of public hearing.* Pursuant to section 3(b)(3) of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR 202.3(b)(3) and upon its own motion pursuant to section 2(d) of its regulations (48 CFR 211.2(d)), the Trade Information Committee (hereinafter referred to as the Committee) has ordered a public hearing to be held concerning the proposed entry into negotiations by the Republic of Korea for its accession to the General Agreement on Tariffs and Trade (hereinafter referred to as the GATT).

2. *Subject matter of public hearing.* The Republic of Korea has notified the Contracting Parties to the GATT that it wishes to engage in negotiations with a view to acceding to the GATT. It has submitted a list of offers as its contribution to the negotiations for accession, and the GATT Contracting Parties have agreed to discuss the terms of Korea's accession.

The United States has a Treaty of Friendship, Commerce and Navigation with the Republic of Korea (signed November 28, 1956, entered into force November 7, 1957, 8 U.S.T. 2217).

The subject matter on which views and information would be most helpful are concessions that the United States might seek from Korea. With regard to concessions which Korea might obtain from the United States in the trade negotiations, views and information have already been requested pursuant to the President's public notices of October 21, 1963, and February 18, 1965 (48 CFR 180; 48 CFR 182) concerning the current trade negotiations as a whole.

3. *Time and place of public hearing.* The public hearing will commence on August 22, 1966. Information concerning the place of the hearing may be obtained from the Executive Secretary of the Committee.

4. *Requests to present oral testimony.* All requests to present oral testimony must be received by the Executive Secretary of the Trade Information Committee not later than Monday, August 8, 1966.

Requests to present oral testimony must conform with the Regulations of the Committee (48 CFR Part 211). Requests shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time requested for the presentation of oral testimony.

Each party submitting a request will be notified of the Committee's disposition thereof. Each party whose request is granted will also be notified of the date on which he is scheduled to appear, the amount of time allotted for his presentation, and the place of the hearing. The Committee reserves the right to restrict the time allotted for the presentation of oral testimony. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be submitted not later than Friday, August 19, 1966.

Briefs must conform with the Regulations of the Committee (48 CFR Part 211).

6. *Information exempt from public inspection.* Parties are referred to sections 7 and 8 of the Regulations of the Committee (48 CFR 211.7 and 211.8) for the regulations concerning information exempt from public inspection.

In particular, it should be noted that requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. In addition, every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

7. *Public inspection of written materials.* Subject to the Regulations of the Committee, and in particular sections 7 and 8 (CFR 211.7 and 211.8), all written materials filed with the Committee in connection with the hearing will be open to public inspection, by appointment, at the office of the Executive Secretary, 1800 G Street NW., Washington, D.C. 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

8. *Communications.* All communications with regard to the hearing should be addressed to: Executive Secretary, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 723, 1800 G Street NW., Washington, D.C. 20506.

SIDNEY PICKER, Jr.,
Executive Secretary.

[F.R. Doc. 66-7881; Filed, July 19, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF NEBRASKA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nebraska for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Nebraska and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Nebraska regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 1st day of July 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEBRASKA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954), as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nebraska is authorized under section 71–3509 of the 1963 Radiation Control Act, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nebraska certified on June 3, 1966, that the State of Nebraska (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on , that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on October 1, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

This narrative describes the policies and procedures of the State of Nebraska, Department of Health, radiological health program relating to the regulation of ionizing radiation sources. The control program will be conducted by the Division of Radiological Health.

AUTHORITY

Section 274b, 1954 Atomic Energy Act, as amended, authorizes an agreement between the U.S. Atomic Energy Commission and the Governor of a State. The agreement transfers to the State licensing and regulatory control of certain byproduct, source, and special nuclear materials. Transfer of this control depends upon an evaluation and acceptance by the Commission of the State's competence to administer a licensing and regulatory program.

Paragraph (1), section 71–3509 of the 1963 Radiation Control Act, authorizes the Governor of Nebraska to enter into the agreement. The Act makes the Department of Health responsible for public health and safety matters of ionizing radiation. The Department is authorized by the Act to develop rules and regulations for the safe use of radiation, registration of radiation sources, and licensing of radioactive materials in accordance with the agreement. The Act also authorizes a nine-member Radiation Advisory Council to the State Board of Health.

HISTORY

The Nebraska Department of Health has been engaged in radiological health since 1956 when public interest in fallout and X-ray exposures became significant. Until 1962, this program was an integral part of the Division of Laboratories, occupying the attention of at least one full-time technical employee. When funds were available, counting equipment and survey instruments were purchased. Personnel were given specialized training on the job or at courses offered by the U.S. Public Health Service and the U.S. Atomic Energy Commission.

On September 17, 1962, the State Board of Health created a separate Division of Radiological Health and transferred personnel from the Division of Laboratories to the newly created Division. This was done because the workload became significant, public interest was high in the health hazards associated with nuclear fallout and to take advantage of recently announced categorical funds from the U.S. Public Health Service.

During the period 1956–62 several hundred X-ray units had been physically inspected, a basic environmental surveillance capability established and various educational and assistance programs were inaugurated, especially in the area of radiological civil defense.

Until July 1964, the Director of Laboratories was Acting Director of the Division of Radiological Health. A permanent Director of Radiological Health was hired in July 1964, and subsequent staff vacancies were filled.

Early in 1964, safety inspections of dental X-ray machines began using the Dental Surpak method. By August of 1965 virtually all dental machines had been surveyed at least once. Correction of machine deficiencies was carried out as soon as results of the survey were obtained. Although some physical X-ray inspections of medical and industrial units had been carried out in the past, a concentrated effort to inspect all such sources in the State began in July 1965.

The environmental surveillance program has been strengthened and refined by acquiring low background gamma spectrum analysis equipment and establishing a statewide milk sampling network. The functional counting and survey equipment inventory is valued at $32,000.

LICENSING AND REGISTRATION

The State program will control all sources of ionizing radiation except those sources for which regulatory control has been retained by the U.S. Atomic Energy Commission.

Nebraska's Radiological Health Regulations have been developed in accordance with recommendations of the Radiation Advisory Council, U.S. Public Health Service, U.S. Atomic Energy Commission, and the Council of State Governments. Licensing and registration requirements will become effective on the effective date of the AEC-Nebraska Agreement.

Registration is required for radiation producing equipment; radium, radon, other naturally occurring and accelerator-produced radioactive materials of nonexempt quantities and types.

Section 71-3512 of the 1963 Radiation Control Act exempts hospitals and related institutions from the requirements of registration. However, information on sources of radiation is available to the radiation control program from applications for operating licenses issued by the Department which are renewed annually. Hospitals and related institutions are not exempt from the licensing requirements of the Act and Radiological Health Regulations.

Provisions have been made for the issuance of both specific and general licenses for byproduct, source, and special nuclear materials. Specific licenses will be issued to authorize receipt, use, possession, transfer or disposal of radioactive materials not exempted or generally licensed by the Department.

The licensing program will be essentially identical to that presently used by the U.S. Atomic Energy Commission. Applications for specific licenses will be reviewed and approved or disapproved by the Director, Division of Radiological Health. Prelicensing inspections will be made when necessary. Qualified members of the Radiation Advisory Council will be called upon for advice and assistance in evaluation of license applications for human use of licensed radioactive material when the proposed use is nonroutine. Other consultants may be named by the Board of Health as needed for unusual circumstances.

The signature of the Director, Division of Radiological Health, will be required on all specific licenses issued. Specific licenses for human use of radioactive material will also require the signature of the Director of Health.

INSPECTION

Periodic inspections will be conducted to determine a licensee's or registrant's degree of compliance with regulations and license conditions. These inspections will be performed by personnel of the Division of Radiological Health who are qualified to evaluate radiological health hazards and are conversant with the regulations.

Most inspections will be unannounced. The following frequency is planned but may be increased or decreased depending on individual circumstances:

Waste Disposal Operations—once each 4 months;

Industrial Radiographers—once each 12 months;

Broad Licenses—Industrial, Medical, Academic—once each 12 months;

Specific Licenses—Industrial, Medical, Academic—once each 24 months; and

Others—based on the hazards associated with the program.

Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission.

At the end of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting recommendations or suggestions. During this meeting he will also answer questions on the regulatory program.

The inspector will submit a written report to the Director, Division of Radiological Health, on the results of each inspection. The report will enumerate items of noncompliance and, if any, include recommendations. Recommendations made by inspectors in the field are subject to critical review by senior members of the Division of Radiological Health.

Licensees are to be informed of any items of noncompliance observed during each inspection by letter from the Department after the inspection if items of noncompliance are of a more serious nature or by notice at the time of inspection if the items of noncompliance are only minor.

COMPLIANCE

If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing at the time of inspection to correct, no further action will be taken by the Department. Any corrective action taken by the licensee will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the Department based upon the degree of the hazard involved. The licensee will be required to inform the Department in writing at the end of the specified time period, usually 15 to 30 days, as to the corrective action he has taken. The Department will conduct a followup inspection or the matter will be reviewed during the next regular inspection to determine that the corrective action has been accomplished.

ENFORCEMENT

When, in the judgment of the Department, a person is engaged or about to engage in any act or practice in violation of the Radiation Control Act or the Radiological Health Regulations issued under the Act, the Nebraska Attorney General, or any county attorney, at the request of the Department, may make application to the district court for an order enjoining such act or practice or to direct compliance.

Should the Department determine that an emergency exists affecting the public health and safety, it has the authority to issue an order or regulation, effective immediately, to meet the emergency and to impound sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations issued under the Act.

The Act also provides an opportunity for any person to whom an emergency order or regulation is directed to file an application to the Department of Health for a hearing not less than 15 days nor more than 30 days after the filing of such an application. The Health Department shall, within 30 days after such hearing and on the basis of the hearing, continue, modify or revoke an order or regulation and mail the applicant a copy of its findings of fact and determination.

In accordance with section 3.12 of the Radiological Health Regulations, the terms of all Radioactive Material Licenses are subject to amendment, revision or modification. By order of the Director of Health, the Department may suspend, revoke or modify any license because of amendment to the Radiation Control Act; changes in or additions to the regulations on orders of the Department; false statements by the applicant for a license; and violations of or failure to observe the rules, regulations or orders of the Department of Health.

Section 71-3517 of the Act provides penalties, upon conviction, by fine for those persons who violate provisions of the Act or rules and regulations issued thereunder.

The full legal procedures will normally be used only in those instances where there is continued noncompliance after notice, deliberate and willful negligence on the part of a licensee or registrant or where a serious potential hazard exists.

RECIPROCITY AND COMPATIBILITY

The Nebraska Radiological Health Regulations provide for reciprocal recognition of licenses issued by the U.S. Atomic Energy Commission or any Agreement State. These regulations are consistent with those of the U.S. Atomic Energy Commission and, as far as possible, with other "Agreement" state regulations.

STAFFING AND DELEGATION OF AUTHORITY

The State of Nebraska Department of Health is responsible for administering provisions of the Radiation Control Act. The accompanying organization chart illustrates the lines of authority within the State.

The eight members of the State Board of Health are appointed by the Governor and administer the Department of Health. E. A. Rogers, M.D., M.P.H., Director of Health, conducts the affairs of the Department during the intervals between the Board meetings. Heinz G. Wilms, M.S., Director of Radiological Health, is responsible to the Director of Health and presents a periodic and annual report to the Board of Health. The Director of Radiological Health also acts as executive secretary of the Radiation Advisory Council to the Board of Health.

The Radiation Advisory Council consists of nine members appointed by the Governor. Council members represent the fields of (a) radiology, (b) medicine, exclusive of radiology, (c) health physics, (d) law, (e) agriculture, (f) labor, (g) industry, (h) dentistry, and (i) chiropractic, osteopathy or podiatry. The Council provides valuable advice to the Department of Health on policy and technical matters relating to the use and regulation of sources of ionizing radiation.

The Director of Radiological Health has technical and administrative supervision of the Radiological Health program.

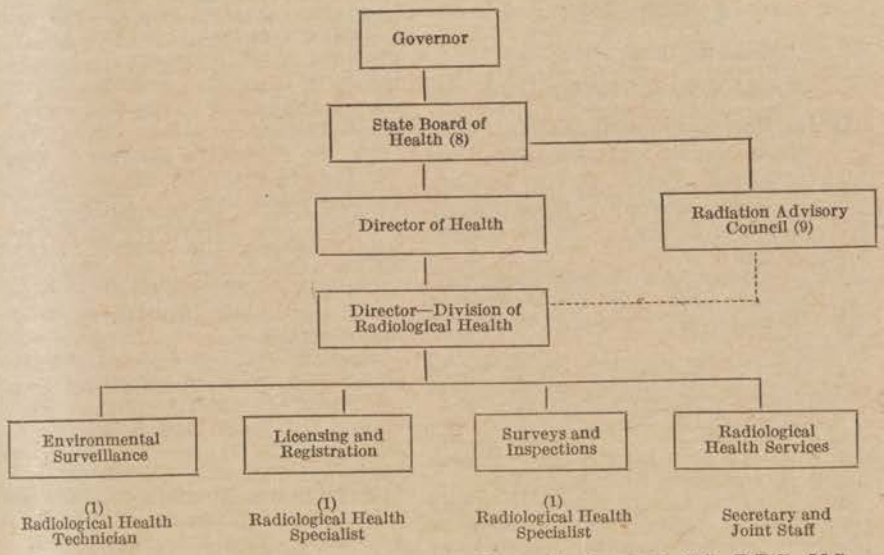
Radiological Health Specialists assist the Director in license application evaluations and issuance of specific licenses. Specialists also conduct and supervise licensee compliance inspections. Radiological Health Inspectors can conduct compliance inspections under supervision of a Specialist.

Newly employed Specialists and Inspectors will assume duties in licensee inspection after receiving training in broad aspects of the State's Radiological Health Program.

Persons hired to replace current personnel will be required to have equivalent capabilities in radiological health before conducting license application review or licensee inspections.

STATE OF NEBRASKA, DEPARTMENT OF HEALTH, DIVISION OF RADIOLOGICAL HEALTH

ORGANIZATION AND ACTIVITIES CHART



HEINZ G. WILMS, B.S., M.S.

DIRECTOR, DIVISION OF RADIOLOGICAL HEALTH

EDUCATION

B.A. in Physics, Westmar College, LeMars, Iowa, 1960; M.S. in Radiological Science, University of Washington, Seattle, 1962; AEC Health Physics Fellowship, 1960–1962; Radiation Protection Course, Hanford Atomic Products Operation, Richland, Wash., Summer, 1961; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., September, 1965; Radium Hazards and Control (1 week), USPHS, Montgomery, Ala., December 1965.

EXPERIENCE

1962–1963—Health Physicist for U.S. Geological Survey, Denver, Colo. Responsible for total radiation safety and licensing program of the USGS. Radiation usage included 1 and 10 curies Pu-be neutron sources; radium and cobalt-60 gamma sources for gamma well logging and instrument calibration; soil moisture and density probes using neutron sources; Antimony 124 used in beryllium exploration and quantitative analysis (50 mc and 1 curie respectively); uranium ores, fission product samples and various isotopes for radiochemical analyses; conducted leak tests and radiation surveys and prepared radiation protection procedures and kept inventories of radioactive material. Also was Bureau Safety Officer for USGS.

1963–1964—Health Physicist-Engineer A—Pan American World Airways, Nuclear Rocket Development Station, Nev. Supervisor in Radiation Services Department of PAA. In charge of industrial radiography, assisted in reactor power test radiation safety support in reentry procedures, special nuclear materials Accountability Officer and performed staff functions including preparation of rad-safe procedures.

1964–Present—Director, Division of Radiological Health, in charge of State radiological health program encompassing X-ray inspections; radioactive materials control, preparation of Radiological Health Regulations and overall charge of licensing and registration program. Has accompanied AEC inspector during routine inspections of licensees in Nebraska since 1964.

ORLEN N. JOHNSON, B.S., D.D.S., M.S.

RADIOLOGICAL HEALTH SPECIALIST I

EDUCATION

B.S., University of Minnesota, 1957; D.D.S., University of Minnesota, 1959; M.S., Major in Radiological Health, Wayne State University, Detroit, Mich., 1964; Basic Radiological Health (2 weeks), USPHS, Rockville, Md., May 1962; Medical X-ray Protection (2 weeks), USPHS, Rockville, Md., October 1964; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965–1966; Radium Hazards and Control (1 week), USPHS, Montgomery, Ala., December 1965; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., March 1966.

EXPERIENCE

1964–1965—Director, Professional Education, Dental X-ray Program, State Assistance Branch, Division of Radiological Health, U.S. Public Health Service, Rockville, Md.; most important duties consisted of investigating and promoting educational materials on radiation hygiene for incorporation into dental education; planning and developing educational material, such as pamphlets, displays, brochures, table clinics, and movies; participating in speaking engagements and educational presentations; working with State health departments, the American Dental Association, dental schools, and dental societies to develop radiological health educational programs for teachers of oral roentgeneology, dental students and practicing dentists.

August 1965 to present—Radiological Health Specialist, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr., (PHS State Assignee); in charge of radium inspection, registration and assists in X-ray inspections and environmental surveillance; has accompanied AEC inspector during routine compliance inspections at licensee locations in Nebraska since 1965; has assisted in preparation of the Radiological Health Regulations; will assist Director in licensee inspections after effective date of Agreement until sufficient experience has been obtained to conduct inspections alone; will assist Director in evaluation of license applications.

H. ELLIS SIMMONS, B.S., M. of S.S. AND P.H.

RADIOLOGICAL HEALTH SPECIALIST I

EDUCATION

B.S. in Biological Science, Kansas State Teachers College, Emporia, Kans., 1952; Master of Sanitary Science and Public Health, Major in Radiological Health, Oklahoma University, Norman, Okla., 1964; Medical X-ray Protection (2 weeks), USPHS, Rockville, Md., May 1965; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965–1966; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., March 1966.

EXPERIENCE

1954–1965—Public Health Environmental Sanitarian, Omaha-Douglas County Health Department, Omaha, Nebr.; 10 years experience in environmental sanitation; supervisor of milk sanitation program; given responsibility for development of an air pollution program.

March 1965–Present—Radiological Health Specialist, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr.; in charge of and conducts X-ray inspection of medical, dental, industrial, veterinarian facilities; assists in radium surveys, environmental surveillance and registration; assisted in preparation of Radiological Health Regulations; accompanied AEC inspectors during routine compliance inspections of licensed facilities in Nebraska since 1965; will assist Director in license inspection after effective date of Agreement until he has sufficient experience to conduct inspections alone; will assist Director in evaluation of license applications.

EDWARD R. WILLIAMS

RADIOLOGICAL HEALTH TECHNICIAN

EDUCATION

113 hours college credit toward B.S. in Chemistry, University of Nebraska; X-ray-Lab Technician training, U.S. Army (Autumn, 1953); Course in Industrial Uses of Isotopes (two semesters, 1961), University of Omaha, Omaha, Nebr.; 1 week state conference on radiological health, USPHS, Las Vegas, Nev., May 1960; AEC Orientation Course in Licensing and Regulatory Practices (3 weeks), Bethesda, Md., September 1963; Radiation and Radiation Protection (two semesters), University of Nebraska, 1965–1966.

EXPERIENCE

1958–Present—Radiological Health Technician, Nebraska State Health Department, Division of Radiological Health, Lincoln, Nebr.; work included activation analysis experiments at Omaha Veterans Administration Hospital, Omaha, Nebr., during a period of about 1½ years. Performs analysis of environmental surveillance samples (air, precipitation, water, and milk). Assists in X-ray surveys. Has accompanied AEC inspector during routine compliance inspections of licensed facilities in Nebraska since 1961. He will assist Director in licensee inspections after effective date of Agreement. When promoted to Inspector after obtaining degree and sufficient experience, he will be able to conduct licensee inspections alone, limited to facilities of a low priority nature. Subsequent experience and training will permit advancement to Specialist with increased responsibility and completion in licensee inspections.

[F.R. Doc. 66-7375; Filed, July 5, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16371, etc.]

NORTH CENTRAL AIRLINES RENEWAL CASE

Notice of Hearing

A notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on October 5, 1966, at 10 a.m. (local time) in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details concerning this proceeding, interested persons are referred to the prehearing conference report served on May 31, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 14, 1966.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 66-7877; Filed, July 19, 1966; 8:48 a.m.]

[Docket No. 17471]

BRITISH OVERSEAS AIRWAYS CORP.

Notice of Postponement of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding now assigned to be held on July 19, 1966, is hereby postponed to July 20, 1966 at 10 a.m., e.d.s.t., in Room 211, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., July 14, 1966.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 66-7878; Filed, July 19, 1966; 8:48 a.m.]

[Docket No. 17516]

CANADIAN PACIFIC AIR LINES, LTD.

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 15, 1966, at 10 a.m., e.d.s.t., in Room 211, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., July 14, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-7879; Filed, July 19, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16769; FCC 66-646]

ALLEN C. BIGHAM, JR.

Order Designating Application for Hearing on Stated Issues

In re Application of Allen C. Bigham, Jr., Docket No. 16769, File No. BR-4293, for renewal of license of station KCTY, Salinas, Calif.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1966;

1. The Commission has before it for consideration (1) the above captioned application for renewal of license of Station KCTY, Salinas, Calif.; and (2) the Commission's field inquiry with respect to the operations of Station KCTY.

2. The Commission's inquiry into the operations of Station KCTY raises a number of serious questions bearing upon whether A. C. Bigham, Jr., possesses the qualifications to remain the licensee of KCTY.

3. In view of these questions the Commission is unable to find that a grant of the above-captioned application for renewal of license would serve the public interest, convenience and necessity and must, therefore, designate this application for a hearing.

4. *Accordingly, It is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for a hearing to be held at Salinas, Calif., at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine all of the facts and circumstances with respect to the arrangements and agreements between the applicant and one Joe Miranda regarding the operation of Station KCTY from approximately February 1, 1965, to approximately July 31, 1965.

(2) To determine whether A. C. Bigham, Jr., relinquished control of Station KCTY to Joe Miranda, an alien, or anyone else during the period February 1, 1965, to approximately July 31, 1965, without receiving the prior consent of this Commission in violation of section 310(b) of the Communications Act.

(3) To determine whether the applicant failed to file contracts, agreements or understandings, written or oral, as required by § 1.613 of the rules.

(4) To determine whether the applicant was lacking in candor or misrepresented or concealed facts in its statements to the Commission.

(5) To determine whether Station KCTY was operated in violation of § 73.93(a) of the Commission's rules and whether the KCTY logs were falsified to conceal such violations.

(6) To determine whether Station KCTY broadcast advertisements concerning a lottery in violation of Section 1304 of Title 18, United States Code.

(7) To determine whether KCTY broadcast announcements for which consideration was received without identifying the sponsor of the announcements in violation of section 317(a) of the Communications Act and § 73.119 of the Commission's rules.

(8) To determine whether in light of the findings and conclusions made under the foregoing issues A. C. Bigham, Jr., possesses the requisite qualifications to continue to be the licensee of Station KCTY and whether a grant of the above-captioned applications would serve the public interest, convenience and necessity.

5. *It is further ordered,* That the Chief, Broadcast Bureau, proceed with the initial introduction of evidence with respect to Issues 2 through 7 to delineate the facts in issue. See D & E Broadcasting Co., 1 FCC 2d 78, 5 RR 475 (1965). Following the Bureau's initial presentation, the applicant will then proceed with its evidence under the issues.

6. *It is further ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Chief, Broadcast Bureau, is directed to serve upon the applicant a Bill of Particulars setting forth the charges relating to the above issues. See Dispatch, Inc., 10 RR 1190.

7. *It is further ordered,* That if the Hearing Examiner shall determine that the entire hearing record does not warrant an order denying the application for renewal of license for KCTY, he shall make findings of fact as to whether any willful or repeated violations of the Communications Act or the rules thereunder (as specified above and in the Bill of Particulars) have taken place within 1 year of the issuance of this order and, if so, shall recommend to the Commission whether or not a forfeiture shall be issued in the amount of $10,000 or less pursuant to section 503(b) of the Communications Act.

8. *It is further ordered,* That for the purposes above stated, this order is to be considered as a Notice of Apparent Liability pursuant to section 503(b)(2) of the Communications Act.

9. *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 intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commis-

sion thereof as required by § 1.594 of the Commission's rules.

Released: July 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7855; Filed, July 19, 1966; 8:46 a.m.]

[Docket No. 16732; FCC 66M-963]

CHARLES M. GOULD

Order Continuing Hearing

In the matter of Charles M. Gould, Framingham, Mass., order to show cause why the license for radio Station KMA-8075 in the citizens radio service should not be revoked.

It is ordered, This 13th day of July 1966, on the Hearing Examiner's own motion, that the hearing is rescheduled from September 8 to October 3, 1966, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 13, 1966.

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

[F.R. Doc. 66-7856; Filed, July 19, 1966; 8:46 a.m.]

[Docket No. 16709; FCC 66M-962]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Continuing Prehearing Conference

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N.Y., Docket No. 16709, File No. BPCT-3475; for construction permit (Channel 55).

The Hearing Examiner having under consideration the informal request filed on July 11, 1966, by Island Broadcasting System, Inc., for continuance of the prehearing conference herein from July 19, 1966, to July 22, 1966;

It appearing, that the continuance is requested due to a conflict in the calendar of counsel for Island Broadcasting System, Inc., with a proceeding in the U.S. Court of Appeals for the District of Columbia Circuit;

It further appearing, that all parties have consented to immediate consideration and grant of the said request;

It is ordered, This 12th day of July 1966 that the said request is granted and the prehearing conference herein is continued from July 19, 1966, to July 22, 1966, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: July 13, 1966.

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

[F.R. Doc. 66-7857; Filed, July 19, 1966; 8:46 a.m.]

[1] Commissioner Johnson absent.

[Docket Nos. 14755-14757; FCC 66M-977]

JUPITER ASSOCIATES, INC., ET AL.

Order Continuing Hearing

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

The Hearing Examiner having under consideration motion for continuance filed on July 14, 1966, on behalf of Radio Elizabeth, Inc., and Jupiter Associates, Inc., requesting that the hearing now scheduled for July 18, 1966, be continued to September 1 and 12, 1966;

It appearing, that movants plead that this case presents novel and unusual issues;

It further appearing, that good cause exists why said motion should be granted and movants plead that the request is made with the concurrence of counsel for the Broadcast Bureau;

Accordingly, it is ordered, This 15th day of July 1966, that the motion is granted and that the hearing now scheduled for July 18 be and the same is hereby rescheduled for September 1, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

It is further ordered, That when said hearing recesses on September 1, that it shall reconvene on September 12, 1966, 10 a.m.

Released: July 15, 1966.

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

[F.R. Doc. 66-7858; Filed, July 19, 1966; 8:46 a.m.]

[Docket Nos. 16588-16590; FCC 66M-959]

KWHK BROADCASTING CO., INC. (KWHK), ET AL.

Order Continuing Hearing

In re applications of KWHK Broadcasting Co., Inc. (KWHK), Hutchinson, Kans., Docket No. 16588, File No. BP-15356; Columbia Broadcasting System, Inc. (WCAU), Philadelphia, Pa., Docket No. 16589, File No. BP-15446; KAKE-TV & Radio, Inc. (KAKE), Wichita, Kans., Docket No. 16590, File No. BP-15968; for construction permits.

To permit action on pending requests to enlarge issues and for reconsideration, among other procedural matters; *It is ordered,* This 12th day of July 1966, that the hearing is rescheduled from July 19 to October 13, 1966.

Released: July 13, 1966.

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

[F.R. Doc. 66-7859; Filed, July 19, 1966; 8:46 a.m.]

[Docket No. 16700, 16701; FCC 66M-974]

KENTUCKY CENTRAL TELEVISION, INC., AND WBLG-TV, INC.

Order Continuing Hearing

In re applications of Kentucky Central Television, Inc., Lexington, Ky., Docket No. 16700, File No. BPCT-3569; WBLG-TV, Inc., Lexington, Ky., Docket No. 16701, File No. BPCT-3642; for Construction Permit for New Television Broadcast Station.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 14th day of July 1966, that the hearing in the above-styled proceeding now scheduled for September 26, 1966, be and the same hereby is continued to October 17, 1966, at 10 a.m. in the offices of the Commission in Washington, D.C.

Released: July 15, 1966.

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

[F.R. Doc. 66-7860; Filed, July 19, 1966; 8:46 a.m.]

[Docket Nos. 16676, 16677; FCC 66M-975]

ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

Order Changing Place of Hearing

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii, Docket No. 16676, File No. BR-4120; For Renewal of License; Radio KHAI, Inc., Honolulu, Hawaii, Docket No. 16677, File No. BP-16294, for construction permit.

It is ordered, This 14th day of July, 1966, in light of developments during prehearing conference which indicate the necessity for field hearings in the above-entitled proceeding, that the order of the Chief Hearing Examiner released June 8, 1966 (FCC 66M-814), is amended to provide that hearings in this proceeding shall be convened in San Francisco, Calif., on September 13, 1966, in lieu of Washington, D.C.: *And, it is further ordered,* That, upon completion of hearings in San Francisco, the presiding Hearing Examiner may convene further hearings in Honolulu, Hawaii, in the event he determines that hearings there are essential for a complete development of the evidence under the governing issues herein.

Released: July 15, 1966.

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

[F.R. Doc. 66-7861; Filed, July 19, 1966; 8:46 a.m.]

[Docket Nos. 16381, 16382; FCC 66M-958]

J. C. STALLINGS AND TEXAN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of J. C. Stallings, Nacogdoches, Tex., Docket No. 16381, File

No. BPH-4709; Texan Broadcasting Co., Inc., Nacogdoches, Tex., Docket No. 16382, File No. BPH-4730; for construction permits.

All parties support further postponement of the hearing in this proceeding in order to work out the possibilities in a program underway to make additional facilities available and to permit avoidance of hearing here. *Accordingly, it is ordered,* This 12th day of July 1966, that the July 11 joint request by the applicants to continue the hearing is granted and the opening of the hearing is put off to September 7, 1966.

Released: July 13, 1966.

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

[F.R. Doc. 66-7862; Filed, July 19, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15815 etc.]

WILHELMINA duP. ROSS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 13, 1966.

Wilhelmina duP. Ross (Operator), et al. (successor to Renappi Corp. (Operator), et al.), and other Applicants listed herein, Docket Nos. G-15815, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-15815 E 7-5-66	Wilhelmina duP. Ross (Operator) et al. (successor to Renappi Corp. (Operator), et al.), Clinton W. Fuller, Agent, 1306 Petroleum Tower Shreveport, La. 71101.	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	15.0	14.65
G-18434 E 7-6-66	Joe Ballanfonte, Sr. (successor to McCurdy & McCurdy), 401 International Life Bldg. Austin, Tex. 78701.	Florida Gas Transmission Co., Luby Field, Nueces County, Tex.	[1] 15.0	14.65
CI61-709 E 7-5-66	George R. Brown (successor to Herman Brown Estate), J. L. Bianchi, Esq., 1201 San Jacinto Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., North Rousseau Field, Lafourche Parish, La.	[1] 20.625	15.025
CI63-682 C 7-5-66	Lester Wilkonson, 409 Schweiter Bldg., Wichita, Kans. 67202.	Platean Natural Gas Co., Formations below the base of the Chase group of the Permian System, Hugoton Field, Grant County, Kans.	[1] 14.0	14.65
CI66-525 C 6-27-66	Rock Island Oil & Refining Co., Inc. Oliver A. Witterman, Esq., 321 West Douglas, Wichita, Kans. 67202.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N.Mex.	13.0	15.025
CI67-6 A 7-5-66	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Northeast Tangier Field, Ellis County, Okla.	[2] 17.0	14.65
CI67-7 (CP61-121) B 7-5-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Low pressure	----
CI67-8 (CI62-1426) B 7-5-66	----do----	----do----	Low pressure	----
CI67-9 A 7-5-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	The Shamrock Oil & Gas Corp., Lipscomb County, Tex.	14.0	14.65
CI67-10 A 7-5-66	J. M. Hawley, 1100 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	Phillips Petroleum Co., West Panhandle Field, Carson and Gray Counties, Tex.	[1] 10.0	14.65
CI67-11 A 7-5-66	J. M. Huber Corp., 2401 East Second Av., Denver, Colo. 80206.	Panhandle Eastern Pipe Line Co., Mocane Field, Mocane County, Okla.	[2] 17.35	14.65
CI67-12 A 7-6-66	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[2] 17.0	14.65
CI67-13 A 7-6-66	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Cities Service Gas Co., South Bishop Field, Roger Mills County, Okla.	[1] 15.0	14.65
CI67-14 A 7-6-66	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202	Arkansas Louisiana Gas Co., Back bone Area, La Flore County, Okla.	15.0	14.65
CI67-15 F 6-27-66	Harry L. Bigbee, BCO, Inc., Post Office Box 669, Santa Fe, N. Mex. 87501.	El Paso Natural Gas Co., Escrito Gallup Pool, Rio Arriba County, N. Mex.	[4] 12.0	15.025
CI67-17 A 7-7-66	Franks Petroleum Inc., Post Office Box 1200, Shreveport, La. 71101.	United Gas Pipe Line Co., Driscoll Field, Bienville Parish, La.	17.5	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Subject to downward B.t.u. adjustment.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Includes 0.35 cent per Mcf upward B.t.u. adjustment.
[4] Subject to B.t.u. adjustment.

[F.R. Doc. 66-7835; Filed, July 19, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

SPANISH PEAKS WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132) that a public hearing will be held beginning at 9 a.m. on September 9, 1966, in the Emerson School auditorium, 111 South Grand Avenue, Bozeman, Mont., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to Congress for the establishment of the Spanish Peaks Wilderness, comprised of about 54,894 acres of National Forest including most of the Spanish Peaks Primitive Area and some contiguous areas. The proposed Spanish Peaks Wilderness is located within the Gallatin National Forest, Madison and Gallatin Counties, State of Montana.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Gallatin National Forest, Bozeman, Mont., or the Regional Forester, Federal Building, Missoula, Mont.

Individuals and organizations are invited to express their views by appearing at the hearing or may submit written comments for inclusion in the official record to the Regional Forester, Federal Building, Missoula, Mont., by October 9, 1966.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 66-7840; Filed, July 19, 1966; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-41]

UNITED STATES ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE AND PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Investigation and Hearing on Proposed Joint Conference Agreement

The Commission has before it the question whether to approve or disapprove Agreement 9291, a proposed joint conference agreement between the members of the United States Atlantic and Gulf/Australia-New Zealand Conference, on the one hand (FMC Agreement 6200), and members of the Pacific Coast Australasian Tariff Bureau (FMC Agreement 50) on the other. Agreement 9291 provides that the respective conferences may consult with each other in certain important respects, significantly:

1. That the parties might agree upon rates, charges, terms, and conditions governing the transportation of cargoes of their vessels in the trades covered by their respective Conference Agreements.

2. That said agreed rates, charges, terms, and conditions of transportation shall be observed by all parties and shall be shown in the applicable tariff or tariffs of the individual conference which adopts them.

3. That decisions upon such matters set forth above shall be made by the respective conferences in accordance with their conference agreements.

4. That the parties to each conference agreement reserve the right to take independent action under such agreement on matters covered by this agreement.

Information before the Commission indicates that Agreement 9291, if approved, may operate so as to eliminate any existing competition between the members of the two respective conferences in the securing of cargoes which originate in certain portions of the United States and which are naturally tributary to more than one of the three coasts; and may unjustly prefer shippers and ports on one coast or coasts to the prejudice of shippers and ports on another coast or coasts; and may unjustly discriminate between shippers and ports on one coast or coasts as compared to another coast or coasts.

It also appears that approval of Agreement 9291 may not be justified as a matter of law by virtue of its failure to conform with the statutory criteria of approvability contained in section 15.

Now, therefore, by virtue of the authority vested in the Commission

It is ordered, That an investigation and hearing be instituted in order to determine the following:

1. Whether Agreement 9291, if approved, would operate so as to be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, to the detriment of the commerce of the United States, contrary to public interest, or in violation of the Shipping Act, 1916, and thus require disapproval as required by section 15.

2. Whether Agreement 9291, if approved, would lead to circumstances wherein shippers requests and complaints would not be promptly and fairly heard and considered, as required by section 15.

3. Whether Agreement 9291, if approved, would eliminate, or mollify competition between respondent conferences for cargoes originating in certain sections of the United States, and, if so, whether the elimination of said competition is violative of section 15, as being detrimental to the commerce of the United States and/or contrary to the public interest.

4. Whether Agreement 9291, if approved, would be, or lead to circumstances which would be, unlawfully preferential to certain persons enumerated in section 16, First, and unlawfully prejudicial to certain persons enumerated in section 16, First.

5. Whether Agreement 9291, if approved, would be, or would lead to circumstances which would be, unlawfully discriminatory or prejudicial as between any of the persons enumerated in the first paragraph of section 17.

6. Whether Agreement 9291 should be approved, disapproved or required to be modified or canceled pursuant to the provisions of section 15.

It is further ordered, That the carriers listed in Appendix A hereto be party respondents in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a motion to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before July 29, 1966, with copy to parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

Pacific Coast Australasian Tariff Bureau, Mr. W. C. Galloway, Chairman, 635 Sacramento Street, San Francisco, Calif. 94111.

Crusader Shipping Co., Ltd., Furness, Withy & Co., Ltd., General Agents, 310 Sansome Street, San Francisco, Calif. 94104.

Marine Chartering Co., Inc., Australasia Service, 310 Sansome Street, San Francisco, Calif. 94104.

The Oceanic Steamship Co., Matsou Navigation Co., Managing Agents, 215 Market Street, San Francisco, Calif. 94111.

P & O Orient Lines, Joint Service, Union Steamship Co. of New Zealand, Ltd., Agents, 230 California Street, San Francisco, Calif. 94111.

Transatlantic Steamship Co., Ltd., Pacific Australia Direct Line, General Steamship Corporation, Ltd., Agents, 1 Bush Street, San Francisco, Calif. 94104.

Colombus Line, Bakke Steamship Corp., Agents, 141 Battery Street, San Francisco, Calif. 94111.

Union Steamship Co. of New Zealand, Ltd., 230 California Street, San Francisco, Calif. 94111.

Pacific Shipowners, Ltd., 1266 27th Avenue, San Francisco, Calif. 94122.

U.S. Atlantic & Gulf/Australia-New Zealand, Mr. Marcus E. Rough, Secretary, 39 Broadway, New York, N.Y. 10006.

A/B Atlanttrafik (Atlanttrafik Express Service), Garcia & Diaz, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

American & Australian Steamship Line-Joint Service, Norton Lilly & Co., Inc., Agents, 26 Beaver Street, New York, N.Y. 10004.

The Bank Line, Ltd., Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y. 10004.

Columbus Line, 26 Broadway, New York, N.Y. 10004.

Port and Associated Lines-Joint Service, Funch, Edye & Co., Inc., General Agents, 25 Broadway, New York, N.Y. 10004.
Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

[F.R. Doc. 66-7849; Filed, July 19, 1966; 8:45 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND DEUTSCHE OST-AFRIKA-LINIE/SOUTH AFRICAN LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. E. W. Patterson, Traffic Manager, African Line, Lykes Bros. Steamship Co., Inc., New Orleans, La.

Agreement 9562 between Lykes Bros. Steamship Co., Inc., and Deutsche Ost-Afrika-Linie/South African Lines, Ltd., establishes a through billing arrangement for movement of cargo to United States Ports in the Gulf of Mexico from ports in Kenya, Tanzania, and Portuguese East Africa with transshipment at a Republic of South Africa port in accordance with terms and conditions set forth in the agreement.

Dated: July 14, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-7850; Filed, July 19, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40615—*Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 111), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 45 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40616—*Caustic potash from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4916), for interested rail carriers. Rates on liquid caustic potash, in tank carloads, from Calvert, Ky., to Chattanooga, Chicamauga, and North Chattanooga, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 99 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40617—*Iron or steel scrap from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A4917), for interested rail carriers. Rates on iron or steel scrap or pieces, in carloads, from Memphis, Tenn., to Alton, East St. Louis, Federal, Peoria, and Chicago, Ill., also Louisville, Ky., and St. Louis, Mo.

Grounds for relief—Barge competition.

Tariff—Supplement 64 to Southern Freight Association, agent, tariff ICC S-338.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7864; Filed, July 19, 1966; 8:46 a.m.]

[Notice 404]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 15, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 20), HELM'S EXPRESS, INC., 101 Lincoln Highway, West Irwin, Pa., filed July 5, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and New York, N.Y., over Interstate Highway 95 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over U.S. Highway 1 to Providence, R.I., thence over Rhode Island Highway 3 to junction Rhode Island Highway 84, thence over Rhode Island Highway 84 to Rhode Island-Connecticut State line, thence over Connecticut Highway 95 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 629 (Deviation No. 21), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed July 8, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and Washington, D.C., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Richmond, Va., and Washington, D.C., over U.S. Highway 1.

No. MC 629 (Deviation No. 22), HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed July 8, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fairmont, W. Va., over West Virginia Highway 73 to Bridgeport, W. Va., and thence over U.S. Highway 50 to Clarksburg, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Fairmont, W. Va., and Clarksburg, W. Va., over U.S. Highway 19.

No. MC 629 (Deviation No. 23) HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed July 8, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route

as follows: From Twinsburg, Ohio, over Ohio Highway 82 to Brecksville, Ohio, and thence over U.S. Highway 21 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Twinsburg, Ohio, over Ohio Highway 91 to junction U.S. Highway 422, thence over U.S. Highway 422 to Cleveland, Ohio, and return over the same route.

No. MC 629 (Deviation No. 24) HELM'S EXPRESS, INC., 1011 Lincoln Highway, West Irwin, Pa., filed July 8, 1966. Carrier's representative: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa. 15222. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Massillon, Ohio, over U.S. Highway 21 to junction Ohio Highway 5, thence over Ohio Highway 5 to Akron, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Massillon, Ohio, over Ohio Highway 241 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, and return over the same route.

No. MC 986 (Deviation No. 3) WALKER TRANSPORTATION COMPANY, INC. (formerly known as Kansas Nebraska Xpress, Inc.), 541 South First Street, Lincoln, Nebr., filed July 5, 1966. Applicant's representative: Tom B. Kretsinger, Suite 450, Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, Kans., over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction unnumbered highway approximately 6 miles south of Wymore, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, Kans., over unnumbered highways to junction U.S. Highway 77, thence over U.S. Highway 77 to Lincoln, Nebr., thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route.

No. MC 9876 (Deviation No. 6), THE NATIONAL TRANSPORTATION COMPANY, 251 State Street Extension, Bridgeport, Conn. 06605, filed June 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hartford, Conn., and New Haven, Conn., over Interstate Highway 91, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Perth Amboy, N.J., over unnumbered highway to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J., thence over U.S. Highway 1 to New Haven, Conn., and thence over U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC 59957 (Deviation No. 3) MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa., 17405, filed July 5, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 81 to Hagerstown, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Harrisburg, Pa., over Interstate Highway 83 to York, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 15 to Emmittsburg, Md., thence over Maryland Highway 97, to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 116 to junction Pennsylvania Highway 16, thence over Pennsylvania Highway 16 to Waynesboro, Pa., thence over Pennsylvania Highway 316 to the Maryland-Pennsylvania State line, thence over Maryland Highway 60 to Hagerstown, Md., and (2) from Harrisburg, Pa., over Interstate Highway 83 to York, Pa., thence over U.S. Highway 30 to Chambersburg, Pa., thence over U.S. Highway 11 to Hagerstown, Md.; and return over the same routes.

No. MC 59957 (Deviation No. 4), MOTOR FREIGHT EXPRESS, INC., Post Office Box 1029, York, Pa. 17405; filed July 5, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over the Ohio Turnpike to Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Cleveland, Ohio, over Ohio Highway 14 via Salem, Ohio, to Unity, Ohio, thence over Ohio Highway 170 to East Palestine, Ohio, thence over Ohio Highway 165 to junction Pennsylvania Highway 51 (also from Unity, Ohio, over Ohio Highway 14 to junction Pennsylvania Highway 51), thence over Pennsylvania Highway 51 to Pittsburgh, Pa.; (2) from Cleveland, Ohio, to Salem, Ohio, as specified above, thence over Ohio Highway 45 to Lisbon, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa.; (3) from Cleveland, Ohio, over U.S. Highway 422 via Warren, Ohio, to Portersville, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa.; and (4) from Cleveland, Ohio, to Warren, Ohio, as specified above, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line at Sharon, Pa., thence over Pennsylvania Highway 518 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to New Castle, Pa., thence over Pennsylvania Highway 65 (formerly Pennsylvania Highway 88) to Pittsburgh, Pa.; and return over the same routes.

No. MC 62142 (Deviation No. 1) HAWKEYE MOTOR EXPRESS, INC., 1250 First Street NW., Cedar Rapids, Iowa, filed July 7, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Alternate U.S. Highway 30 to junction U.S. Highway 30, and return over the same route.

No. MC 62142 (Deviation No. 2), HAWKEYE MOTOR EXPRESS, INC., 1250 First Street NW., Cedar Rapids, Iowa, filed July 7, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cedar Rapids, Iowa, over U.S. Highway 218 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, and thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cedar Rapids, Iowa, over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 via Geneva, Ill., to Chicago, and return over the same route.

No. MC 62142 (Deviation No. 3), HAWKEYE MOTOR EXPRESS, INC., 1250 First Street NW., Cedar Rapids, Iowa, filed July 7, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 55 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Iowa Highway 149, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Cedar Rapids, Iowa, over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 via Geneva, Ill., to Chicago, Ill., and (2) from Cedar Rapids, Iowa, over Iowa Highway 149 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ottumwa, Iowa, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 318), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 5, 1966. Carrier proposes to operate as a *com-*

mon carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 70S and Maryland Highway 28 in Rockville, Md., over Interstate Highways 70S, 270, and 495 to Interchange No. 16 of Interstate Highway 495 thence over Maryland Highway 190 (River Road) to Washington, D.C., and (2) from junction Interstate Highways 70S and 270 over Interstate Highway 70S to the junction Interstate Highway 70S and Maryland Highway 355, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Frederick, Md., over U.S. Highway 240 to junction Maryland Highway 355 (formerly Alternate U.S. Highway 240), thence over Maryland Highway 355 to junction U.S. Highway 240, and thence over U.S. Highway 240 to Washington, D.C., (2) from junction U.S. Highway 240 and Maryland Highway 355 (formerly Alternate U.S. Highway 240) over U.S. Highway 240 to junction Maryland Highway 28, near Rockville (also from junction U.S. Highway 240 and Maryland Highway 118, near Neelsville, Md.), over Maryland Highway 118 to junction Maryland Highway 355 (formerly Alternate U.S. Highway 240), and (3) from junction Interstate Highway 495 and Virginia Highway 350 over Interstate Highway 495 in a northwesterly direction to junction U.S. Highway 240, and return over the same routes.

No. MC 1515 (Deviation No. 319), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed July 6, 1966. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Baltimore-Washington Expressway and the southern approach road to the Baltimore Harbor Tunnel over the bypass route known as the Tunnel Thruway to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 13 and the southern approach road to the Delaware Memorial Bridge, (2) from junction Maryland Highway 43 (White Marsh Boulevard) and U.S. Highway 40 over Maryland Highway 43 (White Marsh Boulevard) to junction Interstate Highway 95, (3) from Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95, (4) from Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (5) from Elkton, Md., over Maryland Highway 279 to junction Interstate Highway 95, and (6) from Glasgow, Del., over Delaware Highway 896 to junction Interstate Highway 95, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Philadelphia, Pa., over unnumbered highway to Darby, Pa., thence over U.S. Highway 13 to the Maryland–Virginia State line, (2) from State Road, Del., over U.S. Highway 40 via Aberdeen, Md., to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C., (3) from junction U.S. Highway 130 (formerly New Jersey Highway 44) and Bridge Approach Road, over Bridge Approach Road to the Delaware River Memorial Bridge, thence over the Delaware River Memorial Bridge to junction Delaware Bridge Approach Road, and thence over Delaware Bridge Approach Road to junction U.S. Highway 13, and (4) from Baltimore, Md., over city streets to the Baltimore-Washington Expressway, thence over the Baltimore-Washington Expressway to Washington, D.C., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-7865; Filed, July 19, 1966; 8:47 a.m.]

[Notice 946]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 15, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 25) (Republication), filed September 23, 1965, published FEDERAL REGISTER issue of October 14, 1965, and republished, this issue. Applicant: O. E. POULSON, INC., Post Office Box 295, Elm Creek, Nebr. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of liquid stock feed supplement, in bulk, in tank vehicle, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the movement of straight shipments of molasses to points in Colorado, South Dakota, Kansas, and Nebraska. A decision and order of the Commission, Operating Rights Review Board No. 3, dated June 29, 1966, and served July 11, 1966, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid animal feed supplements*, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the transportation of molasses destined to points in Colorado, South Dakota, Kansas, and Nebraska. Prior to the issuance of a certificate to the applicant a notice will be published in the FEDERAL REGISTER fully advising the public of the proposed operations as set forth in the findings hereto, in order to allow a 30-day period during which any interested party, who may have relied upon the notice of the application as previously published and thereby have been unaware of the complete and true nature of the proposed operations, may file an appropriate pleading.

No. MC 107496 (Sub-No. 396) (Republication), filed August 16, 1965, published FEDERAL REGISTER issue of August 26, 1965, and republished, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of liquid stock feed supplement, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the movement of straight shipments of molasses to points in Colorado, South Dakota, Kansas, and Nebraska. A Decision and Order of the Commission, Operating Rights Review Board No. 3, dated June 29, 1966, and served July 11, 1966, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid animal feed supplements*, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the transportation of molasses destined to points in Colorado, South Dakota, Kansas, and Nebraska. Prior to the issuance of a certificate to the applicant a notice will be published in the FEDERAL REGISTER fully advising the public of the proposed operations as set forth in the findings hereto, in order to allow a 30-day period during which any interested party, who may have relied upon the notice of the application as previously published and thereby have been unaware of the complete and true nature of the proposed operations, may file an appropriate pleading.

No. MC 113624 (Sub-No. 25) (Republication), filed October 25, 1965, published FEDERAL REGISTER issue of November 11, 1965, and republished, this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. 80202. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of liquid stock feed supplement, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the movement of straight shipments of molasses to points in Colorado, South Dakota, Kansas, and Nebraska. A Decision and Order of the Commission, Operating Rights Review Board No. 3, dated June 29, 1966, and served July 11, 1966, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid animal feed supplements*, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the transportation of molasses destined to points in Colorado, South Dakota, Kansas, and Nebraska. Prior to the issuance of a certificate to the applicant a notice will be published in the FEDERAL REGISTER fully advising the public of the proposed operations as set forth in the findings hereto, in order to allow a 30-day period during which any interested party, who may have relied upon the notice of the application as previously published and thereby have been unaware of the complete and true nature of the proposed operations, may file an appropriate pleading.

No. MC 115022 (Sub-No. 11) (Republication), filed September 17, 1965, published FEDERAL REGISTER issue of October 7, 1965, and republished, this issue. Applicant: CHAMBERLAIN MOBILE-HOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. By application filed September 17, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) Trailers and mobilehomes designed to be drawn by passenger automobile, in truckaway service, in initial movements and (2) sectionalized buildings, mounted on wheeled under carriages, equipped with hitchball coupler, from St. Johnsbury, Vt., and points within 5 miles thereof, to points in the United States (excluding Alaska and Hawaii, and refused, damaged and rejected shipments, on return. An order of the Commission, Operating Rights Board No. 1, dated June 28, 1966, and served July 13, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and (2) *prefabricated buildings*, in sections from the plantsites and storage facilities of Greenwood Homes, Inc., at or near St. Johnsbury, Vt., to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 116645 (Sub-No. 10) (Republication), filed October 28, 1965, published FEDERAL REGISTER issue of November 18, 1965, and republished, this issue. Applicant: DAVIS TRANSPORT CO., a corporation, Post Office Box 56, Gilcrest, Colo. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. 80202. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of liquid stock feed supplement, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the movement of straight shipments of molasses to points in Colorado, South Dakota, Kansas, and Nebraska. A Decision and Order of the Commission, Operating Rights Review Board No. 3, dated June 29, 1966, and served July 11, 1966, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid animal feed supplements*, in bulk, in tank vehicles, from Morrill, Nebr., and Lucerne, Colo., to points in Colorado, Wyoming, Nebraska, South Dakota, Utah, Kansas, Montana, and Idaho, restricted against the transportation of molasses destined to points in Colorado, South Dakota, Kansas, and Nebraska. Prior to the issuance of a certificate to the applicant a notice will be published in the FEDERAL REGISTER fully advising the public of the proposed operations as set forth in the findings hereto, in order to allow a 30-day period during which any interested party, who may have relied upon the notice of the application as previously published and thereby have been unaware of the complete and true nature of the proposed operations, may file an appropriate pleading.

No. MC 127984 (Republication), filed February 21, 1966, published FEDERAL REGISTER issue of March 18, 1966, and republished, this issue. Applicant: FLOYD R. WILLIAMSON, doing business as RICK WILLIAMSON'S MOVING, 711 Riffle Avenue. Applicant's representative: Thomas C. Hanes, 210–212 Weaver Building, Greenville, Ohio. By application filed February 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of such general merchandise as is usually dealt in and handled by wholesale and retail establishments, including household appliances, new household furniture and household furnishings, musical instruments, plumbing and heating equipment, fixtures, accessories, and supplies, office equipment, fixtures, accessories, and supplies, and building and remodeling equipment, accessories, and supplies, from points in Darke County, Ohio, to points in Jay, Randolph, and Wayne Counties, Ind., and refused, rejected, or reassigned shipments, or used items traded in on new merchandise, on return.

An order of the Commission, Operating Rights Board No. 1, dated June 28, 1966, and served July 12, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) in retail delivery service, from points in Darke County, Ohio, to points in Jay, Randolph, and Wayne Counties, Ind., and (2) of *returned or trade-in merchandise* consisting of the commodities in (1) above, from points in Jay, Randolph, and Wayne Counties, Ind., to points in Darke County, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 128079 (Sub-No. 1) (Republication), filed April 4, 1966, published FEDERAL REGISTER issue of May 5, 1966, and republished, this issue. Applicant: GARY VAN BUITEN and GARY VAN BUITEN, JR. a partnership, doing business as G. VAN BUITEN AND SON, Mid-

land Hill Street, Box 329, Oxford, N.Y. Applicant's representative: Joe B. Munk, Professional Building, 117 Hawley Street, Binghamton, N.Y. 13901. By application filed April 4, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of rough lumber and dressed rough lumber, from points in Chenango County, N.Y., to points in Susquehanna, Luzerne, Columbia, and Berks Counties, Pa., and refused, rejected, and damaged shipments, on return. An order of the Commission, Operating Rights Board No. 1, dated June 28, 1966, and served July 12, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *lumber*, from points in Chenango County, N.Y., to points in Susquehanna, Luzerne, Columbia, and Berks Counties, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 65802 (Sub-No. 35) (Correction) filed April 7, 1966, published in FEDERAL REGISTER, issue of June 16, 1966, and republished as corrected, this issue. Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Lynden, Wash., and Seattle, Wash.: From Lynden over Washington Highway 1A to junction Alternate U.S. Highway 99 (formerly Washington Highway 1B), thence over Alternate U.S. Highway 99 to Bellingham, Wash., thence over U.S. Highway 99 to Seattle, and return over the same route, serving the intermediate and off-route points of Stanwood, Burlington, and Silvana, Wash., and those in Washington within 5 miles of Lynden, unrestricted, and serving the intermediate point of Bellingham, Wash., for joinder only; (2) between Bellingham, Wash., and the port of entry on the international boundary line between the United States and Canada, at or near Blaine, Wash.: From Bellingham over U.S. Highway 99 to port of entry at or near Blaine, and return over the same route, serving no intermediate points, and serving Bellingham for joinder only; (3) between Bellingham, Wash., and the port of entry on the international boundary line between the United States and Canada, at or near Sumas, Wash.: From Bellingham over Washington Highway 1 to junction Washington Highway 1A.

Thence over Washington Highway 1A to port of entry at or near Sumas, and return over the same route, serving no intermediate points, and serving Bellingham for joinder only; (4) between Everett, Wash., and the port of entry on the international boundary line between the United States and Canada, approximately 8 miles north of Oroville, Wash.: From Everett over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to port of entry approximately 8 miles north of Oroville, and return over the same route, serving no intermediate points; (5) between junction U.S. Highways 2 and 97 (north of Wenatchee, Wash.), and Spokane, Wash.: From junction U.S. Highways 2 and 97, over U.S. Highway 2 to Spokane, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only; (6) between Seattle, Wash., and the port of entry on the international boundary line between the United States and Canada, at or near Eastport, Idaho: From Seattle over U.S. Highway 10 to Coeur d'Alene, Idaho, thence over U.S. Highway 95 to port of entry at or near Eastport, and return over the same route, serving no intermediate points; and (7) between Spokane, Wash., and junction U.S. Highways 195 and 95 at or near Sandpoint, Idaho: From Spokane over U.S. Highway 195 to junction U.S. Highway 95 at or near Sandpoint, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only. (B) *General commodities* (except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lynden, Wash., and Bellingham, Wash.:

From Lynden over Washington Highway 1A to junction Alternate U.S. Highway 99, thence over Alternate U.S. Highway 99 via Laurel, Wash., to Bellingham, and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to correct the MC–F number, previously given as MC–F–9377, to MC–F–9397. With regard to (B) above: (1) Applicant states that the authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. (2) Applicant further states that service is restricted against the transportation of shipments moving in foreign commerce to, from or through points in Canada lying south of a straight line drawn East and West through Prince George, British Columbia, Canada. Application is to be handled concurrently with MC–F–9397. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 93682 (Sub-No. 14) filed June 30, 1966. Applicant: COLE'S EXPRESS, 76 Dutton Street, Bangor, Maine. Applicant's representative: Frederick T. McGonagle, 415 Congress Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between East Hampden and Blue Hill, Maine; from East Hampden over U.S. Highway 1A to Bangor, thence over Maine Highway 15 to Blue Hill, and return over the same route, serving the intermediate points of Bangor, Brewer, North Orrington, Orrington, South Orrington, North Bucksport, Bucksport Center, Bucksport, Orland, North Penobscot and North Blue Hill, Maine, (2) between East Hampden and Blue Hill, Maine; from East Hampden over U.S. Highway 1A to Bangor, thence over Maine Highway 15 to North Penobscot, thence over Maine Highway 199 to Penobscot, thence over Maine Highway 175 to Blue Hill, and return over the same route, serving the intermediate points of Bangor, Brewer, North Orrington, Orrington, South Orrington, North Bucksport, Bucksport Center, Bucksport, Orland, Penobscot, South Penobscot, North Brooksville, Brooksville, Sargentville, Sedgwick, West Brooklin, Haven, Brooklin, North Brooklin, South Brooklin, Blue Hill Falls and South Blue Hill, and the off-route points of Harborside, Cape Rosier, Naskeag, West Brooksville, South Brooksville, Herrick and North Sedgwick, Maine, (3) between East Hampden and Blue Hill, Maine; from East Hampden over U.S. Highway 1A to Bangor.

Thence over Maine Highway 15 to junction U.S. Highway 1 at or near East Orland, thence over U.S. Highway 1 to junction Maine Highway 176, thence over Maine Highway 176 to Blue Hill, and return over the same route, serving the intermediate points of Bangor, Brewer, North Orrington, Orrington, South Orrington, North Bucksport, Bucksport Center, Bucksport, Orland, East Orland, Surry and East Blue Hill, Maine, and (4) between Verona and Blue Hill, Maine; from Verona over U.S. Highway 1 to Bucksport, thence over Maine Highway 15 to North Penobscot, thence over Maine Highway 199 to Penobscot, thence over Maine Highway 175 to Blue Hill, and return over the same route, serving the intermediate points of Penobscot, South Penobscot, North Brooksville, Brooksville, Sargentville, Sedgwick, West Brooklin, Haven, Brooklin, North Brook-

lin, South Brooklin, Blue Hill Falls, and South Blue Hill, Maine, and the off-route points of Harborside, Cape Rosier, Naskeag, West Brooksville, South Brooksville, Herrick, North Sedgwick, North Penobscot, North Blue Hill, East Orland, Surry, and East Blue Hill, Maine. NOTE: This application is directly related to MC-F-9361, published FEDERAL REGISTER issue of March 9, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9110 (NATIONAL TRAILER CONVOY, INC.—Purchase—FLAGSTAFF TRAILER SALES, INC.), published in the May 20, 1966, issue of the FEDERAL REGISTER, on page 6893. By supplement filed July 8, 1966, applicants seek to reflect joinder by PEPSICO, INC., 500 Park Avenue, New York, N.Y., in the proceeding.

No. MC-F-9466. Authority sought for control and merger by AMERICAN COURIER CORPORATION (presently named Armored Carrier Corp.), 222-17 Northern Boulevard, Bayside, N.Y., of the operating rights and property of (1) SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y., and (2) CAROLINA-VIRGINIA COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361, and for acquisition by ARTHUR DeBEVOISE, also of Bayside, N.Y., of control of such rights and property through the transaction. Applicants' attorneys: J. K. Murphy, 222-17 Northern Boulevard, Bayside, N.Y., and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Operating rights sought to be controlled and merged: (1) SOUTHERN COURIERS, INC.: *Such commercial papers, documents, and written instruments* (except bank supplies, currency, coin, bullion, stock certificates, and negotiable and nonnegotiable issued securities) as are used in the business of banks and banking institutions, as a *contract carrier*, over irregular routes, between Texarkana, Ark., and certain specified points in Texas, to certain specified points in Louisiana, between Beaumont and Houston, Tex., on the one hand, and, on the other, certain specified points in Louisiana, between Mobile, Ala., and Pensacola, Fla., between New Orleans, La., on the one hand, and, on the other, points in Baldwin County, Ala., between points in Mobile County, Ala., on the one hand, and, on the other, certain specified points in Louisiana and Mississippi, between certain specified points in Louisiana, on the one hand, and, on the other, certain specified points in Mississippi, with restrictions.

Exposed and processed film and prints (other than for commercial, theater or television exhibition), *complimentary replacement film and incidental supplies* used in and for shipping said film, between Dallas, Tex., and Shreveport, La., on the one hand, and, on the other, certain specified points in Louisiana, between New Orleans, La., on the one hand, and, on the other, Pensacola, Fla., Mobile, Ala., and certain specified points in Louisiana and Mississippi, with restriction; *sales audit media* consisting of cash register tapes, charge sales and cash tickets, applications and other documents involved in processing a day's business for sales audit media, *payroll time sheets, employee personnel records, payroll checks* including recaps of time sheets and payroll records, between Houston, Tex., and Lake Charles, La., with restriction; and (2) CAROLINA-VIRGINIA COURIERS, INC.: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies* and *advertising literature* moved therewith (excluding motion picture film used primarily for commercial theater and television exhibition), as a *contract carrier*, over irregular routes, between Washington, D.C., and Richmond, Va., on the one hand, and, on the other certain specified points in Virginia, with restriction. AMERICAN COURIER CORPORATION is authorized to operate as a *contract carrier*, in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Virginia, Maryland, Rhode Island, Illinois, Iowa, Missouri, Indiana, Kentucky, Minnesota, Wisconsin, Maine, Nebraska, New Hampshire, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9467. Authority sought for purchase by CRUTCHER TRANSFER LINE, INC., 600 Marret Avenue, Louisville 8, Ky., of a portion of the operating rights of W. F. MAYS and WM. RALPH MAYS, doing business as MAFFET TRANSFER LINE, Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Box 457, Frankfort, Ky. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hodgenville, Ky., and Louisville, Ky., serving all intermediate points on Kentucky Highway 61 south of Elizabethtown, Ky., and the off-route point of Buffalo, Ky., without restriction; and *general commodities*, except household goods as defined by the Commission, between Elizabethtown, Ky., and Louisville, Ky., serving all intermediate points south of Fort Knox, Ky., between the junction new U.S. Highway 31W and old U.S. Highway 31W near Tip-Top, Ky., and the junction of new U.S. Highway 31W and old U.S. Highway 31W near Radcliffe, Ky., and return over the same route. Restriction: The authority herein granted is restricted against serving points in Indiana within the Louisville, Ky., commercial zone as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9468. Authority sought for purchase by LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102, of the operating rights of FARMINGTON TRANSFER CO., INC., 1626 North Eighth Street, St. Louis, Mo., and for acquisition by C. A. MAC FALL, 418 Olive Street, St. Louis, Mo., of control of such rights through the purchase. Applicant's attorney and representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102, and Burton A. Librach, 418 Olive Street, St. Louis, Mo. 63102. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-97442, Sub. No. 1, covering the transportation of property, in intrastate commerce, as a common carrier, in the State of Missouri. Vendee is authorized to operate as a *common carrier* in Missouri, Tennessee, Illinois, Arkansas, Iowa, Michigan, Indiana, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-7866; Filed, July 19, 1966; 8:47 a.m.]

[Notice 215]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 15, 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 protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six 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 49661 (Sub-No. 2 TA), filed July 13, 1966. Applicant: CINQUE TRUCKING COMPANY, INCORPORATED, 509 Laurel Street, East Haven, Conn. 06512. Applicant's representative: Sydney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Coke*, foundry, domestic and industrial, in bulk in dump vehicles, from New Haven, Conn., to Cranston, Cumberland, Georgiaville, Johnston, Pascoag, Providence, Riverpoint, Warren, Woonsocket, Warwick, R.I.; and Chicopee, Westfield, Springfield, and Indian Orchard, Mass. No return movement for compensation except for *rejected shipments*, for 180 days. Supporting shipper: The Connecticut Coke Co., Stiles Street, New Haven, Conn. 06512. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 59117 (Sub-No. 25 TA), filed July 13, 1966. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compounds, joint sealer, bonding cement, primer, coating thinner and accessories used in the installation of such products*, from Oklahoma Ordnance Works, Mayes County, Okla., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Louisiana, Mississippi, Nebraska, Tennessee, and Texas, for 180 days. Supporting shipper: Phillips Petroleum Co., A. J. DeFrees, rate manager, chemical products and materials, Bartlesville, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla.

No. MC 60253 (Sub-No. 23 TA), filed July 13, 1966. Applicant: AGNES METZ, doing business as ARLINGTON TRUCK COMPANY, 524 Oregon Road, Toledo, Ohio 43605. Applicant's representative: John D. Obee (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass glazing units and glass building materials and fittings therefor*, from Detroit, Mich., to Atlanta, Ga., Chicago, Danville, Decatur, Fairfield, Joliet, Litchfield, Peoria, Rockford, Rock Island, and Springfield, Ill., Evansville, Goshen, Indianapolis, South Bend, and Terre Haute, Ind., Burlington, Calmar, Charles City, Clinton, Des Moines, Dubuque, and Waterloo, Iowa, Minneapolis, Minn., St. Louis, Mo., Grand Island, Lincoln, and Omaha, Nebr.; Albany, Buffalo, Rochester, and Syracuse, N.Y., Alliance, Akron, Barberton, Cincinnati, Cleveland, Columbus, Hamilton, Malta, and Toledo, Ohio, Pittsburgh, Reading, Pa., Elkhart Lake, Hawkins, Medford, Merrill, Milwaukee, Oshkosh, Randolph, Sheboygan Falls, Stevens Point, and Wausau, Wis., and (2) *glass, materials, equipment, and supplies* used in connection with the manufacture, processing and transportation of glass glazing units and glass building materials, from Mount Vernon, Ill., Pittsburgh, Pa., Parkersburg, W. Va., Kingsport and Nashville, Tenn., to Detroit, Mich., in return movement, for 180 days. Supporting shipper: Shatterproof Glass Corp., 4815 Cabot Avenue, Detroit 10, Mich. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 83539 (Sub-No. 191 TA), filed July 13, 1966. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75208, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welch, 1935 West Commerce, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, pipe or tubing, with or without valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner and accessories used in the installation of such conduit, pipe or tubing*, from Oklahoma Ordnance Works, Mayes County, Okla., to points in the United States (except points in Alaska and Hawaii), for 180 days. Supporting shipper: Phillips Petroleum Co., A. J. DeFrees, rate manager, chemical products and materials, Bartlesville, Okla. 74003. Send protests to: E K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107515 (Sub-No. 549 TA), filed July 13, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Office: 3901 Jonesboro Road, SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, dry, or other than dry, *malt syrups and dough enriching compounds* in vehicles equipped with mechanical refrigeration from Pekin, Ill., to Memphis and Nashville, Tenn., for 180 days. Supporting shipper: Standard Brands Inc., Standard Brands Building, 625 Madison Avenue North, New York, N.Y. 10022. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga. 30308.

No. MC 108207 (Sub-No. 197 TA), filed July 12, 1966. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: M. Fink (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impregnated broadgoods*, from Santa Ana, Calif., to Wichita, Kans. NOTE: Shipments will be less than truckload, and require mechanical refrigeration at zero degrees temperature, for 150 days. Supporting shipper: U.S. Polymeric, Inc., 700 East Dyer Road, Santa Ana, Calif. 92707. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111214 (Sub-No. 8 TA), filed July 13, 1966. Applicant: CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, Linde Road, Box 8778, Jackson, Miss. Applicant's representative: Clark V. Graham, Linde Road, Box 8778, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Architectural prestressed concrete*, from plantsite of Jackson Stone Co., Jackson, Miss., to St. Louis, Mo., for 180 days. Supporting shipper: Jackson Stone Co., Inc., Post Office Box 873, Jackson, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 112253 (Sub-No. 3 TA), filed July 13, 1966. Applicant: CARTER ENTERPRISES, INC., Box 294, 420 Railroad Street, Elizabethton, Tenn. 37643. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and related clay products and cinder and concrete blocks and related products*, from Johnson City, Tenn., to points in Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Magoffin, Martin, Wosley, Perry, Pike, Rock Castle, and Whitley, Ky., for 120 days. Supporting shipper: General Shale Products Corp., Post Office Box 60, Johnson City, Tenn. 37602. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 117136 (Sub-No. 23 TA), filed July 13, 1966. Applicant: BUSY BEE, INC., 6805 Southeast Milwaukie, Post Office Box 02103, Portland, Oreg. 97202. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Benton, Polk, and Yamhill Counties, Oreg., to points in California, for 180 days. Supporting shippers: Fillmore Lumber Sales, Post Office Box 02006, Portland, Oreg. 97202; Griswold Lumber Co., 8665 Southwest Canyon Road, Portland, Oreg.; Western Wood Supply, 437 Terminal Sales Building, Portland, Oreg.; Patrick Lumber Co., Terminal Sales Building, Portland, Oreg. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 119974 (Sub-No. 11 TA), filed July 13, 1966. Applicant: L. C. L. TRANSIT COMPANY, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, manufactured or prepared foods, and materials, supplies and equipment used or useful in the produc-*

tion thereof, between the plant and warehouse facilities of Kraft Foods, division of National Dairy Products Corp. located at or near Plymouth, Minn., on the one hand, and, on the other, points in that part of Wisconsin on and south of Wisconsin Highway 64 from Marinette to Merrill, Wis., on and east of U.S. Highway 51 from Merrill to Wausau, Wis., on and south of Wisconsin Highway 29 from Wausau, Wis., to junction U.S. Highway 12, near Elk Mound, Wis., and on and south of U.S. Highway 12 from said junction to the Wisconsin-Minnesota State line, including points in Kewaunee and Door Counties, Wis., points in that part of Minnesota on and east of U.S. Highway 169 and on and south of U.S. Highway 12, Ottumwa, Burlington, and Keokuk, Iowa, and points in that part of Iowa on and south of U.S. Highway 18 from Marquette to Garner, Iowa, on and east of U.S. Highway 69 from Garner to Des Moines, Iowa, and on and north of U.S. Highway 6 from Des Moines to Davenport, Iowa, points in that part of Illinois on and north of U.S. Highway 36, points in Indiana, and points in Michigan (except those in that part of the Lower Peninsula of Michigan north of the northern boundary of Muskegon, Kent, Montcalm, Gratiot, Midland, Gladwin, Arenac, and Iosco Counties, Mich.), for 180 days. Supporting shipper: Kraft Foods, division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60690. 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 124987 (Sub-No. 7 TA), filed July 13, 1966. Applicant: EARL L. BONSACK, 1129 Vine Street, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from La Crosse and Sheboygan, Wis., to Barnum, Brainerd, Eveleth, Kasota, and St. Cloud, Minn., for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., La Crosse, Wis. 54601. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 128352 (Sub-No. 1 TA), filed July 13, 1966. Applicant: RODNEY C. ALLDER AND JOHN L. WILSON, a partnership, doing business as A & W TRANSPORT, 407 West Maple Avenue, Sterling Park, Va. 22170. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned fruit juices,* from Round Hill, Va., to Baltimore, Md., and Washington, D.C., and on return *Sugar, frozen juices, and concentrates,* from Washington, D.C., and Baltimore, Md., to Round Hill, Va.; and *containers,* sheet iron or steel, set up, from Baltimore, Md., to Round Hill, Va., under a continuing contract with Hill High Food Products, Inc., of Round Hill, Va., for 150 days. Supporting shipper: Hill High Food Products, Inc., Round Hill, Va. 22141 (Attention: Kenneth H. Lowery, V.P.). Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Room 1220, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 128389 TA, filed July 13, 1966. Applicant: LEWIS TRANSPORTATION, Stone Road, Sudbury, Mass. Applicant's representative: George H. O'Brien, 33 Broad Street, Boston, Mass. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Expanded shale,* dry, in bulk, in dump vehicles, from Plainville, Mass., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Masslite, Inc., Post Office Box 1747, Plainville, Mass. 02762. Send protests to: James F. Martin, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass. 02110.

No. MC 128391 TA, filed July 13, 1966. Applicant: HOFER MOTOR TRANSPORTATION CO., 26740 Eckel Road, Perrysburg, Ohio. Applicant's representative: Sullivan, Eames & Petrillo, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers and accessories thereto,* from Winchester, Ind., to Detroit, Wayland, Niles, Carrollton, Imlay City, Frankenmuth, Upjohn, Holland, Southfield, and Eaton Rapids, Mich., and *returned or rejected shipments,* from Detroit, Wayland, Niles, Carrollton, Imlay City, Frankenmuth, Upjohn, Holland, Southfield, Eaton Rapids, Mich., to Winchester, Ind., for 180 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-7867; Filed, July 19, 1966; 8:47 a.m.]

[Notice 1384]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 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-68748. By order of July 13, 1966, the Transfer Board approved the transfer to L. S. Gilligan, Corp., Quincy, Mass., of the operating rights set forth in permit No. MC-104729, issued October 21, 1949, to Winfield E. Pray, Rehobeth, Mass., authorizing the transportation over irregular routes, of fertilizers from North Weymouth, Mass., to points and places in Kent, Providence, and Washington Counties, R.I., and commercial chemical fertilizers from North Weymouth, Mass., to points and places in Bristol, Newport, and Providence Counties, R.I. Dual operations were authorized. Robert J. Gallagher, 111 State Street, Boston, Mass., attorney for applicants.

No. MC-FC-68749. By order of July 13, 1966, the Transfer Board approved the transfer to McKee's Hingham Express, Inc., Hingham, Mass., of certificate in No. MC-38285, issued January 31, 1956, to Charles F. Lynds, doing business as Warren Lynds, Mover, Taunton, Mass., authorizing the transportation, over irregular routes, of household goods between Taunton, Mass., and points in Massachusetts within 20 miles of Taunton, on the one hand, and, on the other, points in Rhode Island, Connecticut, New York, and New Jersey, and household goods as defined by the Commission, between Taunton, Mass., and points in Massachusetts within 20 miles of Taunton, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Robert J. Gallagher, 111 State Street, Boston, Mass., attorney for transferee. Mary E. Kelly, 10 Tremont Street, Boston, Mass., attorney for transferor.

No. MC-FC-68823. By order of July 13, 1966, the Transfer Board approved the transfer to Utica Oswego Motor Express, Inc., Utica, N.Y., of the operating rights evidenced by the certificate of registration in No. MC-57878 (Sub-No. 1), issued November 8, 1963, to Joseph N. Gorea, doing business as Utica Oswego Motor Express, Utica, N.Y., and corresponding in scope to the grant of intrastate authority in certificate of public convenience and necessity No. 3240, dated September 12, 1961, issued by the New York Public Service Commission; also, the certificate in No. MC-57878 (Sub-No. 2), issued August 10, 1965, in the name of the transferor, authorizing the transportation of general commodities, with exceptions, between points in Madison and Oneida Counties, N.Y. John J. Brady, Jr., 75 State Street, Albany, N.Y., attorney for applicants.

No. MC-FC-68877. By order of July 13, 1966, the Transfer Board approved the transfer to James D. Bradfield, Jr., doing business as C & R Transfer Co., 1502 Kettner Boulevard, San Diego, Calif. 92101, of the operating rights in certificate No. MC-11763, issued July 20, 1953 to James W. Case, Donna Elizabeth Case, executrix, doing business as C. & R. Transfer Co., 1502 Kettner Boulevard, San Diego, Calif. 92101, authorizing the

transportation, of: General commodities, usual exceptions, between points in San Diego, Calif.

No. MC–FC–68909. By order of July 13, 1966, the Transfer Board approved the transfer to City Mill Supplies, Inc., Jersey City, N.J., of the operating rights in certificate No. MC–76544, issued February 19, 1965, to Albert P. Handel, doing business as Handel Trucking Co., Ramsey, N.J., authorizing the transportation, of: Paper and paper products, and wool waste, serving specified points in New York, Pennsylvania, and New Jersey. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, attorney for transferee. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, attorney for transferor.

No. MC–FC–68915. By order of July 13, 1966, the Transfer Board approved the transfer to Terminal Warehouse Co., a corporation, Minneapolis, Minn., of the operating rights in certificate No. MC–2331, issued January 13, 1966, to Wallace E. Mattson, doing business as Mattson Truck Line, Minneapolis, Minn., authorizing transportation, over irregular routes, of livestock and agricultural commodities from Rosholt, S. Dak., and points in North Dakota and South Dakota within 30 miles of Rosholt, to Fargo, West Fargo, and Union Stock Yards, N. Dak., and South St. Paul, Minn., and general commodities, with the usual exceptions, from Fargo, West Fargo, and Union Stock Yards, N. Dak., and South St. Paul, Minn., to Rosholt, S. Dak., and points in North Dakota and South Dakota within 30 miles of Rosholt, and between Rosholt, and points in North Dakota and South Dakota within 30 miles of Rosholt, on the one hand, and, on the other, Willmar and Morris, Minn., and points in Hennepin and Ramsey Counties, Minn. Will S. Tomljanovich, 2327 Wycliff Street, St. Paul, Minn. 55114, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–7868; Filed, July 19, 1966; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 15, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 15805, filed July 7, 1966. Applicant: BIRMINGHAM PARCEL DELIVERY SERVICE, INC., 506 North 22d Street, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* in packages not exceeding 70 pounds in weight, between all points and places in Alabama. No service shall be provided in transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location during a single day.

HEARING: September 12, 1966, at 9 a.m., Room 702, State Office Building, Montgomery, Ala. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–7869; Filed, July 19, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24W–2596]

DANVILLE AUTO AUCTION, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 14, 1966.

I. Danville Auto Auction, Inc. (issuer), Post Office Box 1360, Danville, Va., a Virginia corporation, incorporated on October 13, 1961, filed with the Commission on April 25, 1962, a notification on Form 1–A and an offering circular and, subsequently, filed amendments thereto relating to an offering of 244,500 shares of Class A Capital Stock at $1.00 per share and/or 489 10-year 6 percent Callable Convertible Debenture Bonds at $500 per bond for an aggregate amount not to exceed $244,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering was cleared on August 31, 1962. The issuer amended its notification and offering circular several times, the most recent of which was filed on January 10, 1966. The issuer represented that as of March 4, 1966, it had received $118,000 from the sale of Class A stock and debenture bonds.

The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the company filed a false Form 2–A report on September 22, 1965, which stated that 74,900 shares had been subscribed but not issued when only 32,400 shares had been subscribed.

B. The notification and offering circular and amendments filed thereto contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The offering circular failed to disclose in the narrative section thereof that T. C. Baker, through a wholly owned company, would receive a 10 percent contractor's fee, amounting in the aggregate to approximately $55,000 for services pertaining to the construction of issuer's facilities and that the accounts payable section of the balance sheet included part of this fee.

2. The offering circular failed to disclose in the "Use of Proceeds" section that T. C. Baker might receive some of the proceeds of this offering pursuant to the contract mentioned above.

3. The failure to disclose that of the $37,000 received for bonds T. C. Baker, president of the issuer, purchased $4,000 of these bonds for a consideration other than cash and that this consideration consisted of property transferred to the issuer by the Baker Corp., a predecessor and affiliate of the issuer.

4. The failure to disclose that the $500 donation from T. C. Baker, as reflected in the balance sheet, was in the form of a check dated December 15, 1963, which was never deposited in the bank by the issuer.

5. The failure to disclose in connection with the statement in the offering circular that the company's facilities are estimated at 40 percent of completion, that only 26 percent of the cost of said facilities had actually been expended to date.

6. The representation in the balance sheet and on the cover page of the offering circular that 74,900 shares had been subscribed when only 32,400 had been subscribed.

7. The failure to disclose that the purchase of office equipment and machinery for $11,300 was at its appraised value rather than the depreciated cost of such equipment and machinery to the Baker Corp.

8. The failure to disclose that a part of the office equipment and machinery sold to the issuer by the Baker Corp. for $11,300 was disposed of by T. C. Baker and/or the Baker Corp. for its own profit.

9. The failure to disclose that T. C. Baker, president of the issuer, would receive a 10 percent commission, in addition to the stated sales price, for property transferred to the issuer by the Baker Corp.

10. The failure to disclose that $1,500 of the $2,250 received for stock not yet issued was received in the form of checks

which were not deposited in the bank as of May 25, 1966, and that such checks were dated from June 15, 1964, to June 15, 1965.

11. The failure to disclose that of the $2,850 shown as undeposited checks under the current assets section of the balance sheet, $2,500 of that sum was represented by a $500 check which was returned for insufficient funds and eight other checks which were from 6 months to 23 months old.

12. The failure to disclose that accounts receivable in the amount of $950 reflected in the current assets section of the balance sheet were due from purchasers of stock to whom shares had been issued, and that this $950 consisted of one check returned for insufficient funds, one check on which payment was stopped, and the balance consisted of two checks which were from 20 to 22 months old and had never been deposited in the bank.

C. The offering was and would be made in violation of the antifraud provisions of section 17(a) of the Securities Act of 1933, as amended.

II. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7848; Filed, July 19, 1966; 8:45 a.m.]

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