FEDERAL REGISTER

VOLUME 31 • NUMBER 218

Wednesday, November 9, 1966 • Washington, D.C.

Pages 14375–14445

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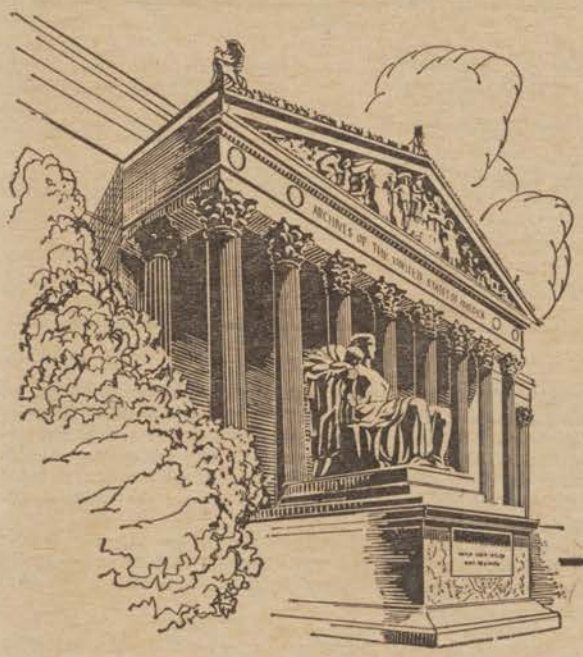

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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Title 3—THE PRESIDENT

Proclamation 3753

AMERICAN EDUCATION WEEK, 1966

By the President of the United States of America

A Proclamation

America's laws, her institutions, her wealth—all the treasures of our civilization—have been shaped not only by American will and ambition, but by American intellect.

Without the creative spark of human imagination; without trained minds and finely-trained men, none of our proudest accomplishments would have been possible.

And what is true of our past is even more true for our future: better education must be the base on which we build all our other goals.

Because we treasure trained intelligence as a precious national resource, we have begun a major effort to expand and improve our schools, colleges and universities.

A greatly-strengthened Federal, State and local partnership is at work to serve our 56 million students—the three of every ten Americans who are enrolled in school.

For their sake and for the nation's sake,

—We are making improved education available to thousands of poor children, so that they need not be poor adults;

—We are increasing opportunities for vocational training to meet changing job needs in a technical age;

—We are helping physically and socially handicapped young people prepare for productive lives;

—We are cooperating with the States and with private institutions to improve higher education, and to make it more widely available to deserving young citizens.

But even these massive efforts are not enough.

No programs of government, on any level, hold more promise for the future of our nation than those which advance the cause of education. The foremost goal of this Administration has been to create a legacy of educational excellence. We shall continue to pursue that goal until our schools and universities are as great as human wisdom can make them, and the doors to our classrooms are open to every American boy and girl.

American Education Week, 1966, should be a time for every American to commit himself anew to completing the unfinished business of American Education—and to developing new and more helpful ways to enrich the minds of our citizens in years to come.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period of November 6, through November 12, 1966, as American Education Week.

I call upon all the people of the United States to take an active part in the progress and improvement of American education. I ask the citizens of every community to seek every means of advancing the excellence of their schools and fulfilling the educational needs of their school children. I urge educators and laymen to join in common diligence to strengthen our educational system at every level. Above all, I propose that we establish, as our great and immediate goal, the translation into complete reality of our long-cherished hope for full and equal educational opportunity for all Americans.

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

DONE on this twenty-sixth day of October in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Nicholas deB. Katzenbach

Acting Secretary of State.

[F.R. Doc. 66-12277; Filed, Nov. 8, 1966; 12:44 p.m.]

Proclamation 3754

EFFECTIVE DATE OF THE EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS IMPORTATION ACT OF 1966

By the President of the United States of America

A Proclamation

WHEREAS Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, approved October 14, 1966 (Public Law 89–651), provides that the Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after a date proclaimed by the President, which date shall be within a period of three months after the date on which the United States instrument of ratification of the Agreement on the Importation of Educational, Scientific and Cultural Materials (commonly referred to as the Florence Agreement) shall have been deposited with the Secretary-General of the United Nations; and

WHEREAS such instrument of ratification was deposited with the Secretary-General of the United Nations on November 2, 1966:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including Section 2 of the Educational, Scientific, and Cultural Materials Importation Act of 1966, do proclaim that that Act shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after February 1, 1967.

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

DONE at the City of Washington this third day of November in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Nicholas deB. Katzenbach

Acting Secretary of State.

[F.R. Doc. 66–12278; Filed, Nov. 8, 1966; 12:44 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966–1969

The regulations governing the 1966–1969 wheat program, 31 F.R. 8758, as amended, are hereby further amended by adding a new section to read as follows:

§ 728.416a County projected yields for the 1967 crop of wheat.

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1967 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1967 was determined on the basis of the average of the yields per harvested acre of wheat for the county during each of the 5 calendar years, 1961 through 1965, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices.

(b) In adjusting for abnormal weather conditions: (1) 80 percent of the 5-year period, 1961 through 1965 average yield was substituted for each annual yield less than 80 percent of the 5-year average, (2) 140 percent of the 5-year period, 1961 through 1965, average yield was substituted for each annual yield in excess of 140 percent of the 5-year average yield, (3) an average of the 5 annual yields, after adjustment as in subparagraphs (1) and (2) of this paragraph, was then obtained, (4) the "county adjusted average yield" would be the yield calculated under paragraph (3), but not less than the higher of the unadjusted 5-year (1961–65) average yield or the unadjusted 10-year (1956–65) average yield. (Access to the 10-year average yield was confined to counties in those States where the unadjusted 10-year (1956–65) average yield, based on State SRS yield data, was equal to or higher than the 5-year (1961–65) adjusted average yield.)

(c) The adjustment for trend was as follows: (1) Each county adjusted average yield calculated under subparagraph (4) of paragraph (b) was then averaged with the 2-year (1964–65) adjusted average yield to obtain the county trend adjusted average yield. If the 2-year (1964–65) adjusted average yield was less than the 5-year adjusted average yield in subparagraph (4) of paragraph (b), no adjustment for trend was made, (2) the county adjusted average yields calculated under subparagraph (1) of this paragraph above, were then weighted by the 1967 county wheat acreage allotment to determine a national weighted average of adjusted county average yields, (3) the national weighted average yield (paragraph (c)(2)) was then divided into the national projected yield (less the adjustment required to implement the 95 percent of the preceding year's projected yield rule) to obtain a national adjustment factor. Each county adjusted average yield (paragraph (c)(1)) was then multiplied by the national adjustment factor to obtain the county preliminary projected yield. For those counties where the yield so computed is less than 95 percent of the 1966 projected yield, 95 percent of the 1966 projected yield was substituted. The weighted average of county preliminary projected yields became the 1967 State check yield.

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

(e) The approved county projected yields determined on the basis of the regulations above, with such adjustments as were recommended by State committees and approved as provided in paragraph (d) of this section are as follows:

ALABAMA

County	Projected 1967 yield	County	Projected 1967 yield
Autauga	26.5	Chilton	24.7
Baldwin	23.1	Choctaw	20.4
Barbour	23.5	Clarke	22.4
Bibb	24.8	Clay	24.7
Blount	25.7	Cleburne	24.9
Bullock	24.5	Coffee	26.4
Butler	24.0	Colbert	30.6
Calhoun	26.0	Conecuh	25.1
Chambers	24.3	Coosa	24.0
Cherokee	27.3	Covington	25.9

ALABAMA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Crenshaw	26.3	Marengo	24.3
Cullman	26.5	Marion	30.2
Dale	25.6	Marshall	31.8
Dallas	27.7	Mobile	23.4
De Kalb	27.1	Monroe	26.5
Elmore	25.0	Montgomery	23.6
Escambia	29.2	Morgan	28.9
Etowah	25.5	Perry	24.2
Fayette	28.3	Pickens	26.3
Franklin	28.0	Pike	25.9
Geneva	24.0	Randolph	23.9
Greene	24.9	Russell	24.3
Hale	24.1	St. Clair	26.3
Henry	23.3	Shelby	25.5
Houston	25.3	Sumter	25.1
Jackson	26.5	Talladega	24.9
Jefferson	26.5	Tallapoosa	23.9
Lamar	28.0	Tuscaloosa	25.3
Lauderdale	30.2	Walker	28.3
Lawrence	30.4	Washington	24.9
Lee	24.3	Wilcox	21.8
Limestone	30.2	Winston	24.9
Lowndes	24.1	State check yield	27.9
Macon	22.6		
Madison	30.2		

ARIZONA

Apache	16.3	Navajo	19.0
Cochise	40.8	Pima	38.1
Coconino	19.5	Pinal	44.6
Gila	33.8	Santa Cruz	35.7
Graham	31.0	Yavapai	27.8
Greenlee	35.7	Yuma	49.9
Maricopa	50.2	State check yield	44.4
Mohave	27.0		

ARKANSAS

Arkansas	32.8	Lincoln	25.9
Ashley	25.4	Little River	25.2
Baxter	23.7	Logan	25.2
Benton	27.1	Lonoke	24.7
Boone	25.9	Madison	24.9
Bradley	14.0	Marion	19.6
Calhoun	14.6	Miller	21.5
Carroll	21.1	Mississippi	34.9
Chicot	29.6	Monroe	32.0
Clark	17.9	Montgomery	20.9
Clay	29.2	Nevada	----
Cleburne	19.9	Newton	21.8
Cleveland	----	Ouachita	17.5
Columbia	----	Perry	20.6
Conway	24.8	Phillips	32.6
Craighead	30.6	Pike	----
Crawford	29.4	Poinsett	31.2
Crittenden	32.8	Polk	23.3
Cross	29.1	Pope	23.1
Dallas	20.5	Prairie	24.1
Desha	31.3	Pulaski	30.0
Drew	27.4	Randolph	24.7
Faulkner	23.4	St. Francis	33.7
Franklin	26.2	Saline	18.7
Fulton	19.8	Scott	25.3
Garland	16.5	Searcy	17.4
Grant	11.6	Sebastian	27.9
Greene	27.4	Sevier	----
Hempstead	30.0	Sharp	21.0
Hot Spring	14.9	Stone	22.0
Howard	----	Union	21.2
Independence	31.2	Van Buren	20.6
Izard	17.2	Washington	27.1
Jackson	29.0	White	21.6
Jefferson	30.8	Woodruff	30.1
Johnson	28.8	Yell	26.0
Lafayette	24.9	State check yield	30.5
Lawrence	26.3		
Lee	29.2		

CALIFORNIA

County	Projected 1967 yield
Alameda	30.8
Alpine	28.2
Amador	30.1
Butte	33.2
Calaveras	21.4
Colusa	35.3
Contra Costa	48.7
Del Norte	----
El Dorado	----
Fresno	46.1
Glenn	29.0
Humboldt	31.0
Imperial	60.4
Inyo	21.0
Kern	25.5
Kings	48.5
Lake	27.9
Lassen	32.4
Los Angeles	18.1
Madera	27.3
Marin	22.4
Mariposa	29.4
Mendocino	30.1
Merced	38.8
Modoc	46.6
Mono	19.8
Monterey	23.3
Napa	27.7
Nevada	----
Orange	19.4
Placer	27.7
Plumas	20.8
Riverside	21.0
Sacramento	42.2
San Benito	28.8
San Bernardino	25.6
San Diego	27.8
San Francisco	----
San Joaquin	50.9
San Luis Obispo	14.8
San Mateo	18.9
Santa Barbara	18.1
Santa Clara	24.2
Santa Cruz	----
Shasta	21.8
Sierra	19.4
Siskiyou	34.8
Solano	41.4
Sonoma	24.7
Stanislaus	35.0
Sutter	39.1
Tehama	26.3
Trinity	20.8
Tulare	26.7
Tuolumne	19.8
Ventura	29.5
Yolo	41.7
Yuba	29.5
State check yield	28.4

COLORADO

County	Projected 1967 yield
Adams	25.1
Alamosa	33.2
Arapahoe	24.5
Archuleta	26.4
Baca	19.0
Bent	21.0
Boulder	30.3
Chaffee	29.2
Cheyenne	21.7
Clear Creek	----
Conejos	31.8
Costilla	29.8
Crowley	21.2
Custer	28.6
Delta	34.6
Denver	----
Dolores	17.1
Douglas	24.2
Eagle	39.0
Elbert	20.9
El Paso	18.0
Fremont	26.5
Garfield	22.4
Gilpin	----
Grand	22.8
Gunnison	----
Hinsdale	----
Huerfano	18.0
Jackson	23.0
Jefferson	28.8
Kiowa	18.9
Kit Carson	23.3
Lake	----
La Plata	24.8
Larimer	25.1
Las Animas	14.5
Lincoln	20.7
Logan	21.5
Mesa	31.8
Mineral	----
Moffat	23.7
Montezuma	19.8
Montrose	36.1
Morgan	23.3
Otero	35.9
Ouray	24.2
Park	----
Phillips	26.6
Pitkin	33.6
Prowers	22.6
Pueblo	21.5
Rio Blanco	24.3
Rio Grande	35.5
Routt	26.3
Saguache	33.4
San Juan	----
San Miguel	18.4
Sedgwick	25.2
Summit	----
Teller	31.3
Washington	22.6
Weld	23.3
Yuma	23.0
State check yield	22.3

CONNECTICUT

County	Projected 1967 yield
Fairfield	30.6
Hartford	30.6
Litchfield	30.6
Middlesex	30.6
New Haven	30.6
New London	----
Tolland	30.6
Windham	30.6
State check yield	30.6

DELAWARE

County	Projected 1967 yield
Kent	33.4
New Castle	34.7
Sussex	32.6
State check yield	33.7

FLORIDA

County	Projected 1967 yield
Alachua	19.7
Baker	17.9
Bay	----
Bradford	----
Brevard	----
Broward	----
Calhoun	22.9
Charlotte	----
Citrus	----
Clay	----
Collier	----
Columbia	23.8
Dade	----
De Soto	----
Dixie	----
Duval	----
Escambia	27.1
Flagler	----
Franklin	----
Gadsden	29.0
Gilchrist	16.7
Glades	----
Gulf	----
Hamilton	19.7
Hardee	----
Hendry	----
Hernando	----
Highlands	----
Hillsborough	----
Holmes	28.7
Indian River	----
Jackson	28.7
Jefferson	21.8
Lafayette	17.1
Lake	----
Lee	----
Leon	22.4
Levy	24.5
Liberty	21.0
Madison	23.7
Manatee	----
Marion	24.9
Martin	----
Monroe	----
Nassau	----
Okaloosa	28.1
Okeechobee	----
Orange	----
Osceola	----
Palm Beach	----
Pasco	----
Pinellas	----
Polk	----
Putnam	----
St. Johns	----
St. Lucie	----
Santa Rosa	29.8
Sarasota	----
Seminole	----
Sumter	20.5
Suwannee	17.8
Taylor	----
Union	----
Volusia	----
Wakulla	----
Walton	23.2
Washington	20.1
State check yield	25.8

GEORGIA

County	Projected 1967 yield
Appling	27.8
Atkinson	25.0
Bacon	28.5
Baker	29.2
Baldwin	23.6
Banks	26.9
Barrow	25.3
Bartow	23.6
Ben Hill	26.3
Berrien	27.2
Bibb	31.4
Bleckley	29.2
Brantley	21.3
Brooks	27.3
Bryan	22.4
Bulloch	28.2
Burke	26.1
Butts	26.9
Calhoun	27.7
Camden	20.4
Candler	30.0
Carroll	26.5
Catoosa	23.6
Charlton	20.4
Chatham	20.8
Chattahoochee	----
Chattooga	21.0
Cherokee	23.4
Clarke	29.3
Clay	26.5
Clayton	25.3
Clinch	20.4
Cobb	23.0
Coffee	25.3
Colquitt	27.5
Columbia	22.9
Cook	26.1
Coweta	23.9
Crawford	31.7
Crisp	29.3
Dade	20.6
Dawson	24.4
Decatur	27.1
De Kalb	25.9
Dodge	26.1
Dooly	30.0
Dougherty	29.4
Douglas	22.8
Early	28.4
Echols	21.4
Effingham	23.5
Elbert	29.6
Emanuel	26.7
Evans	25.7
Fannin	22.2
Fayette	23.3
Floyd	25.3
Forsyth	23.6
Franklin	27.7
Fulton	26.3
Gilmer	23.4
Glascock	25.3
Glynn	20.4
Gordon	24.6
Grady	27.9
Greene	24.2
Gwinnett	26.9
Habersham	25.5
Hall	23.6
Hancock	27.3
Haralson	27.7
Harris	24.9
Hart	30.6
Heard	27.3
Henry	28.7
Houston	33.0
Irwin	26.8
Jackson	27.6
Jasper	26.7
Jeff Davis	26.4
Jefferson	29.8
Jenkins	23.6
Johnson	24.1
Jones	23.0
Lamar	25.9
Lanier	27.1
Laurens	29.8
Lee	30.2
Liberty	20.4
Lincoln	28.7
Long	20.4
Lowndes	27.0
Lumpkin	25.2
McDuffie	24.9
McIntosh	20.4
Macon	32.6
Madison	30.0
Marion	26.3
Meriwether	26.3
Miller	28.8
Mitchell	27.6
Monroe	24.1
Montgomery	24.9
Morgan	25.5
Murray	25.3
Muscogee	28.2
Newton	24.5
Oconee	29.2
Oglethorpe	28.3
Paulding	22.8
Peach	33.7
Pickens	25.0
Pierce	21.4
Pike	28.4
Polk	24.5
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Thomas	29.2
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Upson	26.1
Walker	24.7
Walton	26.7
Ware	21.4
Warren	27.8
Washington	30.6
Wayne	21.4
Webster	26.5
Wheeler	26.9
White	23.9
Whitfield	23.2
Wilcox	26.7
Wilkes	28.3
Wilkinson	26.1
Worth	27.1
State check yield	28.6

IDAHO

County	Projected 1967 yield
Ada	51.9
Adams	36.3
Bannock	28.4
Bear Lake	28.2
Benewah	50.1
Bingham	50.6
Blaine	40.3
Boise	36.3
Bonner	31.2
Bonneville	34.7
Boundary	49.6
Butte	38.9
Camas	24.5
Canyon	68.0
Caribou	31.2
Cassia	38.5
Clark	30.2
Clearwater	48.3
Custer	51.4
Elmore	35.8
Franklin	34.0
Fremont	38.4
Gem	52.4
Gooding	56.4
Idaho	49.4
Jefferson	51.4
Jerome	63.1
Kootenai	39.3
Latah	53.7
Lemhi	50.8
Lewis	56.2
Lincoln	55.7
Madison	37.4
Minidoka	58.6
Nez Perce	52.4
Oneida	25.7
Owyhee	68.0
Payette	55.6
Power	27.1
Shoshone	----
Teton	31.4
Twin Falls	67.0
Valley	25.2
Washington	38.2
State check yield	41.5

ILLINOIS

County	Projected 1967 yield
Adams	35.2
Alexander	34.0
Bond	36.5
Boone	38.0
Brown	34.8
Bureau	38.3
Calhoun	33.6
Carroll	34.5
Cass	35.3
Champaign	41.4
Christian	41.6
Clark	37.0
Clay	34.2
Clinton	35.1
Coles	41.1
Cook	39.6
Crawford	36.5
Cumberland	42.2
De Kalb	41.2
De Witt	42.7
Douglas	43.4
Du Page	41.1
Edgar	40.1
Edwards	34.7
Effingham	40.9
Fayette	37.0
Ford	39.4
Franklin	29.3
Fulton	34.6
Gallatin	36.1

ILLINOIS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Greene	35.8	Montgomery	38.3
Grundy	39.8	Morgan	38.9
Hamilton	33.0	Moultrie	41.1
Hancock	34.0	Ogle	37.0
Hardin	26.3	Peoria	39.3
Henderson	36.0	Perry	30.5
Henry	35.7	Piatt	41.0
Iroquois	38.3	Pike	32.8
Jackson	32.4	Pope	25.8
Jasper	41.2	Pulaski	29.6
Jefferson	31.4	Putnam	39.8
Jersey	38.2	Randolph	33.0
Jo Daviess	31.5	Richland	35.3
Johnson	26.1	Rock Island	32.5
Kane	41.1	St. Clair	37.1
Kankakee	38.9	Saline	31.0
Kendall	38.9	Sangamon	41.6
Knox	37.3	Schuyler	34.9
Lake	38.7	Scott	34.6
La Salle	39.8	Shelby	38.8
Lawrence	35.7	Stark	38.0
Lee	40.2	Stephenson	32.7
Livingston	37.0	Tazewell	37.7
Logan	40.5	Union	33.9
McDonough	37.3	Vermilion	40.2
McHenry	38.6	Wabash	38.3
McLean	41.7	Warren	39.1
Macon	43.6	Washington	35.3
Macoupin	39.8	Wayne	32.4
Madison	37.9	White	35.3
Marion	36.3	Whiteside	36.4
Marshall	40.0	Will	39.4
Mason	34.6	Williamson	28.9
Massac	31.2	Winnebago	33.7
Menard	37.9	Woodford	39.4
Mercer	33.5	State check yield	37.4
Monroe	37.1		

INDIANA

Adams	41.0	Madison	40.9
Allen	40.2	Marion	37.2
Bartholomew	37.1	Marshall	35.1
Benton	43.0	Martin	34.3
Blackford	38.8	Miami	41.5
Boone	41.2	Monroe	28.6
Brown	27.4	Montgomery	41.3
Carroll	42.5	Morgan	37.5
Cass	40.0	Newton	41.8
Clark	34.7	Noble	34.0
Clay	37.0	Ohio	29.7
Clinton	41.8	Orange	33.5
Crawford	27.3	Owen	28.9
Daviess	40.0	Parke	39.9
Dearborn	29.3	Perry	28.5
Decatur	34.2	Pike	36.0
De Kalb	36.7	Porter	39.1
Delaware	39.2	Posey	34.2
Dubois	33.0	Pulaski	36.7
Elkhart	33.6	Putnam	36.4
Fayette	35.5	Randolph	38.9
Floyd	31.0	Ripley	31.2
Fountain	40.4	Rush	33.7
Franklin	30.4	St. Joseph	33.8
Fulton	35.1	Scott	30.1
Gibson	36.4	Shelby	36.0
Grant	39.7	Spencer	34.5
Greene	37.9	Starke	31.4
Hamilton	41.1	Steuben	37.7
Hancock	39.0	Sullivan	41.4
Harrison	31.0	Switzerland	29.1
Hendricks	41.0	Tippecanoe	39.8
Henry	37.4	Tipton	44.2
Howard	42.2	Union	38.0
Huntington	41.5	Vanderburgh	37.4
Jackson	32.3	Vermillion	39.3
Jasper	38.6	Vigo	39.8
Jay	34.7	Wabash	37.8
Jefferson	30.6	Warren	40.3
Jennings	31.4	Warrick	34.6
Johnson	40.9	Washington	31.9
Knox	42.8	Wayne	36.2
Kosciusko	34.4	Wells	41.7
Lagrange	32.4	White	43.2
Lake	42.6	Whitley	40.0
La Porte	37.2	State check yield	37.6
Lawrence	30.2		

IOWA

County	Projected 1967 yield	County	Projected 1967 yield
Adair	24.5	Jefferson	29.4
Adams	25.1	Johnson	26.6
Allamakee	28.0	Jones	27.8
Appanoose	27.8	Keokuk	26.4
Audubon	26.0	Kossuth	29.0
Benton	31.9	Lee	32.4
Black Hawk	29.6	Linn	30.2
Boone	27.3	Louisa	35.0
Bremer	30.0	Lucas	22.7
Buchanan	26.9	Lyon	23.0
Buena Vista	24.2	Madison	26.4
Butler	32.1	Mahaska	29.0
Calhoun	32.2	Marion	28.4
Carroll	30.6	Marshall	33.6
Cass	26.4	Mills	26.2
Cedar	30.0	Mitchell	25.6
Cerro Gordo	26.9	Monona	23.0
Cherokee	31.3	Monroe	24.0
Chickasaw	29.6	Montgomery	25.9
Clarke	25.6	Muscatine	30.8
Clay	35.5	O'Brien	25.7
Clayton	29.4	Osceola	24.4
Clinton	28.6	Page	25.3
Crawford	26.9	Palo Alto	28.8
Dallas	28.6	Plymouth	23.3
Davis	28.8	Pocahontas	25.9
Decatur	25.3	Polk	29.3
Delaware	33.6	Poweshiek	27.0
Des Moines	36.2	Ringgold	23.7
Dickinson	21.3	Sac	31.5
Dubuque	31.1	Scott	30.6
East Pottawattamie	25.8	Shelby	30.3
Emmet	26.0	Sioux	25.7
Fayette	35.2	Story	31.9
Floyd	28.4	Tama	25.1
Franklin	28.6	Taylor	25.3
Fremont	25.9	Union	25.6
Greene	23.5	Van Buren	28.3
Grundy	28.8	Wapello	28.8
Guthrie	25.6	Warren	26.1
Hamilton	28.8	Washington	30.0
Hancock	25.8	Wayne	25.8
Hardin	26.4	Webster	30.6
Harrison	26.2	West Pottawattamie	25.8
Henry	30.4	Winnebago	26.1
Howard	25.7	Winneshiek	28.8
Humboldt	29.6	Woodbury	23.9
Ida	25.9	Worth	25.3
Iowa	29.8	Wright	27.4
Jackson	29.2	State check yield	26.8
Jasper	28.0		

KANSAS

Allen	27.9	Graham	23.0
Anderson	28.5	Grant	27.7
Atchison	26.9	Gray	23.5
Barber	24.9	Greeley	26.3
Barton	21.3	Greenwood	26.1
Bourbon	26.0	Hamilton	26.5
Brown	31.2	Harper	27.5
Butler	29.4	Harvey	33.7
Chase	29.5	Haskell	24.5
Chautauqua	32.2	Hodgeman	22.9
Cherokee	29.4	Jackson	28.2
Cheyenne	27.4	Jefferson	25.3
Clark	21.2	Jewell	26.6
Clay	27.3	Johnson	31.5
Cloud	28.1	Kearny	28.1
Coffey	28.3	Kingman	25.3
Comanche	19.2	Kiowa	22.1
Cowley	30.8	Labette	31.7
Crawford	27.3	Lane	27.0
Decatur	28.6	Leavenworth	28.5
Dickinson	31.0	Lincoln	25.5
Doniphan	30.2	Linn	26.9
Douglas	29.9	Logan	28.3
Edwards	22.6	Lyon	26.7
Elk	27.0	McPherson	29.8
Ellis	19.5	Marion	30.6
Ellsworth	24.5	Marshall	29.4
Finney	27.8	Meade	21.1
Ford	23.1	Miami	29.5
Franklin	27.8	Mitchell	25.7
Geary	32.4	Montgomery	32.6
Gove	28.4	Morris	29.3

KANSAS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Morton	21.7	Sedgwick	30.4
Nemaha	30.6	Seward	21.4
Neosho	29.9	Shawnee	28.9
Ness	21.7	Sheridan	29.1
Norton	25.5	Sherman	29.6
Osage	29.2	Smith	25.4
Osborne	22.7	Stafford	23.6
Ottawa	27.2	Stanton	27.0
Pawnee	22.9	Stevens	23.5
Phillips	24.1	Sumner	29.9
Pottawatomie	27.7	Thomas	29.6
Pratt	23.4	Trego	25.3
Rawlins	28.6	Wabaunsee	28.1
Reno	29.2	Wallace	25.1
Republic	27.3	Washington	28.7
Rice	25.3	Wichita	29.0
Riley	28.9	Wilson	30.8
Rooks	21.9	Woodson	25.3
Rush	21.2	Wyandotte	32.8
Russell	20.6	State check yield	26.2
Saline	29.4		
Scott	31.3		

KENTUCKY

Adair	26.9	Larue	29.2
Allen	24.0	Laurel	24.5
Anderson	23.7	Lawrence	----
Ballard	31.4	Lee	19.9
Barren	28.3	Leslie	----
Bath	24.3	Letcher	----
Bell	----	Lewis	23.7
Boone	25.8	Lincoln	24.9
Bourbon	30.8	Livingston	26.9
Boyd	23.4	Logan	33.4
Boyle	25.0	Lyon	28.1
Bracken	31.4	McCracken	32.6
Breathitt	----	McCreary	----
Breckinridge	27.1	McLean	27.9
Bullitt	26.4	Madison	28.5
Butler	24.4	Magoffin	----
Caldwell	31.0	Marion	28.6
Calloway	30.6	Marshall	28.2
Campbell	26.2	Martin	----
Carlisle	26.4	Mason	38.0
Carroll	27.3	Meade	28.7
Carter	24.7	Menifee	----
Casey	24.7	Mercer	27.6
Christian	34.2	Metcalfe	25.7
Clark	30.6	Monroe	26.9
Clay	22.7	Montgomery	28.1
Clinton	26.1	Morgan	20.4
Crittenden	29.4	Muhlenberg	28.5
Cumberland	22.6	Nelson	27.7
Daviess	30.4	Nicholas	29.8
Edmonson	21.1	Ohio	26.1
Elliott	----	Oldham	31.0
Estill	23.3	Owen	27.1
Fayette	30.5	Owsley	----
Fleming	27.5	Pendleton	24.0
Floyd	----	Perry	----
Franklin	26.5	Pike	----
Fulton	34.7	Powell	23.3
Gallatin	26.9	Pulaski	25.7
Garrard	23.4	Robertson	27.3
Grant	28.6	Rockcastle	26.9
Graves	34.4	Rowan	22.6
Grayson	25.7	Russell	25.6
Green	26.5	Scott	28.1
Greenup	23.7	Shelby	30.2
Hancock	25.4	Simpson	33.8
Hardin	30.3	Spencer	26.1
Harlan	----	Taylor	27.4
Harrison	28.8	Todd	35.3
Hart	27.6	Trigg	32.4
Henderson	36.9	Trimble	32.6
Henry	31.6	Union	35.1
Hickman	33.8	Warren	32.8
Hopkins	29.2	Washington	24.9
Jackson	23.1	Wayne	26.9
Jefferson	33.4	Webster	29.5
Jessamine	25.2	Whitley	----
Johnson	----	Wolfe	19.2
Kenton	26.7	Woodford	31.3
Knott	----	State check yield	30.9
Knox	22.9		

LOUISIANA

County	Projected 1967 yield
Acadia	20.9
Allen	20.4
Ascension	----
Assumption	----
Avoyelles	22.2
Beauregard	----
Bienville	22.6
Bossier	26.2
Caddo	24.4
Calcasieu	20.4
Caldwell	26.2
Cameron	----
Catahoula	24.4
Claiborne	17.3
Concordia	25.0
De Soto	21.1
East Baton Rouge	22.9
East Carroll	25.8
East Feliciana	21.8
Evangeline	22.5
Franklin	24.0
Grant	----
Iberia	----
Iberville	----
Jackson	18.3
Jefferson	----
Jefferson Davis	19.4
Lafayette	20.4
Lafourche	----
La Salle	21.9
Lincoln	----
Livingston	----
Madison	26.6
Morehouse	23.3
Natchitoches	22.5
Orleans	----
Ouachita	26.2
Plaquemines	----
Pointe Coupee	21.7
Rapides	20.8
Red River	26.9
Richland	23.1
Sabine	----
St. Bernard	----
St. Charles	----
St. Helena	----
St. James	20.4
St. John the Baptist	----
St. Landry	18.7
St. Martin	----
St. Mary	----
St. Tammany	----
Tangipahoa	----
Tensas	24.9
Terrebonne	----
Union	20.4
Vermilion	20.4
Vernon	----
Washington	----
Webster	19.9
West Baton Rouge	22.4
West Carroll	24.8
West Feliciana	23.4
Winn	----
State check yield	25.3

MAINE

County	Projected 1967 yield
Androscoggin	30.7
Aroostook	30.8
Cumberland	29.9
Franklin	----
Hancock	----
Kennebec	30.8
Knox	----
Lincoln	----
Oxford	----
Penobscot	30.8
Piscataquis	----
Sagadahoc	----
Somerset	30.6
Waldo	31.0
Washington	30.7
York	30.8
State check yield	30.8

MARYLAND

County	Projected 1967 yield
Allegany	26.0
Anne Arundel	21.8
Baltimore	32.4
Calvert	23.3
Caroline	31.5
Carroll	31.1
Cecil	34.3
Charles	22.8
Dorchester	31.9
Frederick	28.5
Garrett	29.0
Harford	36.3
Howard	30.2
Kent	34.2
Montgomery	30.2
Prince Georges	20.4
Queen Annes	32.1
St. Marys	24.0
Somerset	28.0
Talbot	31.8
Washington	29.5
Wicomico	28.0
Worcester	28.0
State check yield	30.5

MASSACHUSETTS

County	Projected 1967 yield
Barnstable	----
Berkshire	30.8
Bristol	29.6
Dukes	----
Essex	31.0
Franklin	31.4
Hampden	31.6
Hampshire	30.8
Middlesex	29.7
Nantucket	----
Norfolk	----
Plymouth	28.9
Suffolk	----
Worcester	29.8
State check yield	30.8

MICHIGAN

County	Projected 1967 yield
Alcona	28.8
Alger	23.4
Allegan	34.4
Alpena	31.6
Antrim	26.5
Arenac	33.4
Baraga	25.6
Barry	35.1
Bay	41.2
Benzie	17.9
Berrien	33.6
Branch	33.4
Calhoun	35.3
Cass	32.4
Charlevoix	24.9
Cheboygan	22.7
Chippewa	22.7
Clare	33.4

MICHIGAN—Continued

County	Projected 1967 yield
Clinton	39.1
Crawford	22.7
Delta	20.4
Dickinson	20.8
Eaton	38.8
Emmet	28.8
Genesee	36.3
Gladwin	33.4
Gogebic	19.7
Grand Traverse	27.4
Gratiot	41.0
Hillsdale	35.0
Houghton	22.6
Huron	41.5
Ingham	39.6
Ionia	39.6
Iosco	28.6
Iron	18.9
Isabella	36.2
Jackson	34.5
Kalamazoo	34.8
Kalkaska	17.5
Kent	34.5
Keweenaw	----
Lake	29.7
Lapeer	37.8
Leelanau	24.6
Lenawee	39.5
Livingston	35.9
Luce	18.1
Mackinac	23.9
Macomb	36.6
Manistee	24.6
Marquette	20.8
Mason	34.0
Mecosta	34.3
Menominee	25.6
Midland	39.1
Missaukee	31.5
Monroe	37.2
Montcalm	35.3
Montmorency	28.8
Muskegon	34.8
Newaygo	33.8
Oakland	35.3
Oceana	33.4
Ogemaw	31.5
Ontonagon	18.9
Osceola	30.5
Oscoda	28.8
Otsego	22.7
Ottawa	35.1
Presque Isle	27.1
Roscommon	31.5
Saginaw	41.0
St. Clair	36.2
St. Joseph	33.4
Sanilac	38.1
Schoolcraft	18.9
Shiawassee	39.1
Tuscola	41.0
Van Buren	34.8
Washtenaw	37.8
Wayne	32.4
Wexford	22.7
State check yield	37.0

MINNESOTA

County	Projected 1967 yield
Aitkin	19.8
Anoka	22.5
Becker	25.7
Beltrami	21.1
Benton	22.4
Big Stone	21.5
Blue Earth	27.9
Brown	23.7
Carlton	20.9
Carver	27.5
Cass	20.2
Chippewa	21.8
Chisago	21.6
Clay	27.8
Clearwater	22.9
Cook	----
Cottonwood	23.4
Crow Wing	20.6
Dakota	26.0
Dodge	26.8
Douglas	23.1
East Otter Tail	24.7
East Polk	27.3
Faribault	29.8
Fillmore	26.8
Freeborn	28.8
Goodhue	26.0
Grant	24.1
Hennepin	24.5
Houston	28.5
Hubbard	20.2
Isanti	23.6
Itasca	20.9
Jackson	23.3
Kanabec	22.5
Kandiyohi	24.9
Kittson	25.7
Koochiching	21.1
Lac Qui Parle	20.5
Lake	----
Lake of the Woods	22.6
Le Sueur	27.9
Lincoln	21.5
Lyon	21.7
McLeod	26.7
Mahnomen	26.2
Marshall	28.0
Martin	26.3
Meeker	25.5
Mille Lacs	22.2
Morrison	20.2
Mower	27.4
Murray	21.6
Nicollet	26.6
Nobles	23.0
Norman	27.8
North St. Louis	23.7
Olmsted	28.8
Pennington	24.7
Pine	20.4
Pipestone	21.3
Pope	21.1
Ramsey	----
Red Lake	24.7
Redwood	22.6
Renville	25.5
Rice	26.1
Rock	21.7
Roseau	22.4
Scott	26.9
Sherburne	21.3
Sibley	26.4
South St. Louis	----
Stearns	22.1
Steele	28.4
Stevens	22.9
Swift	21.0
Todd	20.7
Traverse	22.7
Wabasha	28.9
Wadena	20.3
Waseca	29.4
Washington	26.6
Watonwan	22.4
West Ottertail	25.4
West Polk	28.1
Wilkin	25.7
Winona	28.0
Wright	25.4
Yellow Medicine	21.8
State check yield	25.8

MISSISSIPPI

County	Projected 1967 yield
Adams	27.9
Alcorn	24.9
Amite	23.7
Attala	29.4
Benton	26.5
Bolivar	29.6
Calhoun	27.5
Carroll	27.9
Chickasaw	23.5
Choctaw	21.2
Claiborne	26.3
Clarke	22.2
Clay	24.9
Coahoma	30.2
Copiah	23.4
Covington	24.7
De Soto	31.4
Forrest	22.6
Franklin	21.1
George	26.9
Greene	----
Grenada	24.9
Hancock	----
Harrison	----
Hinds	27.7
Holmes	28.2
Humphreys	29.4
Issaquena	29.6
Itawamba	27.9
Jackson	24.4
Jasper	24.1
Jefferson	25.9
Jefferson Davis	23.4
Jones	26.5
Kemper	21.8
Lafayette	25.2
Lamar	----
Lauderdale	22.0
Lawrence	23.2
Leake	23.5
Lee	27.1
Leflore	30.6
Lincoln	23.6
Lowndes	24.5
Madison	29.8
Marion	22.2
Marshall	26.3
Monroe	27.0
Montgomery	25.9
Neshoba	20.9
Newton	22.4
Noxubee	26.9
Oktibbeha	20.8
Panola	29.4
Pearl River	22.3
Perry	21.7
Pike	22.8
Pontotoc	25.6
Prentiss	24.9
Quitman	29.0
Rankin	24.2
Scott	24.0
Sharkey	30.8
Simpson	22.8
Smith	22.4
Stone	----
Sunflower	29.6
Tallahatchie	29.6
Tate	30.2
Tippah	25.5
Tishomingo	25.0
Tunica	31.5
Union	26.9
Walthall	21.9
Warren	28.0
Washington	30.2
Wayne	20.3
Webster	28.2
Wilkinson	23.2
Winston	22.7
Yalobusha	24.7
Yazoo	31.4
State check yield	30.1

MISSOURI

County	Projected 1967 yield
Adair	31.1
Andrew	27.7
Atchison	29.4
Audrain	34.2
Barry	28.9
Barton	28.0
Bates	27.0
Benton	26.8
Bollinger	30.8
Boone	31.8
Buchanan	29.7
Butler	34.9
Caldwell	30.4
Callaway	35.2
Camden	26.8
Cape Girardeau	36.9
Carroll	31.6
Carter	28.8
Cass	27.5
Cedar	27.1
Chariton	33.2
Christian	24.5
Clark	30.3
Clay	31.2
Clinton	30.5
Cole	31.1
Cooper	33.5
Crawford	28.0
Dade	27.9
Dallas	25.2
Daviess	27.9
De Kalb	30.5
Dent	23.6
Douglas	21.6
Dunklin	35.2
Franklin	32.8
Gasconade	30.5
Gentry	29.4
Greene	27.8
Grundy	26.9
Harrison	28.6
Henry	30.0
Hickory	25.6
Holt	29.7
Howard	31.4
Howell	20.4
Iron	20.7
Jackson	32.7
Jasper	28.3
Jefferson	28.9
Johnson	26.9
Knox	32.5
Laclede	29.4
Lafayette	31.6
Lawrence	26.6
Lewis	31.4
Lincoln	34.9
Linn	31.1
Livingston	30.6
McDonald	27.6
Macon	30.5
Madison	23.8
Maries	27.6
Marion	32.1
Mercer	29.6
Miller	28.6
Mississippi	40.3
Moniteau	30.8
Monroe	31.3
Montgomery	35.2
Morgan	29.7
New Madrid	38.8
Newton	27.0
Nodaway	29.4
Oregon	26.7
Osage	31.8
Ozark	24.2
Pemiscot	43.0
Perry	35.8

MISSOURI—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Pettis	30.4	Scotland	27.7
Phelps	29.7	Scott	38.5
Pike	31.9	Shannon	24.8
Platte	31.1	Shelby	31.1
Polk	28.2	Stoddard	36.8
Pulaski	24.1	Stone	24.2
Putnam	26.9	Sullivan	29.6
Ralls	31.4	Taney	21.8
Randolph	32.6	Texas	25.8
Ray	32.8	Vernon	28.7
Reynolds	26.4	Warren	35.3
Ripley	22.1	Washington	32.2
St. Charles	37.0	Wayne	26.3
St. Clair	26.1	Webster	21.8
St. Francois	33.4	Worth	26.0
St. Louis	36.5	Wright	24.8
Ste. Genevieve	35.6	State check yield	31.3
Saline	30.4		
Schuyler	30.3		

MONTANA

Beaverhead	28.7	Meagher	27.0
Big Horn	27.5	Mineral	29.3
Blaine	20.4	Missoula	30.2
Broadwater	27.4	Musselshell	26.0
Carbon	28.5	Park	27.3
Carter	17.7	Petroleum	23.4
Cascade	30.5	Phillips	21.9
Chouteau	30.0	Pondera	31.0
Custer	23.5	Powder River	22.3
Daniels	21.4	Powell	32.4
Dawson	19.2	Prairie	22.3
Deer Lodge	52.6	Ravalli	34.0
Fallon	16.8	Richland	21.5
Fergus	28.8	Roosevelt	21.2
Flathead	41.8	Rosebud	24.9
Gallatin	34.7	Sanders	26.5
Garfield	19.6	Sheridan	24.6
Glacier	28.6	Silver Bow	20.1
Golden Valley	25.4	Stillwater	27.9
Granite	31.3	Sweet Grass	23.0
Hill	21.2	Teton	29.2
Jefferson	24.0	Toole	20.8
Judith Basin	27.5	Treasure	28.7
Lake	32.7	Valley	21.8
Lewis and Clark	26.9	Wheatland	24.5
Liberty	20.9	Wibaux	19.3
Lincoln	26.1	Yellowstone	30.2
McCone	20.6	State check yield	24.6
Madison	29.5		

NEBRASKA

Adams	24.0	Frontier	23.9
Antelope	26.0	Furnas	25.2
Arthur	17.7	Gage	26.9
Banner	25.9	Garden	26.9
Blaine	----	Garfield	22.3
Boone	27.3	Gosper	24.7
Box Butte	26.3	Grant	----
Boyd	20.4	Greeley	25.9
Brown	22.5	Hall	24.5
Buffalo	25.2	Hamilton	24.4
Burt	29.1	Harlan	26.2
Butler	29.0	Hayes	24.7
Cass	29.6	Hitchcock	24.8
Cedar	20.5	Holt	17.9
Chase	23.9	Hooker	14.4
Cherry	22.1	Howard	25.2
Cheyenne	25.6	Jefferson	26.3
Clay	25.9	Johnson	26.8
Colfax	29.4	Kearney	23.2
Cuming	29.1	Keith	26.2
Custer	25.3	Keya Paha	20.1
Dakota	26.9	Kimball	23.0
Dawes	25.3	Knox	24.2
Dawson	24.3	Lancaster	28.5
Deuel	27.2	Lincoln	22.6
Dixon	24.9	Logan	23.1
Dodge	28.4	Loup	26.0
Douglas	28.3	McPherson	19.5
Dundy	25.2	Madison	27.6
Fillmore	26.0	Merrick	23.8
Franklin	22.5	Morrill	24.1

NEBRASKA—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Nance	27.0	Seward	26.1
Nemaha	28.0	Sheridan	24.2
Nuckolls	26.2	Sherman	25.9
Otoe	28.3	Sioux	24.8
Pawnee	27.9	Stanton	27.2
Perkins	25.1	Thayer	26.5
Phelps	25.9	Thomas	14.1
Pierce	27.0	Thurston	26.0
Platte	27.9	Valley	27.5
Polk	28.4	Washington	27.9
Red Willow	27.6	Wayne	26.5
Richardson	29.0	Webster	22.2
Rock	18.0	Wheeler	19.6
Saline	26.5	York	27.0
Sarpy	28.1	State check yield	25.7
Saunders	28.2		
Scotts Bluff	26.2		

NEVADA

Churchill	46.1	Mineral	29.9
Clark	30.1	Nye	31.1
Douglas	38.7	Ormsby	36.1
Elko	38.7	Pershing	61.4
Esmeralda	36.1	Storey	36.1
Eureka	29.8	Washoe	35.2
Humboldt	48.5	White Pine	30.6
Lander	38.5	State check yield	46.8
Lincoln	33.4		
Lyon	49.9		

NEW JERSEY

Atlantic	31.4	Monmouth	34.0
Bergen	30.6	Morris	30.6
Burlington	34.6	Ocean	31.8
Camden	34.0	Passaic	30.6
Cape May	31.1	Salem	36.1
Cumberland	35.9	Somerset	30.2
Essex	30.6	Sussex	33.7
Gloucester	34.6	Union	29.6
Hudson	----	Warren	36.3
Hunterdon	32.1	State check yield	33.6
Mercer	33.6		
Middlesex	33.8		

NEW MEXICO

Bernalillo	19.9	Otero	35.7
Catron	29.6	Quay	17.5
Chaves	35.0	Rio Arriba	14.2
Colfax	21.0	Roosevelt	19.9
Curry	29.0	Sandoval	19.7
De Baca	30.9	San Juan	29.2
Dona Ana	34.0	San Miguel	22.2
Eddy	35.9	Sante Fe	21.6
Grant	36.1	Sierra	32.7
Guadalupe	17.1	Socorro	17.5
Harding	14.5	Taos	26.6
Hidalgo	41.0	Torrance	16.0
Lea	19.3	Union	21.3
Lincoln	18.7	Valencia	23.8
Luna	34.7	State check yield	22.7
McKinley	14.0		
Mora	23.0		

NEW YORK

Albany	27.7	Jefferson	32.1
Allegany	30.7	Lewis	31.0
Broome	32.3	Livingston	35.5
Cattaraugus	31.4	Madison	35.1
Cayuga	37.8	Monroe	36.9
Chautauqua	33.5	Montgomery	32.0
Chemung	31.2	Nassau	31.9
Chenango	35.5	New York City	----
Clinton	25.8	Niagara	36.9
Columbia	30.1	Oneida	36.1
Cortland	36.1	Onondaga	36.7
Delaware	30.2	Ontario	37.7
Dutchess	30.2	Orange	30.3
Erie	35.1	Orleans	39.1
Essex	36.1	Oswego	33.9
Franklin	25.8	Otsego	34.3
Fulton	27.7	Putnam	----
Genesee	38.3	Rensselaer	29.7
Greene	29.2	Richmond	----
Hamilton	----	Rockland	27.4
Herkimer	33.6		

NEW YORK—Continued

County	Projected 1967 yield	County	Projected 1967 yield
St. Lawrence	31.0	Tompkins	35.9
Saratoga	31.6	Ulster	29.1
Schenectady	29.7	Warren	----
Schoharie	28.7	Washington	29.4
Schuyler	31.4	Wayne	35.2
Seneca	36.9	Westchester	29.5
Steuben	33.0	Wyoming	35.7
Suffolk	35.9	Yates	36.3
Sullivan	29.8	State check yield	36.0
Tioga	30.7		

NORTH CAROLINA

Alamance	27.9	Jones	31.8
Alexander	25.7	Lee	27.5
Alleghany	29.4	Lenoir	33.0
Anson	24.5	Lincoln	28.3
Ashe	28.6	McDowell	26.6
Avery	26.2	Macon	24.9
Beaufort	31.5	Madison	24.7
Bertie	33.1	Martin	34.9
Bladen	31.7	Mecklenburg	25.4
Brunswick	29.5	Mitchell	19.2
Buncombe	27.6	Montgomery	22.8
Burke	25.0	Moore	22.4
Cabarrus	25.1	Nash	32.6
Caldwell	28.0	New Hanover	29.4
Camden	37.5	Northampton	29.8
Carteret	33.5	Onslow	28.3
Caswell	25.5	Orange	28.6
Catawba	28.8	Pamlico	35.5
Chatham	24.9	Pasquotank	36.1
Cherokee	22.6	Pender	29.0
Chowan	35.5	Perquimans	37.9
Clay	22.6	Person	24.5
Cleveland	25.9	Pitt	35.7
Columbus	30.0	Polk	25.1
Craven	34.5	Randolph	25.5
Cumberland	27.4	Richmond	23.5
Currituck	34.8	Robeson	28.4
Dare	----	Rockingham	26.8
Davidson	25.5	Rowan	28.1
Davie	28.3	Rutherford	27.8
Duplin	30.0	Sampson	30.1
Durham	28.9	Scotland	29.0
Edgecombe	32.8	Stanly	24.3
Forsyth	26.1	Stokes	25.7
Franklin	27.1	Surry	29.2
Gaston	26.3	Swain	19.4
Gates	32.2	Transylvania	26.5
Graham	17.5	Tyrrell	34.9
Granville	24.2	Union	27.3
Greene	35.6	Vance	23.6
Guilford	27.0	Wake	27.8
Halifax	31.0	Warren	23.2
Harnett	30.0	Washington	35.9
Haywood	26.1	Watauga	28.5
Henderson	27.6	Wayne	34.2
Hertford	31.0	Wilkes	28.3
Hoke	26.5	Wilson	35.8
Hyde	33.2	Yadkin	26.5
Iredell	26.8	Yancey	24.9
Jackson	23.9	State check yield	27.9
Johnston	31.2		

NORTH DAKOTA

Adams	20.1	Griggs	28.3
Barnes	24.8	Hettinger	21.5
Benson	26.7	Kidder	20.1
Billings	20.5	La Moure	21.0
Bottineau	28.9	Logan	17.1
Bowman	19.1	McHenry	24.3
Burke	27.2	McIntosh	17.1
Burleigh	20.8	McKenzie	22.3
Cass	26.7	McLean	27.3
Cavalier	30.2	Mercer	23.2
Dickey	20.4	Morton	22.5
Divide	25.7	Mountrail	27.8
Dunn	22.0	Nelson	32.0
Eddy	25.0	Oliver	21.2
Emmons	18.3	Pembina	27.3
Foster	26.3	Pierce	24.9
Golden Valley	22.3	Ramsey	30.0
Grand Forks	30.2	Ransom	21.0
Grant	19.0	Renville	29.2

NORTH DAKOTA—Continued

County	Projected 1967 yield
Richland	23.5
Rolette	26.9
Sargent	22.4
Sheridan	22.4
Sioux	19.2
Slope	19.6
Stark	21.5
Steele	30.8
Stutsman	22.4
Towner	28.7
Traill	30.0
Walsh	30.4
Ward	29.2
Wells	26.3
Williams	24.1
State check yield	25.0

OHIO

County	Projected 1967 yield
Adams	25.6
Allen	36.8
Ashland	31.4
Ashtabula	33.6
Athens	28.0
Auglaize	37.2
Belmont	31.0
Brown	24.9
Butler	30.4
Carroll	30.6
Champaign	38.0
Clark	37.9
Clermont	27.5
Clinton	33.4
Columbiana	33.2
Coshocton	28.6
Crawford	34.7
Cuyahoga	31.6
Darke	37.1
Defiance	34.5
Delaware	32.4
Erie	37.9
Fairfield	31.3
Fayette	36.3
Franklin	32.0
Fulton	38.6
Gallia	26.3
Geauga	31.6
Greene	34.4
Guernsey	27.9
Hamilton	30.8
Hancock	36.7
Hardin	36.4
Harrison	28.9
Henry	38.1
Highland	27.7
Hocking	27.1
Holmes	31.2
Huron	35.2
Jackson	27.1
Jefferson	31.1
Knox	29.8
Lake	30.8
Lawrence	28.2
Licking	29.5
Logan	36.0
Lorain	34.0
Lucas	37.6
Madison	36.3
Mahoning	34.9
Marion	36.3
Medina	32.6
Meigs	26.6
Mercer	37.0
Miami	37.5
Monroe	26.7
Montgomery	33.8
Morgan	27.7
Morrow	31.3
Muskingum	27.8
Noble	28.0
Ottawa	36.6
Paulding	33.5
Perry	28.0
Pickaway	32.6
Pike	27.3
Portage	32.6
Preble	34.2
Putnam	36.0
Richland	32.5
Ross	31.2
Sandusky	36.5
Scioto	29.8
Seneca	36.3
Shelby	37.2
Stark	33.8
Summit	32.6
Trumbull	31.8
Tuscarawas	31.4
Union	34.2
Van Wert	39.3
Vinton	27.5
Warren	30.4
Washington	26.5
Wayne	35.3
Williams	36.7
Wood	37.1
Wyandot	35.9
State check yield	34.3

OKLAHOMA

County	Projected 1967 yield
Adair	27.6
Alfalfa	28.5
Atoka	22.8
Beaver	17.3
Beckham	20.7
Blaine	26.1
Bryan	25.6
Caddo	30.4
Canadian	28.5
Carter	25.5
Cherokee	22.9
Choctaw	26.6
Cimarron	16.9
Cleveland	30.2
Coal	23.4
Comanche	23.1
Cotton	29.6
Craig	29.0
Creek	22.2
Custer	25.9
Delaware	27.9
Dewey	20.6
Ellis	16.2
Garfield	28.7
Garvin	27.5
Grady	30.3
Grant	27.7
Greer	22.2
Harmon	22.2
Harper	16.4
Haskell	27.9
Hughes	24.6
Jackson	23.9
Jefferson	25.9
Johnston	26.7
Kay	33.3
Kingfisher	26.0
Kiowa	23.5
Latimer	26.1
Le Flore	29.8
Lincoln	24.7
Logan	29.2
Love	24.9
McClain	32.0
McCurtain	26.7
McIntosh	23.7
Major	26.3
Marshall	23.5
Mayes	29.8
Murray	27.1
Muskogee	27.7
Noble	30.9
Nowata	28.7
Okfuskee	24.8

OKLAHOMA—Continued

County	Projected 1967 yield
Oklahoma	28.5
Okmulgee	24.5
Osage	30.0
Ottawa	30.4
Pawnee	29.0
Payne	27.9
Pittsburg	23.0
Pontotoc	25.1
Pottawatomie	27.7
Pushmataha	26.5
Roger Mills	19.4
Rogers	29.2
Seminole	25.2
Sequoyah	28.9
Stephens	26.7
Texas	17.5
Tillman	28.3
Tulsa	29.8
Wagoner	27.5
Washington	29.4
Washita	23.3
Woods	23.4
Woodward	19.9
State check yield	24.5

OREGON

County	Projected 1967 yield
Baker	35.5
Benton	47.5
Clackamas	47.5
Clatsop	----
Columbia	42.2
Coos	----
Crook	54.0
Curry	----
Deschutes	43.2
Douglas	31.5
Gilliam	30.6
Grant	27.1
Harney	20.0
Hood River	25.0
Jackson	38.4
Jefferson	53.0
Josephine	35.0
Klamath	44.9
Lake	29.2
Lane	46.2
Lincoln	----
Linn	43.0
Malheur	59.5
Marion	52.6
Morrow	28.7
Multnomah	45.3
Polk	51.9
Sherman	34.3
Tillamook	----
Umatilla	36.7
Union	43.6
Wallowa	38.7
Wasco	34.2
Washington	55.2
Wheeler	32.1
Yamhill	54.4
State check yield	37.5

PENNSYLVANIA

County	Projected 1967 yield
Adams	29.8
Allegheny	27.7
Armstrong	28.0
Beaver	29.5
Bedford	30.2
Berks	32.9
Blair	31.6
Bradford	29.2
Bucks	32.4
Butler	31.4
Cambria	28.2
Cameron	23.2
Carbon	30.8
Centre	31.2
Chester	37.5
Clarion	26.2
Clearfield	27.3
Clinton	33.1
Columbia	32.7
Crawford	29.4
Cumberland	30.8
Dauphin	34.0
Delaware	31.9
Elk	28.4
Erie	29.6
Fayette	30.3
Forest	26.7
Franklin	30.9
Fulton	26.6
Greene	31.0
Huntingdon	27.9
Indiana	28.0
Jefferson	26.5
Juniata	29.4
Lackawanna	29.7
Lancaster	38.9
Lawrence	32.6
Lebanon	36.7
Lehigh	32.6
Luzerne	30.4
Lycoming	30.5
McKean	31.5
Mercer	31.5
Mifflin	30.5
Monroe	31.5
Montgomery	31.5
Montour	28.5
Northampton	35.9
Northumberland	30.4
Perry	30.6
Philadelphia	----
Pike	30.0
Potter	32.8
Schuylkill	29.4
Snyder	28.4
Somerset	29.2
Sullivan	31.0
Susquehanna	32.8
Tioga	29.5
Union	31.0
Venango	27.8
Warren	28.5
Washington	30.5
Wayne	31.1
Westmoreland	29.8
Wyoming	29.9
York	33.6
State check yield	32.0

RHODE ISLAND

County	Projected 1967 yield
Bristol	----
Kent	----
Newport	29.0
Providence	----
Washington	29.0
State check yield	29.0

SOUTH CAROLINA

County	Projected 1967 yield
Abbeville	27.7
Aiken	24.7
Allendale	30.6
Anderson	25.9
Bamberg	29.8
Barnwell	28.5
Beaufort	31.7
Berkeley	29.0

SOUTH CAROLINA—Continued

County	Projected 1967 yield
Calhoun	32.2
Charleston	28.9
Cherokee	24.1
Chester	25.1
Chesterfield	26.1
Clarendon	27.5
Colleton	26.2
Darlington	29.2
Dillon	28.7
Dorchester	27.7
Edgefield	28.8
Fairfield	27.5
Florence	27.0
Georgetown	22.0
Greenville	25.8
Greenwood	28.3
Hampton	29.5
Horry	29.8
Jasper	28.6
Kershaw	27.9
Lancaster	27.1
Laurens	27.3
Lee	30.4
Lexington	25.6
McCormick	28.1
Marion	28.6
Marlboro	26.4
Newberry	31.6
Oconee	22.6
Orangeburg	28.0
Pickens	21.5
Richland	30.0
Saluda	29.4
Spartanburg	25.5
Sumter	27.3
Union	21.8
Williamsburg	27.1
York	25.8
State check yield	27.2

SOUTH DAKOTA

County	Projected 1967 yield
Aurora	18.2
Beadle	14.9
Bennett	28.3
Bon Homme	17.0
Brookings	17.7
Brown	17.9
Brule	20.9
Buffalo	19.0
Butte	18.5
Campbell	17.1
Charles Mix	18.9
Clark	15.5
Clay	20.2
Codington	16.9
Corson	17.3
Custer	16.8
Davison	18.6
Day	17.7
Deuel	17.8
Dewey	16.5
Douglas	18.9
Edmunds	15.3
Fall River	22.5
Faulk	16.2
Grant	17.6
Gregory	22.0
Haakon	24.8
Hamlin	17.1
Hand	17.8
Hanson	18.6
Harding	16.1
Hughes	18.7
Hutchinson	17.0
Hyde	17.8
Jackson	25.3
Jerauld	15.5
Jones	23.2
Kingsbury	16.7
Lake	18.0
Lawrence	20.8
Lincoln	18.2
Lyman	24.7
McCook	18.5
McPherson	15.3
Marshall	19.6
Meade	20.6
Mellette	23.2
Miner	15.9
Minnehaha	18.1
Moody	19.7
Pennington	21.8
Perkins	16.2
Potter	17.9
Roberts	18.0
Sanborn	14.9
Shannon	26.1
Spink	15.5
Stanley	23.6
Sully	19.2
Todd	23.9
Tripp	25.6
Turner	18.5
Union	19.9
Walworth	19.0
Washabaugh	27.3
Yankton	17.9
Ziebach	16.9
State check yield	18.4

TENNESSEE

County	Projected 1967 yield
Anderson	21.4
Bedford	23.4
Benton	24.3
Bledsoe	22.2
Blount	24.9
Bradley	22.6
Campbell	22.8
Cannon	21.9
Carroll	24.3
Carter	22.6
Cheatham	27.1
Chester	25.3
Claiborne	22.8
Clay	22.2
Cocke	23.9
Coffee	28.6
Crockett	26.3
Cumberland	21.0
Davidson	24.7
Decatur	17.9
De Kalb	23.9
Dickson	24.1
Dyer	31.2
Fayette	25.9
Fentress	21.7
Franklin	31.6
Gibson	25.4
Giles	23.2
Grainger	24.1
Greene	23.1
Grundy	30.0
Hamblen	27.3
Hamilton	22.3
Hancock	21.8
Hardeman	28.7
Hardin	22.2
Hawkins	25.3
Haywood	25.7
Henderson	25.5
Henry	27.1
Hickman	23.2
Houston	23.9
Humphreys	23.6
Jackson	19.6
Jefferson	25.9
Johnson	25.7
Knox	25.1
Lake	37.0
Lauderdale	33.0
Lawrence	26.7

TENNESSEE—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Lewis	19.8	Rutherford	25.3
Lincoln	22.1	Scott	----
Loudon	23.9	Sequatchie	23.9
McMinn	21.8	Sevier	22.4
McNairy	22.2	Shelby	26.0
Macon	21.0	Smith	19.8
Madison	27.7	Stewart	25.5
Marion	25.5	Sullivan	23.2
Marshall	20.6	Sumner	25.5
Maury	26.5	Tipton	30.2
Meigs	21.2	Trousdale	22.0
Monroe	22.6	Unicoi	24.7
Montgomery	34.9	Union	23.9
Moore	22.3	Van Buren	25.3
Morgan	22.0	Warren	25.9
Obion	30.4	Washington	24.9
Overton	24.0	Wayne	22.7
Perry	17.7	Weakley	25.7
Pickett	24.6	White	27.6
Polk	21.2	Williamson	25.9
Putnam	23.9	Wilson	21.4
Rhea	18.6	State check yield	26.5
Roane	20.8		
Robertson	29.8		

TEXAS

Anderson	----	Deaf Smith	30.9
Andrews	----	Delta	22.2
Angelina	----	Denton	20.9
Aransas	----	De Witt	17.7
Archer	17.6	Dickens	16.2
Armstrong	19.4	Dimmit	14.9
Atascosa	16.5	Donley	17.7
Austin	----	Duval	----
Bailey	30.4	Eastland	15.3
Bandera	16.2	Ector	----
Bastrop	16.7	Edwards	14.9
Baylor	18.8	Ellis	18.9
Bee	16.5	El Paso	----
Bell	17.3	Erath	15.0
Bexar	16.8	Falls	17.0
Blanco	15.9	Fannin	22.2
Borden	14.0	Fayette	----
Bosque	17.1	Fisher	16.0
Bowie	23.6	Floyd	26.3
Brazoria	----	Foard	17.0
Brazos	20.9	Fort Bend	----
Brewster	----	Franklin	----
Briscoe	21.6	Freestone	----
Brooks	----	Frio	17.3
Brown	14.6	Gaines	23.5
Burleson	----	Galveston	----
Burnet	15.7	Garza	15.2
Caldwell	17.9	Gillespie	16.8
Calhoun	----	Glasscock	16.1
Callahan	16.3	Goliad	15.9
Cameron	----	Gonzales	17.7
Camp	----	Gray	19.0
Carson	20.5	Grayson	21.8
Cass	----	Gregg	----
Castro	36.1	Grimes	----
Chambers	----	Guadalupe	19.1
Cherokee	14.9	Hale	34.9
Childress	18.2	Hall	17.4
Clay	18.8	Hamilton	16.5
Cochran	25.4	Hansford	25.1
Coke	15.3	Hardeman	18.9
Coleman	15.5	Hardin	----
Collin	21.5	Harris	----
Collingsworth	18.0	Harrison	----
Colorado	18.8	Hartley	17.5
Comal	15.1	Haskell	17.7
Comanche	15.3	Hays	16.6
Concho	15.1	Hemphill	15.4
Cooke	20.5	Henderson	18.0
Coryell	17.0	Hidalgo	----
Cottle	17.0	Hill	18.2
Crane	----	Hockley	23.1
Crockett	----	Hood	17.9
Crosby	26.0	Hopkins	19.9
Culberson	19.9	Houston	14.9
Dallam	17.2	Howard	15.3
Dallas	19.8	Hudspeth	19.9
Dawson	22.7	Hunt	21.3

TEXAS—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Hutchinson	28.5	Polk	----
Irion	14.9	Potter	18.4
Jack	16.7	Presidio	24.9
Jackson	16.2	Rains	18.4
Jasper	----	Randall	20.2
Jeff Davis	----	Reagan	14.9
Jefferson	----	Real	----
Jim Hogg	----	Red River	18.4
Jim Wells	----	Reeves	24.2
Johnson	18.0	Refugio	----
Jones	17.4	Roberts	17.9
Karnes	17.8	Robertson	----
Kaufman	18.3	Rockwall	20.2
Kendall	16.2	Runnels	15.3
Kenedy	----	Rusk	----
Kent	14.5	Sabine	----
Kerr	14.7	San Augustine	----
Kimble	14.7	San Jacinto	----
King	16.2	San Patricio	----
Kinney	----	San Saba	15.1
Kleberg	----	Schleicher	14.2
Knox	19.5	Scurry	13.7
Lamar	22.8	Shackelford	18.0
Lamb	30.0	Shelby	----
Lampasas	15.7	Sherman	24.1
La Salle	----	Smith	----
Lavaca	18.6	Somervell	15.1
Lee	----	Starr	----
Leon	15.9	Stephens	16.0
Liberty	----	Sterling	14.4
Limestone	17.1	Stonewall	16.0
Lipscomb	17.8	Sutton	----
Live Oak	16.7	Swisher	31.6
Llano	15.2	Tarrant	19.5
Loving	----	Taylor	16.7
Lubbock	24.2	Terrell	----
Lynn	19.3	Terry	20.4
McCulloch	15.4	Throckmorton	18.8
McLennan	17.7	Titus	----
McMullen	----	Tom Green	15.2
Madison	15.9	Travis	16.8
Marion	----	Trinity	----
Martin	16.2	Tyler	----
Mason	15.3	Upshur	----
Matagorda	----	Upton	----
Maverick	15.1	Uvalde	14.7
Medina	19.2	Val Verde	----
Menard	15.5	Van Zandt	17.8
Midland	15.9	Victoria	14.2
Milam	17.0	Walker	14.4
Mills	14.4	Waller	18.6
Mitchell	14.9	Ward	14.9
Montague	17.5	Washington	16.4
Montgomery	----	Webb	----
Moore	29.8	Wharton	18.2
Morris	----	Wheeler	16.2
Motley	17.2	Wichita	19.6
Nacogdoches	----	Wilbarger	20.0
Navarro	18.3	Willacy	----
Newton	----	Williamson	16.4
Nolan	15.8	Wilson	18.7
Nueces	----	Winkler	----
Ochiltree	19.0	Wise	17.9
Oldham	18.0	Wood	----
Orange	----	Yoakum	22.7
Palo Pinto	16.7	Young	18.6
Panola	----	Zapata	----
Parker	16.9	Zavala	16.9
Parmer	42.2	State check yield	22.2
Pecos	23.1		

UTAH

Beaver	47.9	Kane	26.0
Box Elder	30.1	Millard	24.9
Cache	33.2	Morgan	37.3
Carbon	42.8	Piute	48.1
Daggett	37.5	Rich	21.7
Davis	54.1	Salt Lake	33.4
Duchesne	42.6	San Juan	18.2
Emery	37.3	Sanpete	32.0
Garfield	32.0	Sevier	57.9
Grand	31.2	Summit	39.1
Iron	35.0	Tooele	16.9
Juab	25.9	Uintah	31.6

UTAH—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Utah	38.6	Weber	50.0
Wasatch	54.1	State check yield	30.0
Washington	26.0		
Wayne	47.0		

VERMONT

Addison	31.6	Orange	----
Bennington	----	Orleans	31.6
Caledonia	----	Rutland	31.6
Chittenden	31.6	Washington	31.6
Essex	----	Windham	31.6
Franklin	31.6	Windsor	----
Grand Isle	31.6	State check yield	31.6
Lamoille	----		

VIRGINIA

Accomack	30.4	Louisa	29.6
Albemarle	30.3	Lunenburg	28.3
Alleghany	25.9	Madison	28.9
Amelia	29.8	Mathews	28.5
Amherst	26.5	Mecklenburg	25.9
Appomattox	26.7	Middlesex	29.0
Augusta	30.6	Montgomery	28.9
Bath	26.3	Nansemond	27.8
Bedford	28.3	Nelson	27.5
Bland	27.1	New Kent	28.1
Botetourt	29.9	Newport News	24.9
Brunswick	26.1	Northampton	30.4
Buchanan	21.8	Northumberland	31.4
Buckingham	27.7	Nottoway	28.5
Campbell	26.3	Orange	30.3
Caroline	28.2	Page	28.3
Carroll	27.5	Patrick	27.2
Charles City	31.4	Pittsylvania	26.4
Charlotte	27.4	Powhatan	29.0
Chesapeake	32.8	Prince Edward	28.7
Chesterfield	26.9	Prince George	28.9
Clarke	29.7	Prince William	27.5
Craig	28.5	Pulaski	27.1
Culpeper	30.5	Rappahannock	28.9
Cumberland	28.3	Richmond	31.2
Dickenson	22.3	Roanoke	30.0
Dinwiddie	27.5	Rockbridge	29.6
Essex	30.0	Rockingham	30.4
Fairfax	30.2	Russell	25.5
Fauquier	29.8	Scott	25.1
Floyd	29.3	Shenandoah	29.6
Fluvanna	28.5	Smyth	25.3
Franklin	27.3	Southampton	27.5
Frederick	27.9	Spotsylvania	27.9
Giles	25.5	Stafford	29.6
Gloucester	27.2	Surry	26.9
Goochland	26.7	Sussex	26.8
Grayson	25.8	Tazewell	24.9
Greene	25.5	Virginia Beach	32.0
Greensville	27.1	Warren	29.2
Halifax	26.5	Washington	27.1
Hampton	24.9	Westmoreland	31.5
Hanover	28.5	Wise	22.3
Henrico	29.6	Wythe	29.0
Henry	26.7	York	27.3
Highland	28.2	State check yield	28.4
Isle of Wight	27.9		
James City	32.0		
King and Queen	29.0		
King George	30.0		
King William	30.0		
Lancaster	28.9		
Lee	28.9		
Loudoun	30.0		

WASHINGTON

Adams	32.7	Grant	48.1
Asotin	35.7	Grays Harbor	33.4
Benton	28.3	Island	61.6
Chelan	23.1	Jefferson	55.4
Clallam	54.5	King	37.7
Clark	42.0	Kitsap	----
Columbia	52.2	Kittitas	57.4
Cowlitz	46.6	Klickitat	33.7
Douglas	25.7	Lewis	43.7
Ferry	36.9	Lincoln	36.9
Franklin	40.2	Mason	----
Garfield	49.7	Okanogan	22.7

WASHINGTON—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Pacific	----	Thurston	42.7
Pend Oreille	28.8	Wahkiakum	----
Pierce	33.2	Walla Walla	45.4
San Juan	45.7	Whatcom	37.0
Skagit	61.0	Whitman	47.9
Skamania	----	Yakima	48.5
Snohomish	42.0	State check yield	40.0
Spokane	46.3		
Stevens	40.4		

WEST VIRGINIA

Barbour	26.1	Mingo	22.6
Berkeley	31.4	Monongalia	25.5
Boone	21.8	Monroe	29.4
Braxton	24.1	Morgan	20.4
Brooke	27.9	Nicholas	25.5
Cabell	25.9	Ohio	27.8
Calhoun	24.3	Pendleton	26.9
Clay	24.3	Pleasants	25.3
Doddridge	24.1	Pocahontas	29.4
Fayette	23.5	Preston	29.5
Gilmer	24.7	Putnam	21.1
Grant	28.5	Raleigh	20.8
Greenbrier	26.4	Randolph	30.1
Hampshire	28.0	Ritchie	24.8
Hancock	24.2	Roane	20.5
Hardy	29.5	Summers	27.9
Harrison	24.9	Taylor	25.6
Jackson	21.3	Tucker	23.0
Jefferson	28.6	Tyler	25.2
Kanawha	23.2	Upshur	23.7
Lewis	23.5	Wayne	22.6
Lincoln	23.4	Webster	22.4
Logan	----	Wetzel	25.3
McDowell	----	Wirt	23.3
Marion	24.7	Wood	25.9
Marshall	24.0	Wyoming	22.2
Mason	25.5	State check yield	27.8
Mercer	24.0		
Mineral	28.7		

WISCONSIN

Adams	21.7	Marinette	24.7
Ashland	21.3	Marquette	22.0
Barron	24.3	Menominee	27.8
Bayfield	23.2	Milwaukee	35.2
Brown	32.2	Monroe	25.4
Buffalo	27.9	Oconto	25.9
Burnett	21.6	Oneida	23.2
Calumet	35.7	Outagamie	32.2
Chippewa	23.4	Ozaukee	36.3
Clark	24.6	Pepin	27.7
Columbia	34.8	Pierce	26.1
Crawford	35.5	Polk	24.1
Dane	37.3	Portage	22.7
Dodge	36.9	Price	22.2
Door	29.2	Racine	38.9
Douglas	21.2	Richland	31.7
Dunn	25.1	Rock	36.8
Eau Claire	25.3	Rusk	23.1
Florence	22.0	St. Croix	26.3
Fond du Lac	33.5	Sauk	30.9
Forest	22.2	Sawyer	21.5
Grant	34.8	Shawano	27.6
Green	35.9	Sheboygan	36.8
Green Lake	25.6	Taylor	22.7
Iowa	34.0	Trempealeau	26.7
Iron	21.1	Vernon	38.1
Jackson	23.6	Vilas	21.8
Jefferson	38.1	Walworth	38.8
Juneau	24.2	Washburn	22.0
Kenosha	39.3	Washington	38.7
Kewaunee	36.7	Waukesha	36.2
La Crosse	26.0	Waupaca	24.3
Lafayette	33.2	Waushara	23.3
Langlade	25.9	Winnebago	34.4
Lincoln	25.2	Wood	23.8
Manitowoc	35.8	State check yield	34.8
Marathon	25.9		

WYOMING

Albany	17.0	Converse	19.0
Big Horn	39.6	Crook	22.9
Campbell	22.8	Fremont	40.6
Carbon	17.4	Goshen	21.5

WYOMING—Continued

County	Projected 1967 yield	County	Projected 1967 yield
Hot Springs	39.1	Sublette	----
Johnson	20.8	Sweetwater	24.3
Laramie	23.0	Teton	36.5
Lincoln	22.1	Uinta	27.7
Natrona	26.9	Washakie	39.5
Niobrara	20.0	Weston	21.5
Park	42.1	State check yield	22.7
Platte	22.9		
Sheridan	25.3		

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

Signed at Washington, D.C., on November 2, 1966.

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

[F.R. Doc. 66-12118; Filed, Nov. 8, 1966; 8:45 a.m.]

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

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[833.13]

PART 833—MAINLAND CANE SUGAR AREA

Sugar Commercially Recoverable From Sugarcane; 1966 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following regulation is hereby issued:

§ 833.13 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" of sugarcane means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" of sugarcane means:

(i) In Florida, the gross weight of sugarcane delivered by a producer to a processor's mill minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground during the 1966-crop season at such mill.

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1966 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
5.0	0.398
6.0	.528
7.0	.715
8.0	.916
9.0	1.094
10.0	1.281
11.0	1.465
12.0	1.643
13.0	1.822
14.0	1.999
15.0	2.171
16.0	2.342
17.0	2.512
18.0	2.680

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 5.0 percent or more than 18.0 percent shall be computed in proportion to the immediately preceding interval.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
3.0	0.077
4.0	.186
5.0	.342
6.0	.582
7.0	.804
8.0	1.003
9.0	1.185
10.0	1.363
11.0	1.540
12.0	1.712
13.0	1.884
14.0	2.059
15.0	2.232
16.0	2.404
17.0	2.571
18.0	2.734

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and for more than 18 percent shall be computed in proportion to the immediately preceding interval.

Statement of bases and considerations. Determinations of amounts of sugar commercially recoverable from sugarbeets and sugarcane are required under section 302(a) of the Act to establish the amounts of sugar upon which payments are to be made pursuant to the Act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this regulation, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation for the various normal juice sucrose levels made use of data representing averages in each State for the crop years 1961, 1962, 1963, 1964, and 1965, of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with

sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor $=(1.4-40/P)$ in which P is purity of normal juice. For the purpose of this regulation, the computed purity at each of the 9 to 18 percent normal juice sucrose levels for the crop years 1961, 1962, 1963, 1964, and 1965 was used.

The rates for the 3 to 7 percent normal juice sucrose levels in Florida and the 5 to 9 percent normal juice sucrose levels in Louisiana were calculated as above, except that data at each level was not available for all years of the base period.

In calculating sugar commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{C.R.S., R.V.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2{,}000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, percent gross sugarcane})}$$

Except for appropriate changes in the moving 5 year averages, the aforesaid calculation is the same as that used for the preceding crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

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

CHARLES M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 66-12181; Filed, Nov. 8, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7714; Amdt. 39-305]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander (Meyers) Model 200 Series Airplanes

There has been a failure of the elevator trim control system on an Aero Commander Model 200D airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive checking of the elevator trim control system until modification on Aero Commander (Meyers) Model 200 Series airplanes.

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

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

AERO COMMANDER (MEYERS). Applies to Model 200 Series airplanes.

Compliance required as indicated.

To prevent takeoff with excessive elevator trim set, accomplish the following:

(a) Before each flight after the effective date of this AD until the elevator trim system has been modified in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region, check operation of elevator trim control for freedom of movement, and check cockpit indicator for accuracy by setting the elevator trim to neutral position as indicated on cockpit indicator, and visually checking elevator trim surface for zero deflection.

(b) If trim control is not free and unbinding, or if elevator trim surface is deflected when cockpit indicator indicates neutral trim, repair before further flight in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(c) Before further flight after the effective date of this AD, until the elevator trim system has been modified in accordance with paragraph (a), attach the following placard to the instrument panel in full view of the pilot: "Before each flight ensure that elevator trim control is free and unbinding and that elevator trim surface is not deflected when cockpit indicator indicates neutral trim."

(d) The checks required by this AD may be performed by the pilot.

This amendment becomes effective November 19, 1966.

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

Issued in Washington, D.C. on November 1, 1966.

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

[F.R. Doc. 66-12125; Filed, Nov. 8, 1966; 8:45 a.m.]

[Docket No. 7713; Amdt. 39-304]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744, 745D, 810 Series Airplanes

There has been fouling between the trailing edge of the elevator hinge beam shroud and the elevator skin lap joint on a Vickers Viscount Model 800 Series airplane that resulted in an aborted takeoff due to lack of response to back pressure on the control column. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require visual inspection of the elevator hinge beam shrouds for proper clearance and repair as necessary on Vickers Viscount Model 744, 745D, and 810 Series airplanes.

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

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

VICKERS. Applies to Viscount Model 744, 745D, and 810 Series airplanes.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fouling between the trailing edge of the elevator hinge beam shroud and the elevator skin lap joint, accomplish the following:

(a) Visually inspect top and bottom shrouds on elevator hinge beam assemblies to ensure that clearance between trailing edge of shroud and the forward edge of elevator skin lap joints or rivet heads is not less than 0.20 inch throughout full range of elevator movement.

(b) If clearance is less than 0.20 inch, cut back trailing edge of hinge beam shroud to provide clearance of at least 0.20 inch but less than 0.25 inch throughout full range of elevator movement.

(British Aircraft Corp. (B.A.C.), Ltd., Preliminary Technical Leaflet (PTL) No. 263, Issue 1 (700 Series) and No. 126, Issue 1 (800/810 Series), pertain to this subject.)

This amendment becomes effective November 19, 1966.

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

Issued in Washington, D.C. on November 1, 1966.

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

[F.R. Doc. 66-12126; Filed, Nov. 8, 1966; 8:45 a.m.]

[Docket No. 7712; Amdt. 39-303]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300, 707-400 Series Airplanes

There have been cracks in the elevator nose structure in the outboard balance bay caused by turbulence-induced alternating stresses resulting from sustained actuation of the inboard speed brakes on Boeing Model 707-300 Series airplanes that could result in separation of the balance panel and jamming of the elevator. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require repetitive inspection of the elevators for cracks until modification and repair or replacement as necessary on Boeing Model 707-300, 707-300B, 707-300C, and 707-400 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure

hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BOEING. Applies to Model 707-300, -300B, -300C, and -400 Series airplanes.

Compliance required as indicated.

To detect cracks of the elevator nose structure in the outboard balance bay, accomplish the following:

(a) Within the next 800 hours' time in service after the effective date of this AD, unless accomplished within the last 800 hours' time in service, and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300 and -400 Series airplanes with 20,000 or more hours' time in service on the effective date of this AD, and elevators of Model 707-300B Series airplanes with 12,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (f).

(b) Within the next 200 hours' time in service after the effective date of this AD, unless accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 400 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300C Series airplanes with 2,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (f).

(c) Before the accumulation of 20,800 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300 and -400 Series airplanes with less than 20,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(d) Before the accumulation of 12,800 hours' time in service and thereafter at intervals not to exceed 1,600 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300B Series airplanes with less than 12,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(e) Before the accumulation of 2,200 hours' time in service and thereafter at intervals not to exceed 400 hours' time in service from the last inspection until modified in accordance with paragraph (h), inspect elevators of Model 707-300C Series airplanes with less than 2,000 hours' time in service on the effective date of this AD in accordance with paragraph (f).

(f) Visually inspect for cracks in the leading edge of the elevators in bays No. 4 and No. 5 in accordance with paragraph 3, Part I, Boeing Service Bulletin No. 2386(R-1), or later FAA-approved revision, except that the initial inspection of Bay No. 4 need not be accomplished until the next repetitive inspection of Bay No. 5 is required, if Bay No. 5 has been inspected in accordance with this paragraph.

(g) If cracks are found during the inspections specified in paragraph (f), before further flight, repair or replace cracked parts in accordance with the FAA-approved Structural Repair Manual or repair the elevator in accordance with paragraph 3, Part II, Boeing Service Bulletin No. 2386(R-1), or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) After the elevators have been modified in accordance with paragraph 3, Part II, Boeing Service Bulletin No. 2386 (R-1) or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, the repetitive inspections required by this AD may be discontinued.

(i) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective November 9, 1966.

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

Issued in Washington, D.C., on November 2, 1966.

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

[F.R. Doc. 66-12127; Filed, Nov. 8, 1966; 8:45 a.m.]

[Docket No. 7715; Amdt. 39-306]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes

There has been a failure of the rudder pedal control support on a Pilatus Porter Model PC-6A airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection of the rudder pedal support for cracks on Pilatus Model PC-6 Series airplanes and repair or replacement as necessary until modification.

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

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

PILATUS. Applies to Model PC-6 Series airplanes.

Compliance required as indicated.

To prevent failure of the rudder pedal support, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, until modified in accordance with subparagraph (b)(3), visually inspect the guide tube welding seams of rudder pedal support, P/N 6232.196. for cracks, using a lamp and mirror.

(b) If a crack is found during an inspection required by paragraph (a), before further flight, accomplishd one of the following or an FAA-approved equivalent—

(1) Repair the part in an FAA-approved manner;

(2) Replace the part with an unmodified part of the same part number; or,

(3) Replace the part with one modified or one repaired and reinforced in accordance with Swiss Office Federal de l'Air-approved Pilatus Service Bulletin No. 65.

This amendment becomes effective November 19, 1966.

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

Issued in Washington, D.C., on November 1, 1966.

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

[F.R. Doc. 66-12128; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-58]

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

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Babylon, N.Y., 700-foot floor transition area.

The Republic Airport, Farmingdale, N.Y., ADF instrument approach procedure was modified, effective August 20, 1966, reflecting an alteration on the ADF final approach course predicated on the Babylon radio beacon from the 347° MB to 350° MB inbound to the RBN.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective 0001 e.s.t. December 8, 1966, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Babylon, N.Y., transition area the numbers, "155°", and insert in lieu thereof the numbers, "158°".

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

Issued in Jamaica, N.Y., on October 20, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-12129; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-72]

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

Alteration of Control Zone

On September 2, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11615) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Sioux Falls, S. Dak., control zone area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Sioux Falls, S. Dak., control zone is amended to read:

SIOUX FALLS, S. DAK.

Within a 5.5-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); and within 2 miles each side of the Sioux Falls ILS localizer SW course extending from the 5.5-mile radius zone to the outer marker.

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

Issued in Kansas City, Mo., on October 25, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-12130; Filed, Nov. 8, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-43]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment of Jet Routes

On September 16, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12104) stating that the Federal Aviation Agency was considering the realignment of Jet Route No. 20 and Jet Route No. 41 in the vicinity of Tallahassee, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America concurred with the proposal. No other comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 5, 1967, as hereinafter set forth.

Section 75.100 (31 F.R. 2346) is amended as follows:

1. In Jet Route No. 20, "Jackson, Miss.; Crestview, Fla.; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee;" is deleted and "Jackson, Miss.; Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala., 282° radials; Montgomery; Tallahassee, Fla.;" is substituted therefor.

2. In Jet Route No. 41, "Tallahassee, Fla.; INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery;" is deleted and "Tallahassee, Fla.; Montgomery, Ala.;" is substituted therefor.

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

Issued in Washington, D.C., on November 4, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12191; Filed, Nov. 8, 1966; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Lifetime Guarantees for Aluminum Siding

§ 15.100 Lifetime guarantees for aluminum siding.

(a) A seller of aluminum siding requested the Commission to render an advisory opinion concerning the legality of its proposed use of a "Lifetime Guarantee" for aluminum siding.

(b) The proposed guarantee would represent that the siding will not rust, peel, blister, flake, chip, or split under conditions of normal weathering for the lifetime of the original owner. If, after inspection, the seller determines that a claim is valid under the guarantee the seller will within 3 years after installation furnish all materials and labor necessary to repair or replace, at the seller's option, all siding at no cost to the owner. For the next 7 years, the seller will furnish all materials and labor at a cost to the owner of 8 percent of the then current price for each year or part thereof after the third year. For the next 10 years, the seller will furnish all materials and labor at a cost to the owner of an additional 3 percent of the then current price for each year or part thereof after the 10th year. Thereafter, the seller will furnish only the material necessary to repair or replace, at the seller's option, at a cost to the seller of 10 percent of the then current price. The owner must assume all other costs, including 90 percent of the cost of materials and 100 percent of the cost of labor.

(c) In addition, the seller furnished the results of extensive laboratory and field testing of house siding since 1948 under every type of environment which would lead to the conclusion that no aluminium siding, no matter what its finish, will last for a lifetime. In fact, the evidence submitted, if accepted as true, would establish that the maximum life expectancy of such siding under normal conditions would come closer to 20 years and would be considerably less under more extreme circumstances. This is based upon experience indicating that even if it does not rust, peel, blister, flake, chip or split, the finish will weather to such an extent as to require repainting within that time.

(d) The Commission made it plain that it has not conducted its own investigation in order to verify the accuracy of this evidence and that the comments set forth in its opinion were based upon the facts as presented and upon the assumption that those facts were correct. On this basis, the Commission advised that it would not be legal for the seller to employ a guarantee to represent that the siding will last for a lifetime or for any other period beyond what can reasonably be expected.

(e) The opinion pointed out that both the trade practice rules for the Residential Aluminum Siding Industry and the Commission's Guides Against Deceptive Advertising of Guarantees contain the principle that a guarantee shall not be used which exaggerates the life expectancy of a product. In such a case, the guarantee itself constitutes a misrepresentation of fact even though all required disclosures of material terms and conditions might be made in all advertising of the guarantee. This simply recognizes the principle that a guarantee can be used as a representation of an existing fact as well as a guarantee. Viewed in this light, use of this guarantee would constitute an affirmative representation that the siding will last for the lifetime of the owner when the evidence furnished would indicate this is not true. The gravamen of the offense would be the affirmative misrepresentation of the life expectancy of the product and this could not be corrected by a mere disclosure that what is represented to be a fact is not actually true.

(f) Of equal importance in the Commission's view was the fact that the seller here proposed to couple two basically inconsistent provisions in the same guarantee. One was the use of the lifetime representation and the other was the prorated feature. The Commission stated its opinion to be that it is conceptually impossible to combine the two in the same guarantee when the proration period virtually terminates at the end of 20 years. A guarantee cannot be for a lifetime if it terminates after 20 years. Undoubtedly, many owners will live far beyond that period of time and so the guarantee cannot help but confuse even though a careful reading of its terms might show that it states all relevant facts and even though all advertisements make the required disclosures.

(g) Literally speaking, some benefit may be claimed for the remainder of the owner's life after the expiration of the 20-year period, for the seller will still assume 10 percent of the cost of materials. But this would appear to be more a matter of form than substance. The owner would be given a mere pittance in order to furnish some color of justification for the claim that the guarantee is for a lifetime. The situation is that the owner must pay more than 90 percent of all costs in order to receive the benefit of the remaining 10 percent of the cost of materials, which does not leave him with anything of substantial value to justify the representation of lifetime warranty. In the Commission's view, the purchaser must be afforded something of substantial value for his lifetime in order to support the representation and the Commission did not feel that less than 10 percent of all costs was of substantial value.

(h) Finally, the Commission noted that the proposed guarantee excludes damages resulting from normal weathering of surfaces. In view of the fact that this appears to be the most prevalent cause for repainting aluminum siding,

the Commission also advised that this is a material term or condition which not only should be set forth in the guarantee, for whatever period of time it runs, but also should be clearly and conspicuously set forth in all advertising which mentions the guarantee.

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

Issued: November 8, 1966.

By direction of the Commission.

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

[F.R. Doc. 66–12089; Filed, Nov. 8, 1966; 8:45 a.m.]

PART 115—RUBBER TIRE INDUSTRY

Rescission of Trade Practice Rules

On October 26, 1966, the Commission rescinded the trade practice rules for the Rubber Tire Industry appearing in Part 115 of this title.

Approved: October 26, 1966.

By direction of the Commission.

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

[F.R. Doc. 66–12090; Filed, Nov. 8, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66–249]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Master's Certificate on Preliminary Entry of Vessel

Section 4.8 of the Customs Regulations relating to preliminary entry provides for the execution by the master of customs Form 3255, Master's Certificate on Preliminary Entry of Vessel From Foreign Port. A stamp incorporating the language of customs Form 3255 has been approved for local use by boarding officers for a number of years in lieu of customs Form 3255. No difficulty has been encountered because of the use of a stamp rather than the customs form. An employee has suggested that the stamp be adopted on a servicewide basis and that customs Form 3255 be abolished.

Since the adoption of the stamp on a servicewide basis will eliminate the printing of customs Form 3255, release additional file space, and at the same time insure that the record of preliminary entry will not become separated from the inward foreign manifest, the Bureau has decided to adopt the suggestion and abolish customs Form 3255.

Accordingly, § 4.8 of the Customs Regulations is amended to read as follows:

§ 4.8 Preliminary entry.

If it is desired that any vessel having on board inward foreign cargo, passengers, or baggage shall discharge or take on cargo, passengers, or baggage before the vessel has been entered, preliminary entry shall be made by compliance with § 4.30 and execution by the master on the reverse side of the inward foreign manifest of a certificate (stamped thereon by the boarding officer) certifying that the manifest contains a just, true, and full account of all cargo, and other items, including passengers and their baggage, required by law to be manifested.[18]

(Secs. 448, 486, 46 Stat. 714, 725, as amended; 19 U.S.C. 1448, 1486)

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2)

[SEAL] LAWRENCE FLEISHMAN, *Acting Commissioner of Customs.*

Approved: November 2, 1966.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 66–12163; Filed, Nov. 8, 1966; 8:48 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart P—Ex Parte Communications

Correction

In F.R. Doc. 66–11737 appearing in the issue for Friday, October 28, 1966, at page 13850 an error in a subpart designation occurred. A correction appeared in the issue for Saturday, November 5, 1966, at page 14313 but inadvertently the wrong subpart was designated. The correction should read as follows: Preceding the table of contents the "Subpart F" designation should read "Subpart P" and in its entirety should read as set forth above.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66–951]

PART 1—PRACTICE AND PROCEDURE

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Service of Pre-Designation Amendments to Applications

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of November 1966:

At the present time, the rules and regulations do not require that amendments to applications filed prior to designation for hearing be served upon persons who have filed petitions to deny an application or to designate it for hearing. We have considered the desirability of such a requirement and, although public notice of the filing of major amendments is now given by the Commission, we have concluded that it would be a better practice and would expedite application proceedings to require that all amendments be served by the applicant upon such persons.

Authority for these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. The amendments are procedural in nature, and the notice and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable. The revised rules will apply to all amendments filed on or after November 10, 1966.

In view of the foregoing: *It is ordered,* Effective November 10, 1966, that the rules of practice and procedure are 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: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

A. Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.522(a) is revised to read as follows:

§ 1.522 Amendment of applications.

(a) Subject to the provisions of §§ 1.525 and 1.580, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.513. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner. See § 1.571(j) for the effect of certain amendments to standard broadcast applications.

* * * * *

2. Section 1.744(a) is revised to read as follows:

§ 1.744 Amendments.

(a) Any application not designated for hearing may be amended at any time by the filing of signed amendments in the same manner, and with the same number of copies, as was the initial application. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

* * * * *

3. Section 1.918(b) is revised to read as follows:

§ 1.918 Amendment of applications.

* * * * *

(b) Any application may be amended as a matter of right prior to the designation of such application for hearing

[1] Commissioner Wadsworth absent.

merely by filing the appropriate number of copies of the amendments in question duly executed. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

* * * * *

B. Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 21.23(a) is revised to read as follows:

§ 21.23 **Amendments of applications.**

(a) Any application may be amended as a matter of right prior to the designation of such application for hearing by filing the appropriate number of copies of the amendments. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner. See § 21.33 for the effect of certain amendments.

* * * * *

[F.R. Doc. 66-12167; Filed, Nov. 8, 1966; 8:49 a.m.]

[FCC 66-950]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Definition of Term "Hertz"

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of November 1966;

1. The matter of adopting the word "Hertz," synonymous with "cycle(s) per second," was discussed at the Administrative Radio Conference, Geneva (1959), with the resultant English and Spanish editions of the international Radio Regulations, Geneva (1959), retaining cycle(s) per second in preference to Hertz, and the French edition switching to Hertz.

2. There has been a general trend toward the use of the term Hertz in radio frequency matters by Federal agencies under the Director of Telecommunications Management and by most English speaking countries.

3. The term "Hertz," along with the other units of the International System of Units (SI) was given official status by the 11th General Conference on Weights and Measures held in Paris, France, in 1960. The American delegation to this conference was headed by the National Bureau of Standards. In February 1964, the Bureau officially adopted the system and since then has employed it exclusively in all of its publications. NASA subsequently assumed a similar position for some of its field centers later in 1964. The Institute of Electrical and Electronic Engineers adopted the system in January 1965, and in its Recommended Practices for Units in Published Scientific and Technical Work specifies Hertz in preference to cycle(s) per second and is using the term exclusively in its publications.

4. It should be noted that paragraph 112 of the English version of the international Radio Regulations, Geneva (1959), shows a secondary substitution of (kHz) for kc/s, (MHz) for Mc/s and (GHz) for Gc/s.

5. For the above reasons, the Commission's definitions under Subpart A of Part 2 of the rules should be amended by adding the following in proper alphabetical order:

§ 2.1 **Definitions.**

* * * * *

Hertz. A unit of frequency equivalent to one cycle per second. The terms Hertz (Hz) and cycle(s) per second (c/s) are synonymous and may be used interchangeably.

* * * * *

6. The rule adopted herein simply recognizes an additional definition which has come into general usage. Its adoption has no effect upon the use of the radio spectrum. Thus, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable. Authority for the amendment ordered herein is contained in sections 4(i), 303(r), and 308(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective November 10, 1966, Part 2 of the Commission's rules is amended to include the new definition contained in paragraph 5, above.

(Secs. 4, 303, 308, 48 Stat., as amended, 1066, 1082, 1084; 47 U.S.C. 154, 303, 308)

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-12168; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 16662; FCC 66-964]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

First report and order. In the matter of amendment of § 73.202, *Table of assignments, FM broadcast stations* (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., and New Albany, Ohio); Docket No. 16662; RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. The Commission has before it for consideration its notice of proposed rule making, released May 27, 1966 (FCC 66-479) and published in the FEDERAL REGISTER on June 2, 1966 (31 F.R. 7838) proposing a number of changes in the FM table of assignments.

2. A number of formal and informal statements were filed in response to the proposals set out in the notice. All duly filed documents were considered in making the following determinations. All of the proposals made in this proceeding are disposed of herein with the exception of New Albany, Ohio. Except as noted, the proposals were unopposed.

3. *RM-957. Leitchfield, Ky.* In response to the petition of Rough River Broadcasting Co., Inc., licensee of WMTL (AM), our notice proposed the assignment of a first FM channel, 285A, to Leitchfield.

4. Fifteen thousand eight hundred and thirty-four persons reside in Grayson County.[2] Its county seat and the largest community, Leitchfield, has a population of 2,982. This community has one station, WMTL, a daytime-only operation, and no FM assignments. The county has no full-time station. The petitioner states that FM facilities could be used for nighttime athletic contests, civic events, storm warnings, notice of road conditions, school closing at night as well as during the early morning hours.

5. In light of the above, as well as the fact that the assignment of Channel 285A to Leitchfield in no way disturbs any other FM assignment, we are of the view that it is in the public interest to assign this channel to Leitchfield.

6. *RM-940. Rolla, Mo.* On March 24, 1966, the Commission received a petition from The Show-Me Broadcasting Co., licensee of Station KTTR. In light of this petition, our notice proposed to consider the assignment of Channel 287 to Rolla and the substitution of Channel 252A for Channel 288A at Columbia, Mo., required by the proposal.

7. Rolla, located in Phelps County, has a population of 11,132, while the county's population is 25,396 KCLU-FM (licensed to Rolla Broadcasters) occupies the community's only FM assignment, Channel 232A. A daytime-only AM service and a Class IV unlimited-time service are also located in Rolla. The former, KCLU, is licensed to Rolla Broadcasters while the latter, KTTR, is operated by petitioner. It is petitioner's position that Rolla and the surrounding area need additional full time service which it proposes to bring to the community on Channel 287.

8. In view of the fact that the proposal would mix a Class A and C assignment in the same community and that it would assign a Class C channel to a community which is neither very large nor a metropolitan area, we invited comments on these aspects of the proposal. With respect to the former, Show-Me submits that this is necessary in this case to effect a fair and equitable distribution of available facilities, that such flexibility in allocations is needed and has in fact been used in a number of similar situations in several States, and that it would serve the public interest. It points out that Rolla is the center of a large rural area and is far from any population center, with the nearest large cities at dis-

[1] Commissioner Wadsworth absent.

[2] All population figures herein are those of the 1960 U.S. Census.

tances of over 50 miles (Jefferson City, St. Louis, Columbia, and Springfield). It estimates that a Class C station at Rolla, with an assumed power of 50 kilowatts and an antenna height of 500 feet above average terrain, would provide a first FM signal of 1 mv/m field strength to an area of 2,268 square miles and a second FM signal of the same strength to an area of 1,101 square miles.[2] Show-Me further contends that the proposed station would also serve an AM "white area" with respect to nighttime hours. Finally, petitioner shows that the use of Channel 287 at Rolla will not preclude its use or that of any of the adjacent six channels in any area which contains communities of over 2,300 population that do not already have at least one FM assignment. Nor would it preclude a second assignment in any community as large or larger than Rolla, which, as stated, is the largest town in its area.

9. In view of the large "white area" which can be served by the proposed assignment of a Class C channel to Rolla, the rural nature of the area, and the large distance of Rolla from large population centers, we are of the view that this case warrants departure from our general policies of assigning Class A channels to small cities and Class B or C channels to large cities, and of not mixing of such assignments in the same city. On the basis of all the comments and data submitted in this case, we believe that the assignment of Channel 287 to Rolla by the substitution of Channel 252A for 288A in Columbia would serve the public interest.

10. *RM–878. Sandusky, Mich.* With the purpose of providing Sandusky with a first FM service, Sanilac Broadcasting Co. proposed a series of FM reassignments as set forth in our notice. We denied petitioner's proposals on the grounds set out in our notice and proposed to consider the assignment of Channel 249A or Channel 276A to the community.

11. Sandusky, the county seat of Sanilac County (population 32,314) has a population of 2,066. Petitioner has recently been granted a construction permit for a daytime-only AM station in the community. It is petitioner's view that Sandusky and the farming region surrounding it requires local radio service. It emphasizes the community's need by pointing out: "In any county devoted so completely to agricultural activities, there is a particular need for local radio service, to supply market reports and weather reports, and to provide a means of mass communication in times of emergency, such as fires, storms and power failures. The need is especially acute in Sanilac County, because of its relative isolation. There is no radio station of any kind situated anywhere in the County. The nearest community with a station is Bad Axe, situated nearly 30 miles from Sandusky, and it has only a Class IV AM outlet—no FM station at all."

12. In a counterproposal, Lapeer Broadcasting Co., an AM licensee at Lapeer, Mich., urged that Channel 276A be assigned there as a first channel.[3] Lapeer has a population of 6,160 and is the county seat and largest community in Lapeer County, which has a population of 41,926. There are two AM stations operating in the community, WTHM, daytime-only and licensed to petitioner, and WMPC, a Class IV station licensed for specified hours to a church and operated on a noncommercial religious basis. Petitioner urges that Lapeer needs and can support an FM station in view of the fact that it is the population, educational, agricultural, and business center for the county, that there is no adequate nighttime radio service or outlet for many local news, sports, and other events, and that such an outlet would assure the population of the county up to 24 hours of weather, emergency, school and other types of news and warnings. Letters from governmental, civic, educational, business and other groups are attached to the comments of Lapeer Broadcasting as evidence of interest and support for the proposed FM station. Finally, petitioner shows that there is an area in which a site may be located to conform to all the separation requirements and from which the required signal can be placed over all of Lapeer.

13. We are of the view that both Sandusky and Lapeer merit the assignment of a first Class A channel and that this would serve the public interest. The Canadian authorities have concurred in the assignment of Channel 249A to Sandusky and to the assignment of Channel 276A to Lapeer at a site approximately 5 miles northeast of the city, provided that the Commission would have no objection to the use of Channel 276A in Leamington, Ontario, with a 5-mile tolerance in the direction of related U.S. stations.

14. *RM–944. Enterprise and Troy, Ala.* In response to the petition of Wiregrass Broadcasting Co., licensee of AM Station WIRB, Enterprise, the notice herein proposed to shift Class C Channel 245 from Troy to Enterprise, leaving Troy with one Class C assignment (Channel 289) and giving Enterprise one Class C along with the existing Class A assignment (228A). None of the channels mentioned is occupied or applied for. Enterprise has AM Station WIRB (daytime-only) and Troy has a fulltime regional AM station. In 1960 Census population Enterprise is slightly the larger of the two communities (11,410 compared to 10,324), and the petition asserted that it had a much larger rate of growth between 1950 and 1960 and is now about 13,000 with a new junior college and an expanding nearby military installation. The populations of these two communities' counties are, respectively, 30,583 and 25,987; both communities are the largest communities in their counties although Enterprise is not a county seat. Aside from the petition mentioned, no comments or other pleadings were filed herein. We invited comments on the desirability of mixing C and A channels in Enterprise which would result from the proposal.

15. Despite the failure of petitioner to file comments supporting its proposal, in our view it should be adopted. The mandate of section 307(b) of the Act, calling for a fair and equitable distribution of facilities, indicates that Enterprise, the larger community, should have a Class C channel rather than being confined to a limited-coverage Class A assignment while Troy has two wide-coverage channels. While Enterprise is not the county seat of its county as Troy is, it is its largest community. We are not persuaded that Enterprise has a need for two channels, and therefore we are withdrawing the assignment of Channel 228A there, which will avoid the mixture of classes of channels. The channel will be available for assignment in the area if there is demand therefor and it appears that the public interest would be served.

16. *RM–948. Ladysmith, Wis., and Ironwood, Mich.* Ladysmith, with a population of 3,584, is the county seat and largest community in Rusk County (population 14,794). Its Class IV AM station, WLDY, and Class A FM channel, 288A, are the only broadcast facilities in the county. The area is located at a considerable distance from larger population centers, the closest sizable city being about 50 miles distant (Eau Claire) and the nearest metropolitan area about 103 miles away (Duluth-Superior). Flambeau Broadcasting Co., the licensee of WLDY, seeks the assignment of Class C Channel 225, which can be done if one of two Class C assignments at Ironwood, Mich., is changed (295 substituted for 226). Petitioner wishes to serve villages some 25 to 27 miles away, from which it draws some support but which it assertedly cannot provide with a really satisfactory AM signal and could not serve well with a limited Class A FM station.

17. While Ladysmith is a small community, it appears to be the center of a rather isolated area, and therefore the assignment of a Class C channel there is warranted. In supporting comments WECL, Inc., an Eau Claire AM licensee, suggested that Channel 288A be deleted at Ladysmith so as to make it available for use as a first assignment at Chippewa Falls (this is also proposed in a petition recently filed by another party, following our denial of a proposal to put a channel in that city by deleting an Eau Claire assignment). Therefore, and since there is no reason to believe that there is need or demand in Ladysmith for two chan-

[2] This showing was made in terms of existing services. The "white area" would be cut down somewhat by activation of a Class C assignment at Lebanon, 52 miles away, but substantial "white area" would still remain. There are no other Class C assignments within 75 miles of Rolla.

[3] On Apr. 4, 1966, Lapeer Broadcasting filed a petition, RM–943, requesting the assignment of Channel 244A to Lapeer. Since this proposal would not conform to the separation requirements of the rules, a request for a waiver of these rules was also included. Grant of the subject request would make RM–943 moot and Lapeer has stated that, in the event its request for Channel 276A is granted, it will seek dismissal of that petition.

nels, we are deleting Channel 288A there, and assigning Channel 225 (along with the concomitant change at Ironwood).

18. *RM–956. Morris, Minn.* We invited comments on the possible substitution of Channel 298 for Channel 232A at Morris, as requested by petitioner Clifford L. Hedberg, licensee of Station KMRS–AM, with the stated intention of applying for its use. One supporting comment was filed.

19. The facts of this case are generally similar to those in Ladysmith, just discussed. Morris, population 4,199, is the county seat and largest community of Stevens County (population 11,262). It is rather far removed from large centers of population, the nearest being St. Cloud (80 miles away) and Minneapolis (103 miles distant). Its importance to its area is indicated by the presence there of a branch of the University of Minnesota and a USDA research station. Petitioner seeks to serve this fairly sparsely populated area with a wide-coverage facility, reaching listeners who cannot be served adequately by his Class IV AM station. The substitution of a Class C for a Class A channel appears warranted and is made.

20. *RM–958. Jerseyville, Ill.* An assignment of FM Channel 281 to Jerseyville was proposed in our Notice as a result of the petition of Tri-County Broadcasting Co., Inc., licensee of Station WJBM–AM, filed on May 5, 1966.

21. Jerseyville, the county seat of Jersey County, population 17,023, has 7,420 inhabitants. At the present time, its only broadcast facility is WJBM–AM, a Class III daytime-only directional operation. Petitioner claims that a Class B assignment is appropriate because in a three-county area (Jersey, Calhoun and Greene) this is the only station and there are no FM assignments; Jerseyville is the largest city in these counties. It is also asserted that no Class A channel can be assigned there consistent with separation requirements, and that the only way it can improve service to this area is by the requested assignment, which would bring service to the three rural counties with a population of over 40,000.

22. While Jerseyville itself is fairly close to large centers (Alton, Ill., about 12 miles away, and St. Louis about 25 miles distant), it appears that the area as a whole is well removed from large population centers. Under these circumstances—and especially since it does not appear that a Class A channel can be found—a Class C assignment appears appropriate, and the proposal is adopted.

23. *RM–959. Augusta, Ga.* In response to the petition of Broadcasting Associates of America, Inc., licensee of Station WGUS(AM), North Augusta, S.C., our notice proposed to consider the deletion of Channel 275 (one of Augusta's three FM assignments—each Class C), and its replacement with Channels 272A and 276A.

24. At the present time, Augusta, Ga., has five AM services (four fulltime). Two of its three FM assignments, Channels 282 and 289, are occupied. It is petitioner's contention that Augusta, a city containing 70,626 inhabitants, located in Richmond County with its population of 135,601, requires the potential for two additional services—on Channels 272A and 276A—rather than a service on its unoccupied Channel 275. In addition, petitioner alleges that it is not feasible to bring Augusta service on Channel 275, in that our regulations on channel separations would require the transmitter of a station operating on Channel 275 to be located over 20 miles from the center of Augusta because of existing cochannel stations in Hickory, N.C., and Columbus, Ga.[4]

25. As we have often stated, we have tried to avoid mixing Class B/C and Class A channels in the same community, to avoid possible technical disparity and competitive imbalance between stations. However, in this case such mixture appears warranted, since there are quite substantial problems involved in possible use of Channel 275, and without it three or more channels can be assigned to Augusta only by using Class A channels such as those proposed. The increase in the number of channels assigned should also be in the public interest, especially in an area such as this in which FM frequencies are scarce. Accordingly, the proposal is adopted, and Channels 272A and 276A are substituted at Augusta for Channel 275.

26. *RM–941. Bakersfield, Calif.* In this rule making proceeding, our Notice proposed the addition of Channel 300 as a fourth FM channel at Bakersfield in response to the petition of Thunderbird Broadcasting Co., licensee of AM Station KUZZ, Bakersfield (daytime only). This party filed supporting comments and reply comments; KGEE, Inc. (KGEE and KGEE–FM, Bakersfield) filed oppositions to the petition and the notice proposal.

27. The contentions of the parties center on two related questions, the need of Bakersfield for an additional FM service, and the market's ability to support one. KUZZ asserts that there is a need, stating that it wishes to extend its programing (chiefly country-western music) into nighttime hours and that distance and terrain factors present reception of some outside FM stations. KGEE asserts that the market is already overcrowded and has a plethora of broadcast service, with 8 AM stations (6 fulltime), 3 FM stations and 3 TV stations, three other AM stations in Kern County outside of Bakersfield (all 20 miles or more away) and numerous TV and four FM signals imported from Los Angeles by CATV, so that a scarce FM channel should not be wasted in this surfeited market. In support of its "overpopulation" contention it notes that, according to FCC financial data, the Bakersfield market (standard metropolitan statistical area) has shown an overall loss (expenses greater than revenues) for the last 10 years for radio and the last 5 years for television (radio loss in 1964, $63,675). The 1960 population of Bakersfield, its urbanized area and its standard metropolitan statistical area (Kern County) were respectively 56,848, 141,673, and 291,984. KUZZ also quotes recent local estimates of 1965 population: Bakersfield, 67,300; Kern County, 333,300. KUZZ also sets forth data showing Bakersfield's and Kern County's economic, social, and cultural importance and growth, e.g., 1964 county retail sales of $470,102,000 time bank deposits of $157,760,000 and farm income of $311,755,440, up respectively 60 percent, 121 percent, and 39 percent from 1954, and in Bakersfield a 20,000 capacity stadium, 7,250-seat auditorium, 80-piece symphony orchestra, art gallery, community theater and a junior college with nearly 8,000 students. We note that of the three existing FM stations, one (KERN–FM) completely duplicates the companion unlimited-time AM station, KGEE–FM is programed separately from the AM station, and the third is independent.

28. In our judgment, the assignment of a fourth FM channel in Bakersfield is warranted and in the public interest. Despite the number of other services available, we believe the city's size and importance, shown by the above material, make a fourth FM assignment appropriate, and it is within the general criteria used in making up the FM table of assignments (two to four channels in cities of 50,000 to 100,000 population).[5] It appears that the channel will be put to prompt use. If KUZZ, the petitioner, is the ultimate grantee on the channel, a third local and separate FM service during evening hours will be available. Other parties may of course seek the channel, and the best use of it can then be determined on a comparative basis.

29. As to the economic argument concerning the ability of the market to support an additional station, economic injury from an additional station in a community is of course relevant only insofar as it affects the public interest. To impose a limit on the number of channel assignments for this reason is to impose a restriction on the forces of free competition and diversity of broadcast voices. In our judgment, the facts here do not warrant such a course of action. It is true, as KGEE points out, that our financial data reports for recent

[4] Originally the required distance from town was said to be 18 miles. In petitioner's supplemental comments, which are accepted, it is shown that the minimum distance is about 24 miles; and that, in view of the proximity of the Savannah AEC installation, the distance might well have to be 28.5 miles. With maximum ERP of 100 kw a station so located would have to have an antenna height of over 700 feet to put the required principal city signal over Augusta.

[5] While the city itself, with a population of some 56,000, is near the lower limit of the two-to-four channel bracket, its immediate area (Bakersfield urbanized area) is unusually large for a central city of this size, over 141,000. Little significance is to be attached to the presence of additional FM and TV signals from Los Angeles brought in by CATV. These signals of course do not represent a local service, since they originate in a city over 100 miles away, and since, moreover, they are not available to rural areas which the CATV does not serve, or to those unwilling to pay for the service.

years show Bakersfield as an overall "loss" market. But we also point out that the "expense" totals used in reaching that overall figure include certain items which do not represent an actual cash outgo, i.e., depreciation and payments to the principals of the station licensees. In terms of actual cash flow, the stations licensed to Bakersfield showed an overall cash flow "plus" in 1965. Moreover, as KUZZ points out, KGEE itself in its last renewal application showed a net profit (revenues over expenses) of $9,202, before Federal income taxes, for the first 6 months of 1965.[6] Under these circumstances, it is inappropriate to take the restrictive course of action which withholding the assignment would represent. Channel 300 is assigned to Bakersfield.

30. *RM–949. Sturgeon Bay, Wis.* In response to the petition of Federalist, Ltd., a prospective applicant, the notice proposed to assign Class C Channel 231 to Sturgeon Bay, Wis., population 7,353, the county seat and largest community in Door County, population 20,685. This city and county have one AM station, WDOR (daytime-only) and one FM channel assignment, Channel 240A, on which Door County Broadcasting Co., Inc. (WDOR, the AM licensee), holds a construction permit for WDOR–FM (issued in November 1965). Federalist's petition sought either Channel 230 or 231, both assignable at Sturgeon Bay consistent with mileage separations, but preferably the latter because of "interference" conditions created by other stations on the respective channels; the notice proposed Channel 231, pointing out that Channel 230 would be at near-minimum spacings to the Channel 227 assignment at Escanaba, Mich., creating possible site-location problems. The notice pointed out that Sturgeon Bay is not a very large community and may not warrant the assignment of a second FM channel, but stated that favorable consideration would be given to the request if it could be shown that the assignment would not preclude the assignment of Channel 231 or adjacent channels in other communities where there may be a future need for such an assignment.

31. The only commenting parties were Federalist and WDOR, respectively supporting and opposing the proposal. Federalist asserts that there is a need for an independent FM service in Sturgeon Bay and Door County, that, while a Class A assignment could be made at Sturgeon Bay a Class C channel would have much wider coverage, which is to be desired; and that if the assigment is made it will apply for its use with maximum permitted ERP and substantial antenna height, using a site south of Sturgeon Bay. WDOR in opposition states that no need has been shown for an additional service, and that—considering the preclusive effect this proposal would have on needed assignments elsewhere (discussed below)—a second Sturgeon Bay assignment, particularly of a wide-coverage channel, amounts to a waste of scarce FM channels and would contravene section 307(b) of the Communications Act. It is urged that such an assignment would be inconsistent with past Commission FM allocation policies, including assignment of Class C channels to large centers rather than smaller communities (citing our decision in Fairhope, Alabama, 2 R.R. 2d 1630, 1639 (1964)), assignment of multiple channels only to larger places, and against mixing Class A and Class B/C channels in the same market, to avoid potential technical inequality. It is asserted that Sturgeon Bay—some 40 miles from the metropolitan area of Green Bay (population 125,082) and only 22 miles from Marinette-Menominee, combined population about 25,000—is not the type of smaller community in which we have made an exception to our general policy with respect to Class B/C assignments. Economic arguments are also urged: it is asserted that a second AM station failed to survive in Sturgeon Bay in the past; that Door County, a fruit-growing and summer resort area of a seasonal character, has limited advertising potential; that, after earlier difficulties, WDOR(AM) has become modestly profitable and is thus able to afford improvement of its facilities via FM at a substantial investment ($15,000), but that economic difficulties may be expected in the early stages of the FM operation, and it is not in the public interest to doom the new FM station by forcing it to compete with a wide-coverage Class C operation, which "can well have a disastrous adverse effect on WDOR–FM, and perhaps even on WDOR, in this small and limited market."

32. Petitioner's showing as to the preclusive effects of the Channel 231 Sturgeon Bay assignment on this and related channels is as follows: (1) There would be no effect on channels other than 230, 231, and 232; (2) as far as Channels 230 and 231 are concerned, since much of the area involved lies in Lake Michigan, there are only fairly small areas in upper and lower Michigan, and of course most of Door County outside of Sturgeon Bay, where one or both could be used in the absence of the proposed assignment. As to cities larger than Sturgeon Bay, Channel 230 could be used as a fourth FM assignment at Traverse City (population 18,434, the three FM channels in use or applied for), or Channel 231 could be used as a third at Escanaba (population 15,391, neither of the two channels occupied). While the showing did not include a study of towns smaller than Sturgeon Bay, it appears that the only ones with populations of more than 1,500 are some other towns in Door County, Gladstone, Mich. (population 5,267, some 8 miles from Escanaba), and Frankfort, Mich. (population 1,690, some 25 miles from Traverse City);[7] (3) the preclusive effect on Channel 232A would be much greater, since absent the Channel 231 Sturgeon Bay assignment it could be used in a large area in Wisconsin and upper Michigan extending up to 105 miles from that city, including places larger than Sturgeon Bay and with only one channel presently assigned (e.g., Appleton, Neenah-Menasha) and smaller places with no assignments (e.g., Manistique, Mich.; and Kawaunee, and Algoma, Wis.) which have no FM assignments. More than one such assignment in the area might be possible, depending on the location.

33. If Channel 230 were used at Sturgeon Bay instead of Channel 231, the obstructing effect on other assignments would be somewhat less, since Channel 232A could be used at distances 65 miles and more, instead of 105 miles and more, from that city. Thus it could be assigned at places such as Neenah-Menasha or possibly (depending on transmitter location) Appleton, and also places such as Gladstone and Manistique, Mich. Its impact on other channels would be about the same at that of 231 (Channel 227, assigned to Escanaba, cannot be used elsewhere in the area anyhow).

34. It is also to be noted that this area—particularly that portion of Door County to the north of Sturgeon Bay—is an unusually isolated one, lying as it does on the peninsula separating Green Bay from Lake Michigan. While Sturgeon Bay itself is about 40 miles from the large city of Green Bay, the northern part of Door County lies about 75 miles from that city. While it is only some 14 miles by air and water from this area to Marinette-Menominee it is over 100 miles by land. Moreover, northern Door County appears to have little FM service, with no 1 mv/m or stronger signals presently received. Neither the Green Bay Class C station nor WDOR–FM when it commences operation provides a signal of as much as 200 uv/m into the northern end of the peninsula. Other than the Green Bay stations and WDOR, the closest existing Class C FM stations are at Traverse City, Mich., some 75 miles away across Lake Michigan. If activiated, channels at Marinette-Menominee and Escanaba would provide a better signal, but these are unapplied for and in any event these cities are far removed from the Sturgeon Bay area as far as land travel is concerned. In our view, there is considerable to be said for a wide-coverage assignment in this area.

35. It is also to be noted that there are few wide-coverage assignments in this whole region. In the entire northeast

[6] 1965 figures for the 11 stations licensed to Bakersfield (6 AM only, 2 AM–FM, 1 FM-only); Revenues, $1,200,533; expenses (including depreciation and payments to principals), $1,239,887; net loss (expenses over revenues), $39,354; depreciation, $75,266; payments to principals, $116,332; net cash flow gain, $153,244. KGEE or other parties will, of course, have an opportunity to raise the "Carroll issue" in connection with any application which may be filed for the new assignment.

[7] WDOR's showing listed Madison and Marinette-Menominee as places where the proposed assignment would preclude other assignments on Channel 231, but this was shown to be incorrect, since the channel cannot be used there anyhow. Petitioner's showing was incomplete in that it dealt only with towns larger than Sturgeon Bay, all of which have FM assignments, ignoring smaller places with no assignments but possible future needs.

quarter of Wisconsin—north of Lake Winnebago, and east of Stevens Point and Wausau—there are only five Class C assignments, at Appleton, Green Bay, Marinette, Rhinelander, and Shawano. Three of these are in use. Channel 230 was formerly assigned to Green Bay; but it could not be used except at a considerable distance out of the city, no demand developed for its use on this basis, and it was recently deleted to make possible a Class A assignment on Channel 228A in another community. Under these circumstances, it appears to be a desirable consideration to provide another wide-coverage assignment in the general area.

36. Upon consideration of all the relevant facts and arguments, in our view a Class C channel should be assigned at Sturgeon Bay, and it should be Channel 230 instead of Channel 231. While Sturgeon Bay is not a large community, it is the center of an area at least part of which is exceptionally isolated from large population centers and receives relatively little FM service. Both the cause of providing service to this under-served area (some of which could not be adequately served with a Class A assignment) and the interests of allocation efficiency are served by making a Class C assignment in the area, and there appear to be no communities where either Channel 230 or 231 can be used more appropriately than Sturgeon Bay. Moreover, it serves the cause of allocation efficiency to take advantage of a wide-coverage assignment formerly located in an area having relatively few of them (northeastern Wisconsin) but not put to use where formerly assigned because of separation problems. Under these circumstances—and also because it will prevent a monopoly of local broadcast services in the community and county—the assignment of the channel to Sturgeon Bay is desirable and in the public interest, and in no sense a "waste" of the channel. It is true that the assignment precludes use of Channel 232A in a number of places, including some having no local broadcast outlets (e.g., Kewaunee); but any allocation judgment represents a balance between providing wide coverage on the one hand and one or more local outlets on the other, and here the balance must be in favor of making efficient use of the wide-coverage channel to provide service to an under-served area. It appears that other channels are available for assignment in the area if needed (e.g., Channel 224A may be assigned to Kewaunee).

37. We recognize that the assignment is contrary to our general policy of mixing Class B/C and Class A assignments in the same community; but in our view this is outweighed by the service benefits gained. We have given consideration to assigning a Class A channel instead—e.g., Channel 232A—but this would have no less of a preclusive effect on other assignments than does 230 (and it appears to be in this respect about as satisfactory as any Class A channel would be) and would not have the service benefits mentioned. The new Class C assignment will of course be open to all applicants, WDOR–FM and petitioner as well as others who may be interested.

38. We also note WDOR's economic arguments. But, as in the case of Bakersfield discussed above, the facts here do not warrant our adopting a restrictive course of action on the basis of such considerations, taking into account WDOR's profitability and the fact that such objections can be raised later in connection with an application for the new channel.

39. As mentioned, we have chosen Channel 230 instead of 231 as proposed. This is because it has a substantially less restrictive effect on use of Channel 232A, permitting its use, for example, for two local assignments at Neenah-Menasha and Manistique, which would not be possible if 231 were assigned. Used in Sturgeon Bay itself it would be at just about minimum spacings to Escanaba, and, while petitioner proposes to use it some distance to the south, it cannot be assumed that Federalist will necessarily become the grantee. If parties interested in the new assignment, or in use of Channel 227 at Escanaba, believe there may be problems in this regard, they may seek reconsideration and we will consider assigning Channel 231 instead. We do not contemplate allowing any short separation between stations at the two cities. Also, since Channel 230 was not proposed in the notice it has not been referred to Canadian authorities for their concurrence, and such concurrence will be necessary before any authorization for the channel can be issued. However, in view of the lack of any apparent impact on Canadian assignments, it is not anticipated that there will be any problems in this connection.

40. *Changes on Commission's own motion.* On our own motion, we proposed to eliminate several short-spaced assignments by making the following changes:

City	Channel No.	
	Present	Proposed
Andalusia, Ala	251, 293	251
Brewton, Ala	296A	292A
Wickenburg, Ariz	261A	288A
Potsdam, N.Y	256	257A
New Albany, Ohio	280A	----------

With the exception of New Albany, Ohio, none of the above proposals were opposed. With respect to New Albany, a number of pleadings involving counterproposals have been filed. These will be considered in a subsequent report and order. Since the remaining proposals require deletion of short-spaced assignments and in some cases are delaying action on applications, we find them to be in the public interest and are adopting them.

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

42. In accordance with the determinations made above: *It is ordered*, That effective December 12, 1966, § 73.202 of the Commission's rules, the Table of FM Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Alabama:	
Andalusia	251
Brewton	292A
Enterprise	245
Troy	289
Arizona:	
Wickenburg	288A
California:	
Bakersfield	231, 243, 268, 300
Georgia:	
Augusta	272A, 276A, 282, 289
Illinois:	
Jerseyville	281
Kentucky:	
Leitchfield	285A
Michigan:	
Ironwood	259, 295
Lapeer	276A
Sandusky	249A
Minnesota:	
Morris	298
Missouri:	
Columbia	244A, 252A
Rolla	232A, 287
New York:	
Potsdam	257A
Wisconsin:	
Ladysmith	225
Sturgeon Bay	230, 240A

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

Adopted: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–12169; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 16882; FCC 66–965]

PART 73—RADIO BROADCAST SERVICES

UHF Television Broadcast Channel, Staunton, Va.

Report and order. In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Staunton, Va., and reserve it for educational use; Docket No. 16882, RM–898.

1. On September 22, 1966, the Commission issued a notice of proposed rule making in the above entitled matter, proposing to assign Channel 51 to Staunton, Va., and reserve it for educational use. The proceeding was initiated on the basis of a joint petition by the Advisory Council on Educational Television of the Commonwealth of Virginia and the Shenandoah Valley Educational Television Corp. Interested parties were invited to comment on the proposal on or before October 5, 1966, and could reply to such comments on or before October 17, 1966.

2. Comments were received from the petitioners and from the National Association of Educational Broadcasters

[8] Commissioner Cox dissenting to the assignment at Rolla, Mo.; Commissioner Wadsworth absent.

(NAEB). Both comments supported the proposed assignment. There was no opposition to the proposal. Staunton is in the so-called "radio quiet zone" established for the protection of radio astronomy observations at the National Radio Astronomy Observatory near Green Bank, W. Va., and the Naval Radio Research Observatory near Sugar Grove, W. Va. The quiet zone is described in § 73.623 of the Commission rules. Negotiations with representatives of the observatories conducted prior to the issuance of the notice of proposed rule making brought about mutually acceptable criteria concerning the location and use of Chanel 51. The petitioners commented that while the proposal does not provide the maximum educational television broadcast service in the Shenandoah Valley area which would be possible were it not for the proximity of the Sugar Grove and Green Bank facilities, the Commission should nonetheless make the assignment as proposed. NAEB in its supporting comments also called attention to the need for additional facilities in the radio quiet zone and expressed gratification that some accommodation had been reached which permits educational broadcasting without jeopardizing the significant public interests at stake in the work of the radio astronomy observatories.

3. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 12, 1966, the table of assignments in § 73.606(b) of the Commission's rules is amended, by inserting the following entry at the appropriate place in the table:

City	*Channel*
Staunton, Va	*51

NOTE: The appropriate offset will be designated in a subsequent order.

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

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

Adopted: November 2, 1966.

Released: November 4, 1966.

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

[F.R. Doc. 66-12170; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 14229; FCC 66-968]

PART 73—RADIO BROADCAST SERVICES

Expanded Use of UHF Television Channels; Rosenberg, Tex.

Memorandum opinion and order.

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; petition for partial reconsideration re assignment to Rosenberg, Tex.

1. On February 9, 1966, the Commission adopted the fifth report and memorandum opinion and order in the above-entitled matter (FCC 66-137) revising the table of assignments for UHF television broadcast channels. As a part of that proceeding, a petition (RM-857) filed by D. H. Overmyer Broadcasting Co. (Overmyer), permittee of KJDO-TV, Channel 58, Rosenberg, Tex., requesting the substitution of Channel 14 for Channel 58 at Rosenberg, Tex., was denied. On March 11, 1966, Overmyer filed a petition for partial reconsideration of the fifth report insofar as it denied its original petition, noting the Commission's statement that:

> Petitioner may review its requests in light of the new plan and renew them with a showing, as described in paragraph 63, that a requested lower assignment would not result in loss of efficiency.

The petition was accompanied by an engineering statement showing that Channel 14 could be assigned to Rosenberg by deleting it from Houston, Tex., and replacing Channel 14 with Channel 45 in Houston. The statement claimed that the assignment of Channel 14 to Rosenberg can develop no greater impact on other existing or potential assignments than exists with Channel 14 at Houston, pointing out that Overmyer proposes to use Channel 14 near the site of the Houston "tall tower" assignments. Some general assumptions were made but no detailed showing as to specific mileages and channel availabilities was given.

2. Since Channel 14 is reserved for educational use in Houston action on the petition was deferred until the impact of the proposed shift of channels on the orderly development of educational TV broadcasting could be evaluated. On August 1, 1966, Overmyer filed a supplement to the petition for partial reconsideration in which the Commission was informed that it would be in the public interest to simplify the original proposal by substituting Channel 45 for Channel 58 in Rosenberg and that the petitioner, as permittee of KJDO-TV, Channel 58, Rosenberg, is willing to accept Channel 45 in lieu of Channel 58 or Channel 14. The assignment of Channel 45 to Rosenberg would not require any other changes in the table of assignments. Furthermore, Channel 45 at the site authorized for KJDO-TV would be somewhat more efficient in terms of impact on available additional assignments than would the assignment of Channel 58.

3. Therefore, upon reconsideration of the assignment made to Rosenberg, Tex., in the fifth report and memorandum opinion and order in Docket No. 14229, it is our conclusion that Channel 45 should be substituted for Channel 58. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b): *It is ordered*, That, effective December 12, 1966, the table of assignments in § 73.606(b) of the Commission rules is amended insofar as the city named below is concerned, to read as follows:

City	*Channels*
Rosenberg, Tex	45

NOTE: The appropriate offset will be designated in a further Order.

4. *It is further ordered*, That the construction permit of D. H. Overmyer Broadcasting Co. for KJDO-TV at Rosenberg, Tex., is modified, effective December 12, 1966, to specify Channel 45 instead of Channel 58, subject to the following conditions:

(a) That the permittee shall advise the Commission in writing by November 15, 1966, of its acceptance of the modification of its authorization; and

(b) That the permittee shall submit to the Commission by December 12, 1966, all necessary information for the preparation of a modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission rules for operation on that channel.

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

Adopted: November 2, 1966.

Released: November 4, 1966.

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

[F.R. Doc. 66-12171; Filed, Nov. 8, 1966; 8:49 a.m.]

[Docket No. 16387; FCC 66-954]

PART 91—INDUSTRIAL RADIO SERVICES

Cooperative Use of Radio Stations in Mobile Radio Service

Report and order. In the matter of amendment of Part 91 of the Commission's rules governing the Industrial Radio Services, to enable licensees to install mobile units in the vehicles of persons who provide certain services to the licensee under contract; Docket No. 16387.

1. On December 27, 1965, the Commission released a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on December 30, 1965 (30 F.R. 16271). Comments thereon were requested by February 7, 1966, and reply comments by March 1, 1966. Timely comments were filed by Forest Industries Radio Communications; Halliburton Co.; Reclamation District No. 2035, Woodland, Calif.; Houston Contracting Co.; National Association of Manufacturers Communications Committee (NAM); National Committee for Utilities Radio (NCUR); Special Industrial Radio Service Association, Inc. (SIRSA); and Central Committee on Communication Facilities of the American Petroleum Institute (API). No reply comments were filed.

2. In its notice, the Commission proposed to amend § 91.6 of its rules, which provides for the shared use of radio stations in the mobile service, to permit a

[1] Dissenting statement of Commissioner Loevinger filed as part of original document; Commissioner Wadsworth absent.

[1] Commissioner Wadsworth absent.

licensee to install mobile units licensed to him in the vehicles of persons furnishing the licensee, under contract, a facility or service directly related to the activities in connection with which his radio facilities are authorized. It was also proposed to require the licensee to maintain exclusive control over the radio units installed in these vehicles and that he enter into a written agreement with the owner of the vehicle specifying that the licensee shall have exclusive control and the sole responsibility for the proper operation of these units.

3. All comments favored our proposal. However, API and the Halliburton Co. would broaden the rule to permit the installation of mobile units in the vehicles of persons for whom the licensee performs some service or furnishes equipment to the licensee under contract. This suggestion will be rejected. The purpose of the proposed amendment of the rules was to satisfy a requirement of licensees to control and dispatch vehicles operated by subcontractors and other persons in situations where a licensee needs to do so in the same manner as his own vehicles and where these vehicles are used exclusively to conduct the business activity of the licensee. Thus, a contractor building a bridge would be able to install units in the vehicles and equipment of subcontractors and others furnishing such vehicles and equipment so that the contractor may dispatch and control them. The Halliburton Co. and API suggested the reverse of this proposition. Thus, for example, a licensee furnishing the bridge contractor tractors and other specialized equipment under contract would be permitted, under the Halliburton and API proposal, to install radio units in the vehicles of the contractor. This could lead to situations where the radio equipment would be used for purposes which are not related to the basis upon which the licensee's eligibility was established and in which the vehicles would not be subject to the control of the licensee. Thus, broadening the rules as suggested is not considered to be justified.[1]

4. SIRSA suggested that the Commission review the control agreements before the units are installed in the vehicles of others, but that the licensee be permitted to put his arrangement into effect ten days after filing the control agreement with the Commission, unless the Commission rejects it within that time. Section 91.6 does not now require submission of control agreements for review. It requires that they should be kept with the station records and should be made available for inspection on request. The amendments considered herein would not change that procedure. The suggestion of SIRSA has merit and will be given consideration with respect to all arrangements for the shared use of radio facilities in the mobile service.[2] However, it is beyond the scope of this proceeding and there is no urgent need to impose this requirement at this time with respect to the limited shared use of radio facilities authorized herein.

5. Accordingly, we find that the public interest would be served by adopting the amendment of the rules as proposed. Authority for the amendments ordered herein, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. *Therefore, it is ordered*, That, effective December 12, 1966, § 91.6 of the Commission's rules is amended as set forth below and that this proceeding is hereby 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: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

Section 91.6 of the Commission's rules is amended by adding a new paragraph (d) to read:

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

* * * * *

(d) A licensee may install mobile units licensed to him in the vehicles of persons furnishing to the licensee, under contract, and for the duration of the contract only, a facility or service directly related to the activities that constituted eligibility for the station licensee in the service in which he is authorized. The licensee shall maintain exclusive control over the operation of the units. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are to be installed shall enter into a written agreement with the licensee verifying that the licensee has the sole right to control the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records.

[F.R. Doc. 66-12172; Filed, Nov. 8, 1966; 8:49 a.m.]

[1] NCUR suggested that the new rule should permit the licensee to install mobile units in the vehicles of his employees. This is not necessary. Existing rules do not prohibit the installation of a mobile radio unit in a vehicle belonging to an employee of the licensee if the unit is used solely to transmit the communications of the licensee and if he maintains control over its use.

[2] A procedure for prior review of all arrangements for sharing fixed radio stations was adopted in Docket 16218. See § 91.9(g).

[3] Commissioner Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minn.

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

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

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset November 12 through November 16, 1966, inclusive, only on the area designated by signs as open to hunting. This open area comprises 58,660 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1966.

CLAUDE R. ALEXANDER,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn.

OCTOBER 31, 1966.

[F.R. Doc. 66-12153; Filed, Nov. 8, 1966; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Reports of Holdings, Receipts, Uses, and Shipments

Notice is hereby given of a proposal to revise certain provisions of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 31 F.R. 2777, 5751, 13751). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal would change the reporting requirements currently in § 993.172 by (1) deleting paragraph (c) thereof requiring handlers to submit monthly reports of sales, and (2) changing the information currently required by paragraph (d) thereof to be shown on handlers' monthly reports of shipments to include, among other things, domestic shipments by use, export shipments by country of destination, and shipments by type of pack (carton, visipak, and other) in domestic outlets and export markets. Deletion of the sales report requirement would become effective after the time for filing sales reports for the period August 1, 1966, through December 31, 1966, has expired. The first revised shipment report would be submitted in January 1967, and would cover shipments during the current crop year through December 31, 1966. Subsequent shipment reports would be submitted monthly. The purpose of the proposed action is to provide the committee with more accurate and meaningful industry statistics than are currently being obtained.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Revise the section heading of § 993.172 and the provisions of paragraph (d) thereof to read, respectively, as follows:

§ 993.172 Reports of holdings, receipts, uses, and shipments.

* * * * *

(d) *Shipments by handlers.* Beginning in 1967 and prior to the 10th calendar day of each month, each handler shall file with the committee a signed report on Form PAC 12.1, "Report of Shipments" reporting shipments of prunes during the crop year through the last day of the month immediately preceding. Such report shall contain at least the following information:

(1) The date, the name and address of the handler, and the period covered by the report;

(2) The poundages of prunes shipped or otherwise disposed of, other than shipments to or for the account of other handlers, as follows: (i) Domestic outlets (including Federal Government agencies) segregated by uses; (ii) export markets, segregated by countries; (iii) by type of pack (carton, visipak, and other) segregated by domestic outlets and export markets, and (iv) as pitted prunes (pitted weight) segregated by domestic outlets and export markets;

(3) The total poundage shipped to or for the account of other handlers, including interhandler transfers; and

(4) The total poundage of prunes not covered by, or excluded from, the definition of the term "prunes" (§ 993.5) shipped.

* * * * *

Dated: November 4, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-12187; Filed, Nov. 8, 1966; 8:50 a.m.]

[7 CFR Parts 1001–1004, 1006, 1012, 1013, 1015, 1016]

[Docket No. AO 293–A15, etc.]

MILK IN WASHINGTON, D.C., AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Parts	Marketing area	Docket Nos.
1001	Massachusetts-Rhode Island.	AO 14–A40.
1002	New York-New Jersey	AO 71–A49.
1003	Washington, D.C.	AO 293–A15.
1004	Delaware Valley	AO 160–A32.
1006	Upper Florida	AO 356–A1.
1012	Tampa Bay	AO 347–A5.
1013	Southeastern Florida	AO 286–A12.
1015	Connecticut	AO 305–A14.
1016	Upper Chesapeake Bay	AO 312–A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Interdepartmental Auditorium, Department of Labor, 12th and Constitution Avenue NW., Washington, D.C., beginning at 9 a.m., e.s.t., on November 17, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Massachusetts-Rhode Island, New York-New Jersey, Delaware Valley, Upper Florida, Tampa Bay, Southeastern Florida, Connecticut, and Upper Chesapeake Bay marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

With respect to the Upper Florida marketing area this hearing will consider the possible amendment of the order annexed to the final decision on a proposed Upper Florida order which was issued October 7, 1966, if that order should become effective.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-12186; Filed, Nov. 8, 1966; 8:50 a.m.]

[7 CFR Parts 1005, 1008, 1009, 1011, 1033–1036, 1040, 1041, 1043, 1046-1049, 1090, 1098, 1101]

[Docket No. AO 179–A27, etc.]

MILK IN NORTHEASTERN OHIO AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Parts	Marketing area	Docket Nos.
1005	Tri-State	AO 177–A28.
1008	Wheeling	AO 268–A11.
1009	Clarksburg	AO 268–A11.
1011	Appalachian	AO 251–A8.
1033	Cincinnati	AO 166–A33.
1034	Dayton-Springfield	AO 175–A24.
1035	Columbus	AO 176–A21.
1036	Northeastern Ohio	AO 179–A27.
1040	Southern Michigan	AO 225–A17.
1041	Northwestern Ohio	AO 72–A30.
1043	Upstate Michigan	AO 247–A10.
1046	Louisville-Lexington-Evansville.	AO 123–A31.
1047	Fort Wayne	AO 33–A34.
1048	Youngstown-Warren	AO 325–A7.
1049	Indianapolis	AO 319–A8.
1090	Chattanooga	AO 266–A7.
1098	Nashville	AO 184–A24.
1101	Knoxville	AO 195–A12–R01.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Statler Hilton Hotel, Euclid and East 12th Streets, Cleveland, Ohio, 9 a.m., local time, November 14, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Northeastern Ohio, Tri-State, Wheeling, Clarksburg, Appalachian, Cincinnati, Dayton-Springfield, Columbus, Southern Michigan, Northwestern Ohio, Upstate Michigan, Louisville-Lexington-Evansville, Fort Wayne, Youngstown-Warren, Indianapolis, Chattanooga, Nashville, and Knoxville marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Knoxville, Tenn., marketing area this hearing represents a reopening for the limited purposes stated herein of a public hearing held under Docket No. AO 195–A12.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66–12185; Filed, Nov. 8, 1966; 8:50 a.m.]

[7 CFR Part 1012]

[Docket Nos. AO 347–A1, AO 347–A4]

MILK IN TAMPA BAY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Tampa, Fla., on March 7, 1966, and September 13, 1966, pursuant to notices thereof issued on February 18, 1966 (31 F.R. 3125), and August 23, 1966 (31 F.R. 11397).

Upon the basis of the evidence introduced at such hearings and the records thereof, the Deputy Administrator, Regulatory Programs, on September 12, 1966 (31 F.R. 12102; F.R. Doc. 66–10134), and October 17, 1966 (31 F.R. 13605; F.R. Doc. 66–11488), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decisions containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decisions (31 F.R. 12102; F.R. Doc. 66–10134 and 31 F.R. 13605; F.R. Doc. 66–11488) are consolidated in this final decision, are hereby approved and adopted and are set forth in full herein.

The material issues on the records of the hearings relate to:

1. Producer-handler definition,
2. Classification of milk shake mix, and
3. Designating a cooperative as a handler of farm tank milk.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearings and the records thereof:

1. *Producer-handler definition.* A producer-handler should be allowed to dispose of Class II products received from any source without losing his producer-handler status. No other change in the producer-handler definition should be made.

The order now provides that a producer-handler cannot dispose of any Class II products except those produced in his own plant or received from pool plants. The disposition of other Class II products would cause him to lose his producer-handler status.

The operator of a nonpool manufacturing plant proposed the recommended change in the producer-handler definition. The plant manufactures sour cream, a Class II product; and yogurt, cottage cheese and "dips", all Class III products. Before the Tampa Bay order became effective, the presently designated producer-handlers in the area purchased these products, particularly sour cream, from the operator of the nonpool plant. With the advent of the order, these persons ceased purchasing his products because they did not want to lose their producer-handler status by selling a Class II product purchased from a nonpool source.

Handlers and producer groups in the market opposed such a change in the order. They argued that with this change producer-handlers could enhance their competitive position relative to other handlers and producers in the market. They urged that, instead, more stringent restrictions are necessary. It was suggested that a producer-handler be allowed to sell only those Class II products made in his own plant.

The source of any Class II products sold by a producer-handler should not be a factor affecting his status under the order. Reliance on sources other than his own production or pool plants for Class II products would not provide a producer-handler with any significant competitive advantage over regulated handlers with respect to the sale of such products.

The Tampa Bay order Class II price was established at a level which would make producer milk competitive with concentrated milk products from uninspected sources. Such products are often used in making Class II products. Whether regulated handlers use producer milk or concentrated milk products to make Class II products, their product cost would be comparable to the product cost of Class II items processed by nonpool plants. In this circumstance, producer-handlers obtaining Class II products from nonpool plants for resale would not have a price advantage over regulated handlers on such items.

Under the present order, a producer-handler's status is not contingent on the source of Class III products which he may distribute. Since both Class II and and Class III products may be made from non-Grade A milk, there is no economic reason to treat a producer-handler differently with respect to the source of Class II products which he sells.

Handlers asked for other changes in the producer-handler definition. They proposed that a producer-handler with Class I sales of over 200,000 pounds per month be fully regulated and that a person who loses his producer-handler status and becomes a fully regulated

handler in 1 month may not qualify as a producer-handler in the following 11 months.

In January 1966, five handlers with own farm production qualified as producer-handlers under the order. Their gross Class I sales that month were 5.9 percent of the gross Class I sales of all handlers under the Tampa Bay order. Of the five producer-handlers, two had monthly Class I sales of over 200,000 pounds.

There is no indication that these larger producer-handlers have a cost advantage over regulated handlers on Class I milk or are a disruptive factor in the market. Moreover, it was not established that their exemption from the pooling and pricing provisions affect adversely the competitive position in the market of regulated handlers or producers.

In proposing that a producer-handler who fails to qualify as such in 1 month lose his producer-handler status for the next 11 months, handlers maintained that this would prevent him from exploiting the pool by becoming regulated when it is to his advantage, while retaining his exempt status at other times. Such a provision, however, could result in hardship in some instances. For example, an inadvertent failure to meet all requirements for producer-handler status in 1 month could cause a person to lose his designation as a producer-handler for an entire year. The regulatory effect of such action might too often tend to be disproportionate to the relative significance of the requirement that was not met. Since a producer-handler must rely on his own production, he must establish adequate production facilities to assure a sufficient milk supply for his Class I operation. Because of this, it is unlikely that a producer-handler will shift back and forth between his exempt status and that of a regulated handler for the purpose of exploiting the pool.

For the above-stated reasons, the proposal to limit producer-handler status to operations of not more than 200,000 pounds of milk monthly and the proposal that would deny producer-handler status during the succeeding 11 months to a producer-handler who failed to qualify as such in 1 month are denied.

2. *Classification of milk shake mix.* The order should specify that skim milk and butterfat used to produce milk shake mix be classified as Class III.

Including milk shake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milk shake mix, it is currently classified as Class I.

Milk shake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring, and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milk shake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milk shake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milk shake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milk shake mix in the marketing area. There was no opposition to classifying milk shake mix as Class III in the Tampa Bay order.

3. *Designating a cooperative as the handler of farm tank milk.* A cooperative association should be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

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

If a tank truck picking up milk at the farm is owned and operated by or under contract to a cooperative association and the association determines the weight and butterfat content of each producer's milk, a handler has no control and generally takes no part in determining the weights and butterfat tests of milk at the farm. In some instances, the handler may not even know from which farms the milk is shipped.

Making a cooperative a handler on its producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

The milk delivered by the cooperative as a bulk tank handler should be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

The full 2 percent shrinkage allowance on farm tank milk should be permitted the pool plant operator only if he is purchasing it on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders.

Division of the 2 percent shrinkage allowance between the original receiver and the plant at which it is used is now provided in the order on interplant shipments. It has worked satisfactorily in that regard and is equally appropriate when a pool plant operator is receiving farm tank milk on a basis other than farm weights. In that instance, the cooperative in its capacity as a handler should be allowed 0.5 percent shrinkage and the pool plant operator, 1.5 percent.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant should be considered a receipt of producer milk by the cooperative at the location of the pool plant.

The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class III; any such difference in excess of the maximum allowable Class III shrinkage of 0.5 percent would be Class I.

The cooperative should be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantities of bulk tank milk physically received at a pool plant from a cooperative during the month are the same as or greater than farm weights, the cooperative should have no settlement to make with the producer-settlement fund on such milk. In those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund should be on the basis of the weights ascertained at his plant.

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

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

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

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

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

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

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

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

Determination of representative period. The month of August 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tampa Bay marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

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

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Tampa Bay Marketing Area

§ 1012.0 Findings and determinations.

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

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

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decisions issued by the Deputy Administrator, Regulatory Programs, on September 12 and October 17, 1966, and published in the FEDERAL REGISTER on September 16, 1966 (31 F.R. 12102; F.R. Doc. 66–10134), and October 21, 1966 (31 F.R. 13605; F.R. Doc. 66–11488), respectively, shall be and are the terms and provisions of this order and are set forth in full herein:

1. Section 1012.7 is revised to read as follows:

§ 1012.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk, or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milk shake mix.

2. Section 1012.13 is revised to read as follows:

§ 1012.13 Handler.

"Handler" means:

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

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

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

(d) A cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

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

(f) A producer-handler.

3. Section 1012.14 is revised to read as follows:

§ 1012.14 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is entirely from his own farm production;

(b) Receives no fluid milk products from sources other than his own farm production; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and

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

other resources necessary to produce all fluid milk products handled and the operation of the processing and packaging business are his personal enterprise and risk.

4. Section 1012.16(a) is revised to read as follows:

§ 1012.16 Producer milk.

* * * * *

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1012.13(d): *Provided,* That if the milk received at a pool plant from a handler pursuant to § 1012.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1012.13(d) at the location of the pool plant; or

* * * * *

5. Section 1012.30 is revised to read as follows:

§ 1012.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1012.13 (e) or (f), shall report to the market administrator for such month with respect to each plant at which milk is received, reporting in detail and on forms prescribed by the market administrator:

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

(1) Producer milk (including such handler's own production) or, in the case of handlers pursuant to § 1012.13 (b), milk received from dairy farmers;

(2) Fluid milk products and Class II products received from pool plants of other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1012.16; and

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

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

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

6. In § 1012.31, the introductory text of paragraph (a) is revised to read as follows:

§ 1012.31 Producer payroll reports.

(a) Each handler pursuant to § 1012.13 (a), (c), and (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

* * * * *

7. In § 1012.32, a new paragraph (c) is added to read as follows:

§ 1012.32 Other reports.

* * * * *

(c) Each handler pursuant to § 1012.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

8. Section 1012.41(c)(5) is revised to read as follows:

§ 1012.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1012.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1012.13(d): *Provided,* That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

9. The introductory text of § 1012.60 is revised to read as follows:

§ 1012.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler pursant to § 1012.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

* * * * *

[F.R. Doc. 66-12159; Filed, Nov. 8, 1966; 8:48 a.m.]

[7 CFR Parts 1031, 1032, 1038, 1039, 1044, 1045, 1050, 1051, 1062-1064, 1067, 1070, 1071, 1073, 1078, 1079, 1094, 1096, 1097, 1099, 1102, 1103, 1108]

[Docket No. AO 10-A36, etc.]

MILK IN ST. LOUIS AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Parts	Marketing area	Docket Nos.
1031	Northwestern Indiana	AO 170-A22.
1032	Suburban St. Louis	AO 313-A12.
1038	Rock River Valley	AO 194-A15.
1039	Milwaukee	AO 212-A20.
1044	Michigan Upper Peninsula.	AO 299-A11.
1045	Northeastern Wisconsin.	AO 334-A10.
1050	Central Illinois	AO 355-A1.
1051	Madison	AO 329-A6.
1062	St. Louis	AO 10-A36.
1063	Quad Cities-Dubuque	AO 105-A25.
1064	Greater Kansas City	AO 23-A30.
1067	Ozarks	AO 222-A21-RO1.
1070	Cedar Rapids-Iowa City.	AO 229-A16.
1071	Neosho Valley	AO 227-A19.
1073	Wichita	AO 173-A19.
1078	North Central Iowa	AO 272-A11.
1079	Des Moines	AO 295-A13.
1094	New Orleans	AO 103-A24.
1096	Northern Louisiana	AO 257-A14.
1097	Memphis	AO 219-A19.
1099	Paducah	AO 183-A17.
1102	Fort Smith	AO 237-A15-RO1.
1103	Mississippi	AO 346-A4.
1108	Central Arkansas	AO 243-A16.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Albert Pick Motel, 4625 North Lindbergh Boulevard, Bridgeton (St. Louis), Mo., 9 a.m., local time, November 15, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Louis, Northwestern Indiana, Suburban St. Louis, Rock River Valley, Milwaukee, Michigan Upper Peninsula, Northeastern Wisconsin, Madison, Quad Cities-Dubuque, Greater Kansas City, Ozarks, Cedar Rapids-Iowa City, Neosho Valley, Wichita, North Central Iowa, Des Moines, New Orleans, Northern Louisiana, Memphis, Paducah, Fort Smith, Miss., Central Arkansas, and Central Illinois marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held under Docket Nos. AO 222-A21 and AO 237-A15 with respect to the orders regulating the handling of milk in the Ozarks and Fort Smith marketing areas. With respect to the Central Illinois marketing area this hearing will consider the possible amendment of the order annexed to the final decision on a proposed Central Illinois order which was issued October 27, 1966, if that order should become effective. Also, with respect to the

marketing area defined in Part 1032 which is now designated Suburban St. Louis the hearing will consider the possible amendment of the order annexed to the final decision issued October 27, 1966, on a proposed amended order under the same part which was redesignated the Southern Illinois marketing area if that amended order becomes effective.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-12184; Filed, Nov. 8, 1966; 8:50 a.m.]

[7 CFR Parts 1060, 1065, 1066, 1068, 1069, 1075, 1076, 1104, 1106, 1120, 1125–1134, 1136–1138]

[Docket No. AO 326-A10, etc.]

MILK IN EASTERN COLORADO AND CERTAIN OTHER MARKETING AREAS

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

7 CFR Parts	Marketing area	Docket Nos.
1060	Minnesota-North Dakota	AO 360-R01.
1065	Nebraska-Western Iowa	AO 86-A20.
1066	Sioux City, Iowa	AO 122-A14.
1068	Minneapolis-St. Paul, Minn.	AO 178-A19.
1069	Duluth-Superior	AO 153-A13.
1075	Black Hills, S. Dak	AO 248-A7.
1076	Eastern South Dakota	AO 260-A9.
1104	Red River Valley	AO 298-A9.
1106	Oklahoma Metropolitan	AO 210-A22.
1120	Lubbock-Plainview	AO 328-A6.
1125	Puget Sound	AO 226-A15.
1126	North Texas	AO 231-A29.
1127	San Antonio	AO 232-A16.
1128	Central West Texas	AO 238-A18.
1129	Austin-Waco	AO 256-A12.
1130	Corpus Christi	AO 259-A15.
1131	Central Arizona	AO 271-A11.
1132	Texas Panhandle	AO 262-A13.
1133	Inland Empire	AO 275-A15.
1134	Western Colorado	AO 301-A6.
1136	Great Basin	AO 309-A9.
1137	Eastern Colorado	AO 326-A10.
1138	Rio Grande Valley	AO 335-A8.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Heart O'Denver Motel, 1150 East Colfax Street, Denver, Colo., beginning at 9 a.m., local time, on November 16, 1966, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Eastern Colorado, Minnesota-North Dakota, Nebraska-Western Iowa, Sioux City, Iowa, Minneapolis-St. Paul, Minn., Duluth-Superior, Black Hills, S. Dak., Eastern South Dakota, Red River Valley, Oklahoma Metropolitan, Lubbock-Plainview, Puget Sound, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, Central Arizona, Texas Panhandle, Inland Empire, Western Colorado, Great Basin, and Rio Grande Valley marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Minnesota-North Dakota marketing area this hearing represents a reopening for the limited purposes stated herein of a public hearing previously held under docket No. AO 360.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of December 1966 through June 1967 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These associations maintain that emergency action is necessary to prevent anticipated price reductions which may result in milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-12183; Filed, Nov. 8, 1966; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7711]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring the installation of a placard reflecting the stowage provisions for the flotation means used in Boeing Model 727 Series airplanes. Section 4b.646 of the Civil Air Regulations requires the stowage provisions for such safety equipment to be conspicuously marked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 8, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes that do not have a life preserver installed for each passenger.

Compliance required within the next 1,500 hours' time in service after the effective date of this AD, unless already accomplished.

To conspicuously mark floatable cushion stowage provisions, install, using life vest placard standards, the following placard, or an FAA-approved equivalent, in an FAA-approved manner within the view of each seated passenger:

"Use seat bottom cushion for flotation."

Issued in Washington, D.C., on October 28, 1966.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-12131; Filed, Nov. 8, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-61]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as

to designate a part time 700-foot floor transition area over Randall Airport, Middletown, N.Y.

A new VOR instrument approach procedure to Randall Airport, Middletown, N.Y., will be authorized in the near future. To provide airspace protection for this procedure, a 700-foot floor transition area designation will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Middletown, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor part time transition area for Middletown, N.Y., described as follows:

MIDDLETOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N.Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N.Y., and Wurtsboro, N.Y., transition areas. This transition area shall be in effect from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-12132; Filed, Nov. 8, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-59]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot floor transition area over Wurtsboro-Mamakating Airport, Wurtsboro, N.Y.

A new VOR/DME instrument approach procedure to Wurtsboro-Mamakating Airport, Wurtsboro, N.Y., will be authorized in the near future and airspace protection via a 700-foot floor transition area designation will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Wurtsboro, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor part time transition area for Wurtsboro, N.Y., described as follows:

WURTSBORO, NEW YORK

Within a 5 mile radius of the center (41°35'50" N., 74°27'35" W.), of Wurtsboro-Mamakating Airport; and within 2 miles each side of the Huguenot, N.Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N.Y., transition area. This transition area shall be in effect from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-12133; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-84]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Smyrna, Tenn., control zone.

The Smyrna control zone, § 71.171 (31 F.R. 2065), is described as "within a 5-mile radius of Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.)." The airspace so designated would be altered by adding "and within 2 miles each side of the Sewart TACAN 128° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN."

The proposed amendment would provide additional controlled airspace that is required for the protection of aircraft executing published instrument approach procedures to Sewart AFB during descent below 1,000 feet above the surface.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on October 28, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-12134; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-WE-40]

FEDERAL AIRWAY AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-122 and alter the Klamath Falls, Oreg., transition area.

The Federal Aviation Agency is considering the realignment of V–122 from Medford, Oreg., to Klamath Falls, Oreg., via the intersection of Medford 117° T (098° M) and Klamath Falls 282° T (263° M) radials. This action would reduce the airway mileage between Medford and Klamath Falls and provide a lower minimum en route altitude for a major portion of the route.

The outer perimeter of the Klamath Falls transition area is designated, in part with a 7,500 feet MSL floor between the Klamath Falls 245° and 290° True radials and an 11,000 feet MSL floor between the Klamath Falls 290° and 320° True radials. The 290° radial that separates the two floors falls within the proposed airway. To provide continuity in the airway floor, it is proposed to move the boundary between the two segments of the transition area 5° clockwise to 295° True. This would floor the segment of the airway within this portion of the transition area at 7,500 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on November 1, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–12135; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–CE–82]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace at Griffith, Ind.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Griffith, Ind., terminal area, proposes the following airspace action:

Designate the Griffith, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longtiude 87°23'-55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

A public use instrument approach procedure is being developed to serve the Griffith, Ind., Airport. This procedure will become effective concurrently with the designation of the transition area.

The portion of the proposed instrument approach procedure which is conducted above 1,500 feet above the surface will be contained in the Chicago, Ill., 1,200-foot floor transition area. The portion of the procedure which is conducted below 1,500 feet above the surface will be partially contained in the Chicago 700-foot floor transition area. The proposed 700-foot floor transition area is required to encompass the remaining procedure.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide protection for departing aircraft during climb from 700 to 1,200 feet above the surface.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

A new approach procedure is to be established, therefore no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

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

Issued at Kansas City, Mo., on October 21, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66–12136; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–SO–74]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbus, Ga., transition area.

The Columbus, Ga., transition area is described in § 71.181 (31 F.R. 2149).

An Instrument Landing System to serve the Lawson AAF is under construction. An ILS approach procedure is proposed for the Lawson AAF that will require small portions of additional controlled airspace by altering the Columbus, Ga., transition area as hereinafter set forth.

1. In the 700-foot transition area, "* * * within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the Lawson 9-mile radius area to 8 miles SW of the Lawson RBN * * *" would be deleted and "* * * within 2 miles each side of the Lawson AAF VOR 209° radial, extending from the Lawson 9-mile radius area to 8 miles SW of the Lawson RBN; within 8 miles W and 5 miles E of the Lawson ILS localizer SE course, extending from the 9-mile radius area to 10 miles SE of the LOM * * *" would be substituted therefor.

2. In the 1,200-foot transition area, "* * * excluding the portions within R–3002" would be deleted and "* * * and that airspace SE bounded on the NE by a line extending from latitude 32°15'00" N., longitude 84°45'00" W. to the intersection of the 26-mile radius arc centered at Lawson AAF and longitude 84°39'00" W., on the SE by the 26-mile radius arc and on the W by longitude 84°45'00" W.; excluding the portions within R–3002A" would be substituted therefor.

The additional controlled airspace would provide protection for aircraft holding and executing the instrument approach procedure during descent from 1,500 to 1,000 feet above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time,

but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on October 28, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-12137; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-AL-9]

TRANSITION AREA, CONTROL ZONE, AND CONTROL AREA EXTENSION

Proposed Designation, Alteration, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulation which would alter the Kodiak, Alaska terminal airspace structure as follows:

1. The Kodiak, Alaska control zone would be amended to comprise that airspace within a 5-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.): within 2 miles each side of the Kodiak, Alaska, TACAN 094° True radial, extending from the 5-mile radius zone to 7 miles east of the TACAN; and within 2 miles south and 2.5 miles north of the Kodiak, Alaska, RR east and west courses, extending from the 5-mile radius zone to 8 miles east of the RR.

2. The Kodiak, Alaska, control area extension would be revoked.

3. A transition area at Kodiak, Alaska, would be designated as that airspace extending upward from 700 feet above the surface within 3 miles north and 2 miles south of the Kodiak, Alaska TACAN 094° True radial, extending from 7 miles east of the TACAN to 12 miles east of the TACAN; that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.), extending clockwise from the 085° True bearing to the 040° True bearing from the airport; and within a 35-mile radius of Navy Station Kodiak Airport, extending clockwise from the 040° True bearing to the 085° True bearing from the airport; and that airspace extending upward from 14,500 feet MSL within 16 miles south and 25 miles north of the Kodiak TACAN 094° True radial, extending from 8 miles east of the TACAN to 58 miles east of the TACAN, excluding the King Salmon, Alaska, transition area.

4. The King Salmon, Alaska transition area would be amended to delete reference to the Kodiak, Alaska and Anchorage, Alaska control area extensions.

The Agency will soon commission a new VOR at Kodiak. A VOR instrument approach procedure will be established which will require a change in the control zone description. The alteration of the control zone will protect aircraft conducting prescribed instrument approach and departure procedures using both the existing NAVAIDS and the new Kodiak VOR. The proposed transition area would provide protected airspace for aircraft executing portions of the prescribed instrument approach procedures, missed approaches, departures, and holding procedures conducted beyond the limits of the Kodiak control zone. Designation of the transition area will allow revocation of the Kodiak control area extension thereby releasing this airspace for other aeronautical uses.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designated to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12138; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-AL-13]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of King Salmon, Alaska, as follows:

1. The King Salmon control zone would be redescribed as that airspace within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" N.); within 2 miles each side of the King Salmon VORTAC 312° and 132° True radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

2. The King Salmon transition area would be redescribed as that airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° True radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° True bearing from the airport clockwise to the 055° True bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the

068° True radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° True radial clockwise to the SW boundary of Airway Blue 27; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° True radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° True bearing from the LFR clockwise to 5 miles NE of the 312° True bearing from the LFR.

The proposed amended control zone and transition area would provide adequate controlled airspace for aircraft executing prescribed instrument approach, departure and holding procedures for the King Salomon Airport. The present portion of the transition area extending upward from 14,500 feet MSL would be deleted.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12139; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-52]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Sanibel, Fla., as follows:

That airspace extending upward from 2,000 feet above the surface, bounded on the S by Control 1230, on the E and NE by V-225 and the arc of a 20-mile radius circle centered on the Fort Myers, Fla., VORTAC, on the N by latitude 26°30'00" N., on the W by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the INT of the N boundary of Control 1230 and longitude 82°15'00" W.

There are several air activities, civil and military, that would be partially outside controlled airspace in the vicinity of Fort Myers, Fla., with the revoking of Control 1228 as proposed in Airspace Docket No. 65-WA-35. The transition area, as proposed, will retain these procedures within controlled airspace.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside the domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on October 31, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12140; Filed, Nov. 8, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-39]

FEDERAL AIRWAY

Proposed Alteration

V-39 is designated in part from Myrtle Beach, S.C., 1,200 feet AGL INT Myrtle Beach 031° and Fayetteville, N.C., 163° True radials; 2,500 feet MSL Fayetteville, excluding the airspace at and above 5,000 feet MSL from 57 miles, southeast of Fayetteville to Fayetteville.

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate this segment of V-39 from Myrtle Beach direct to Fayetteville excluding the airspace below 2,700 feet MSL and the airspace at and above 5,000 feet MSL. This action would reduce the route mileage between Myrtle Beach and Fayetteville. Raising the floor of the airway and extending the floor and the 5,000-foot MSL ceiling would provide continuity in the airway description. The 2,700-foot MSL floor would improve aeronautical charting legibility as this floor would coincide in part with the 2,700-foot MSL floor on a segment of the Goldsboro, N.C., transition area. The established minimum en route and maximum authorized altitudes would not be affected.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on November 4, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Division Chief.

[F.R. Doc. 66-12193; Filed, Nov. 8, 1966; 8:51 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-WA-49]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Areas R-2903A Jacksonville East, Fla., R-2903B Stevens Lake, Fla., R-2903C Putnam, Fla., R-2903D Jacksonville West, Fla., and R-2903E Jacksonville North, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy has stated in a request to modify restricted areas R-2903B and R-2903C that due to the use of new and faster aircraft, advanced weapons systems and modified ordnance delivery techniques, these two areas should be altered to provide the airspace required to contain the hazardous activity. Changes in use of these target areas also require alteration of protected airspace. The activities to be contained within the modified restricted areas include loft bombing, low-level bombing, strafing, dive bombing, glide bombing, and rocket delivery.

The proposed alteration of restricted areas R-2903B and R-2903C make it necessary to effect some changes in R-2903A, R-2903D, and R-2903E since these areas abut R-2903B and R-2903C. R-2903A, D and E will be revoked when the single terminal traffic facility for Jacksonville Imeson Airport, Jacksonville NAS and Cecil NAS is completed and the facility activated. This planned revocation accounts for the proposal to renumber R-2903B and R-2903C to R-2904AB&C, and R-2905, respectively.

Highways, small communities and scattered housing can be found within the modified restricted areas R-2904AB&C and R-2905, but removed from all impact areas. In view of this situation, the rule modifying these restricted areas would expressly withhold any exemption of the user from the requirements of section 91.79 of the Federal Aviation Regulations so that the Navy would be required to observe the minimum safe altitudes specified in that section over any congested area, person, vessel, vehicle or structure not owned, operated or leased by the Navy, while operating within these restricted areas.

All five restricted areas proposed for modification herein are joint-use restricted areas, available to the public when not activated by the user.

The proposed changes to R-2903A, R-2903B, R-2903C, R-2903D, and R-2903E are as follows:

R-2903A JACKSONVILLE EAST, FLA.

Boundaries: Beginning at latitude 30°15'-30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°52'-00" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°-52'30" N., longitude 81°53'30" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°55'30" N., longitude 81°54'10" W., to latitude 29°56'45" N., longitude 81°53'15" W., to latitude 29°59'50" N., longitude 81°57'40" W., to latitude 29°58'10" W., longitude 81°59'10" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°57'30" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning.

Designated altitude. Surface to FL 230.

R-2903B STEVENS LAKE, FLA.

Identification: R-2904A, Stevens Lake, Fla.

Boundaries: Within a 5 nautical mile radius of latitude 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by latitude 29°53'45" N., longitude 82°04'50" W.; latitude 29°52'35" N., longitude 82°02'-00" W.; latitude 29°50'27" N., longitude 82°00'00" W.; latitude 29°48'30" N., longitude 81°57'00" W.

Designated altitude: Surface to FL 230.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

Identification: R-2904B, Stevens Lake East, Fla.

Boundaries: Beginning at latitude 29°52'-30" N., longitude 81°53'30" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°48'50" N., longitude 81°56'55" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to point of beginning.

Designated altitudes: Surface to 7,000 feet MSL in the area beginning at latitude 29°-52'30" N., longitude 81°53'30" W., to latitude 29°51'10" N., longitude 81°51'00" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°48'50" N., longitude 81°56'55" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to point of beginning. Surface to 5,000 feet MSL in the area beginning at latitude 29°-51'10" N., longitude 81°51'00" W., to latitude 29°49'00" N., longitude 81°46'20" W., to latitude 29°44'50" N., longitude 81°49'05" W., to latitude 29°47'00" N., longitude 81°53'55" W., to latitude 29°51'10" N., longitude 81°51'00" W.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

Identification: R-2904C, Stevens Lake North, Fla.

Boundaries: Beginning at latitude 29°59'-50" N., longitude 81°57'40" W., to latitude 29°56'45" N., longitude 81°53'15" W., to latitude 29°55'30" N., longitude 81°54'10" W.,

counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°58'10" N., longitude 81°59'10" W., to point of beginning.

Designated altitudes: Surface to 7,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Jacksonville ARTC Center.

Using agency: Commander Fleet Air, Jacksonville NAS, Jacksonville, Fla.

R-2903C PUTNAM, FLA.

Identification: R-2905, Putnam, Fla.

Boundaries: The area within a 5 nautical mile radius of latitude 29°47'00" N., longitude 81°41'00" W.

R-2903D JACKSONVILLE WEST, FLA.

Identification: R-2903B, Jacksonville West, Fla.

Boundaries: Beginning at latitude 30°21'32" N., longitude 82°02'00" W., to latitude 29°57'30" N., longitude 82°02'00" W., counterclockwise along an arc of a circle 5 nautical miles in radius centered at latitude 29°53'04" N., longitude 81°59'09" W., to latitude 29°53'50" N., longitude 82°05'00" W., to latitude 30°00'00" N., longitude 82°19'30" W., to latitude 30°03'00" N., longitude 82°20'00" W., to latitude 30°22'00" N., longitude 82°20'00" W., to the point of beginning.

R-2903E JACKSONVILLE NORTH, FLA.

Identification: R-2903C, Jacksonville North, Fla.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-12141; Filed, Nov. 8, 1966; 8:47 a.m.]

[14 CFR Part 135]

[Docket No. 7115; Ref. Notice 66-2]

FILING OF FLIGHT PLANS

Withdrawal of Notice of Proposed Rule Making

The Federal Aviation Agency has had under consideration a proposal to amend Part 135 of the Federal Aviation Regulations (Air Taxi Operators and Commercial Operators of Small Aircraft) to require the pilot in command of an aircraft operated under that part to file a flight plan containing the information specified in § 91.83. This proposal was issued as notice 66-2, and published in the FEDERAL REGISTER on January 19, 1966 (31 F.R. 717).

As stated in notice 66-2, the purpose of the proposal was to provide a means of taking earlier advantage of any available search and rescue facilities in the event of an emergency in flight, especially in flights over sparsely populated or mountainous areas. The comments received in response to notice 66-2 varied from unqualified endorsement to unqualified objection to the proposal. However, a substantial majority of the comments opposed the proposal, and several comments that supported the proposal expressed reservations. Generally, those who conduct search and rescue operations supported the proposal, while those who would be subject to the proposed requirement vigorously opposed it and presented reasons for their opposition.

In opposing the proposal, the comments argued that it would not accomplish its stated purpose, or would accomplish its purpose only to a limited extent but at an unreasonably high cost to Part 135 operators. Furthermore, the comments stated that, while the proposal responded to one highly publicized incident, it appeared to ignore the good overall accident record of Part 135 operators. The comments also pointed out that adequate communications facilities were limited or lacking in those areas where rapid location was most needed, and that the proposal would otherwise place a heavy burden on the communications systems involved. Several comments stressed the fact that many operators now file VFR flight plans voluntarily, and that compulsory filing might compromise certain confidential operations, such as those involving the location and development of mineral resources in remote areas. Finally, some comments supporting the proposal urged changes, such as expanding the areas in which flight plans would not be required.

The Agency has reviewed all of the comments received in response to notice 66-2. In the light of the lack of a reasonable assurance that the proposal will accomplish its stated purpose and the possibility that the necessary communications facilities may not be wholly adequate on a nationwide basis, the Agency has determined that notice 66-2 should be withdrawn.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the Agency from issuing another notice in the future or commit the Agency to any course of action in the future.

In consideration of the foregoing, notice 66-2 published in the FEDERAL REGISTER on January 19, 1966 (31 F.R. 717), is hereby withdrawn.

This withdrawal is issued under the authority of sections 307, 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354 and 1421).

Issued in Washington, D.C., on November 2, 1966.

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

[F.R. Doc. 66-12142; Filed, Nov. 8, 1966; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16662; FCC 66-963]

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 (Leitchfield, Ky., Rolla and Columbia, Mo., Bakersfield, Calif., Sandusky, Mich., Enterprise and Troy, Ala., Ladysmith, Wis., and Ironwood, Mich., Sturgeon Bay, Wis., Morris, Minn., Jerseyville, Ill., Augusta, Ga., Brewton and Andalusia, Ala., Wickenburg, Ariz., Potsdam, N.Y., New Albany, Ohio, and Circleville, Ohio); Docket No. 16662, RM-957, RM-940, RM-941, RM-878, RM-944, RM-948, RM-949, RM-956, RM-958, RM-959.

1. In a notice of proposed rule making issued on May 27, 1966, FCC 66-479, the Commission invited comments on a number of proposed changes in the FM Table of Assignments, including the deletion of Channel 280A from New Albany, Ohio, on its own motion. In an order extending time for filing reply comments issued on September 6, 1966, the Commission accepted for filing a late Supplemental Comment by the Christian Voice of Central Ohio (Christian Voice) and extended the time for filing reply comments with respect to this portion of the proceeding only, until September 21, 1966, upon request of Nelson R. Embrey II, and Honor L. Greenawalt, licensees of Station WNRE(FM), Circleville, Ohio (WNRE). Christian Voice, on October 6, 1966, filed an untimely reply to opposition to supplemental comments and a petition for leave to file reply to opposition to supplemental comments of WNRE. In the interests of orderly procedure and in view of the action taken herein below, these pleadings of Christian Voice are not accepted and the relief requested is denied.

2. A brief summary of the background of this matter will be helpful. On December 3, 1964, Christian Voice, desirous of providing a specialized religious FM radio service to the Columbus, Ohio, area, filed a petition requesting rule making, RM-694, looking toward the assignment of Channel 285A to Columbus (it had previously been assigned to this city but was subsequently assigned to Circleville) and the substitution of Channel 296A for 285A at Circleville, Ohio. This proposal was opposed by WNRE since it had a construction permit for Channel 285A in Circleville. On March 3, 1965, Christian Voice amended its petition to request the assignment of Channel 280A to the community of New Albany, Ohio, about 12 miles northeast of Columbus. Based upon the showing made by petitioner, including one of technical feasibility, the Commission invited comments on the proposal and in a Report and Order in Docket No. 16006, issued on October 22, 1965, FCC 65-950, finalized the assignment of Channel 280A at New Albany. Subsequently, upon the filing of an application for the use of this assignment by Christian Voice, it was discovered that an error was made in the showing of feasibility and that the assignment could not conform to the spacing requirements. As a result, the Commission in this proceeding and on its own motion, proposed to delete Channel 280A from New Albany without any replacement.

3. The error referred to above lay in the assumption that Station WPAY-FM on Channel 281 in Portsmouth, Ohio, was located in Zone I, whereas actually its transmitter is located across the Ohio

River in Zone II, and it is a Class C station. See § 73.211(c) of the rules. Thus, while the separation between New Albany and WPAY–FM is only 94.4 miles, the required separation between a Class A station and a Class C adjacent channel station is 105 miles. Christian Voice urges the Commission to retain Channel 280A in New Albany and consider WPAY to be a Class B station since the assignment is to Portsmouth, which is located in Zone I.[1] In the supplemental comments Christian Voice advances two alternative proposals. One is to retain Channel 280A at New Albany but require that an application for its use utilize a directional antenna which would provide WPAY with "equivalent protection" of the standard spacing to make up for the 11-mile shortage. It urges that this would not encroach upon the Commission's carefully considered allocation concepts and that in any event a waiver of the minimum mileage rule would serve the public interest in this case. Christian Voice points out that the principal of "equivalent protection" has been used several times in television and submits an engineering showing to prove the technical feasibility of such an operation.

4. The second alternative proposal advanced by Christian Voice is the same as previously proposed by it in RM–694, the assignment of Channel 285A to Columbus by the substitution of Channel 296A for 285A at Circleville. Christian Voice submits that this proposal is technically feasible, that similar changes have been made in the past where it was considered that the public interest would benefit, citing two such cases (Docket Nos. 15543 and 15542), and that it is willing to reimburse WNRE "the legitimate and prudent out-of-pocket expenses incurred by it, whether they be engineering costs or otherwise, necessary for it to effectuate any channel change, should Voice ultimately become the permittee on Channel 285A in Columbus."

5. WNRE submits that it has no objection to the establishment of a religious station in or near Columbus but not at the expense and to the detriment of WNRE. It opposes the second alternative of Christian Voice, which would modify the license of WNRE to specify operation on Channel 296A instead of Channel 285A, on which it is presently operating.[2] This opposition is based upon the following reasons: First, WNRE claims that the listener confusion which would result from the change would result in a loss of revenue and could jeopardize its operation. This confusion, it claims, would be increased by the operation of another station in Columbus on its previous assignment. Second, it argues that insufficient public interest considerations have been advanced to support the proposal. WNRE states that Columbus already has eight FM stations, including two educational stations and that WEEC(FM) in Springfield also serves Columbus with religious programs.

6. We have carefully considered the comments and data submitted by Christian Voice and WNRE with respect to the matter of retaining Channel 280A at New Albany and the assignment of Channel 285A to Columbus by the substitution of Channel 296A for 285A at Circleville. With respect to the retention of Channel 280A at New Albany with or without the suppression of power in the direction of WPAY–FM, we are of the view that we cannot adopt this proposal. We have on several occasions stated our reasons for not deviating from the minimum mileage requirements of the rules. See, for example, the memorandum opinion and order adopted May 5, 1965, RM–674, FCC 65–387. We do not believe that there are sufficient public interest considerations in this case to warrant a departure from our basic policy of not permitting violations of the adopted separations, or the use of the principal of equivalent protection to justify such violation, especially where there is available another method to provide the requested and needed assignment. As to the need for the proposed assignment, we disagree with WNRE and have previously found that there is a need for the requested Class A assignment in the Columbus area.

7. As to the proposal to assign Channel 285A to Columbus, in lieu of Channel 280A to New Albany, we are of the view that sufficient merit has been shown to flow from this proposal as to warrant further rule making. In addition to removing a short spaced assignment the proposal has the advantage of adding a new channel in the city of Columbus itself, the area originally intended to be served by the New Albany assignment. Accordingly, we are inviting comments from all interested parties on this proposal in order that they may state their views and submit any relevant data. Since WNRE operates on Channel 285A and the proposal would substitute Channel 296A therefor, appropriate action will be taken with respect to its authorization, in the event the proposal is adopted.

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

9. In view of the foregoing, comments are invited on the following changes in the FM Table of Assignments:

City	Channel No.	
	Delete	Add
Circleville, Ohio	285A	296A
Columbus, Ohio		285A

10. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file comments on or before December 5, 1966, and reply comments on or before December 20, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. 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: November 2, 1966.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 66–12173; Filed, Nov. 8, 1966; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16968; FCC 66–969]

TELEVISION BROADCAST STATIONS

Table of Assignments; St. James, Minn.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (St. James, Minn.); Docket No. 16968, RM–997.

1. On July 1, 1966, Hubbard Broadcasting, Inc., licensee of Station KSTP–TV, Channel 5, St. Paul, Minn., filed a petition requesting a commercial UHF channel assignment to St. James, Minn.

2. St. James, county seat of Watonwan County, is located approximately 100 miles southwest of Minneapolis-St. Paul and according to the 1960 U.S. census, has a population of 4,174 persons.

3. Petitioner states that if a UHF channel assignment is made to St. James, it will immediately file an application for construction permit to operate on the assigned channel as a satellite of its licensed Station, KSTP–TV, which is an NBC affiliate.

4. St. James is in an area where UHF channel availabilities are considered plentiful. The Commission has selected Channel 38 as the most efficient channel, and its assignment will not have an adverse effect on future assignments in the impact area.

5. Pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Com-

[1] Several other contentions are made concerning the needs of the area for religious and educational broadcast service and the plans of Christian Voice to provide the types of programs considered needed.

[2] Procedurally WNRE contends that the Commission's grant of Christian Voice's petition for leave to file supplemental comments was premature and in violation of the rules in view of the notice that WNRE wished to oppose the petition. We do not find this contention to have merit. Our rules do not prohibit the Commission from accepting a supplemental pleading without waiting for oppositions. In fact § 1.45(c) specifically permits this. Further, the rights of WNRE will not be jeopardized since adequate opportunity will be given for it to file any comments or data it may wish to submit, just as it already has done in its opposition considered herein.

[3] Commissioners Bartley and Cox dissenting, Commissioner Wadsworth absent, and Commissioner Johnson concurring.

mission's rules insofar as the listed community is concerned, to read as follows:

City	Channel No.
St. James, Minn	38

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before December 12, 1966, and reply comments on or before December 22, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. 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: November 2, 1966.

Released: November 4, 1966.

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

[F.R. Doc. 66-12174; Filed, Nov. 8, 1966; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16967; FCC 66-967]

UHF TELEVISION BROADCAST CHANNEL

Table of Assignments; New Orleans, La.

In the matter of amendment of the table of assignments in § 73.606(b) of the Commission rules and regulations to add a commercial UHF television broadcast channel at New Orleans, La., Docket No. 16967, RM-1008.

1. On July 25, 1966, Rault Petroleum Corp. of New Orleans, La., filed a petition for rule making requesting that a UHF television broadcast channel be assigned to New Orleans for use by a commercial television broadcast station. The petitioner stated that if a channel is provided, it will promptly apply for authority to construct and operate a new UHF television station in New Orleans.

2. New Orleans is currently assigned 4 VHF channels (4, 6, 8, and 12) one of which (Channel 8) is reserved for educational broadcasting. Stations are in operation on all of these channels. UHF Channels 20, 26 and 32 are also assigned with Channel 32 reserved for educational broadcasting. Supreme Broadcasting Co., Inc. (WJMR-TV), holds a construction permit for Channel 20 and Channel 26, Inc. (WWOM-TV), holds a construction permit for Channel 26. There are no pending applications for educational Channel 32.

3. We have examined the assignment possibilities in the New Orleans area by means of the electronic computer and find that a number of additional assignments could be made. The study shows that Channel 38 is the most efficient choice in terms of impact on remaining available assignments. There is an adequate number of available assignments remaining in the area to meet foreseeable future needs.

4. New Orleans is ranked 43d among television markets based on net weekly circulation. In the revised UHF plan adopted in the fifth report and memorandum opinion and order in Docket No. 14229 (FCC 66-137, released February 11, 1966), 39 of the top 75 markets were given six or more commercial assignments. Ten of these 39 markets have less net weekly circulation than New Orleans. Under the circumstances, a sixth commercial assignment for New Orleans appears reasonable.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in §73.606(b) of the Commission rules by adding Channel 38 to New Orleans, La.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before December 12, 1966, and reply comments on or before December 22, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: November 2, 1966.

Released: November 4, 1966.

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

[F.R. Doc. 66-12175; Filed, Nov. 8, 1966; 8:49 a.m.]

[1] Commissioner Wadsworth absent.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 526]

[20,261]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Limitations on Rate of Return

NOVEMBER 3, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) it is hereby proposed that § 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) be amended by the addition of a new paragraph, paragraph (d) to read as follows:

§ 526.4 Maximum rate of return payable on certificate accounts.

* * * * *

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than November 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 66-12189; Filed, Nov. 8, 1966; 8:51 a.m.]

[12 CFR Part 569]

[FSLIC-2,809]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Limitations on Rate of Return

NOVEMBER 3, 1966.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1) it is hereby proposed that § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) be amended by the addition of a new paragraph, paragraph (d), to read as follows:

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than November 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-12190; Filed, Nov. 8, 1966; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 412]

CERTAIN DISCRIMINATORY PRACTICES IN MEN'S AND BOYS' TAILORED CLOTHING INDUSTRY

Notice of Proposed Rule Making

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the Clayton Act, as amended, 15 U.S.C. 12, et seq., and the provisions of Part 1, Subpart F of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the granting or furnishing of advertising payments or promotional allowances, services, or facilities by sellers of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms, to buyers engaged in the resale of such products.

In connection with the investigation of the apparel industry for violations of the Clayton Act, as amended, Special Reports, authorized under subsections (a) and (b) of section 6, of the Federal Trade Commission Act, were filed with the Commission. An examination of those Special Reports, submitted by leading members of the Men's and Boys' Tailored Clothing Industry, disclosed that violations have been common in instances where sellers, in granting promotional allowances and services, failed to supply their customers with written plans or deviated from previously circulated plans. Approximately 5 percent of the industry were afforded the opportunity to file consent agreements pursuant to the Commission's Consent Order Procedure, 16 CFR 2.1, et seq. Knowledgeable sources have indicated that violations of sections 2 (d) and/or (e) of the Clayton Act, as amended, which are set forth in an appendix to this notice, continue in the industry, particularly in instances where advertising payments or promotional allowances, services, or facilities are granted or furnished pursuant to individually negotiated, oral arrangements.

Based upon the foregoing and upon consideration of a petition for an industrywide enforcement program, the Commission has initiated this proceeding having reason to believe that: (1) Sellers, including manufacturers and other marketers, engaged in the sale of the above-enumerated products in commerce, as "commerce" is defined in section 1 of the Clayton Act, have engaged in the practice of granting or furnishing discriminatory advertising payments or promotional allowances, services, or facilities to customers competing in the resale of such products; (2) such practices constitute violations of sections 2 (d) and/or (e) of the Clayton Act, as amended by the Robinson-Patman Act; and (3) that such violations exist where the seller has not supplied his customers with promotional plans in writing, or has deviated from a previously circulated plan with respect to some, but not all, competing customers.

Sec.
412.0 Definitions.
412.1 The rule.

AUTHORITY: The provisions of this Part 412 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58; 38 Stat. 730, as amended; 15 U.S.C. 12–27.

§ 412.0 Definitions.

For the purpose of this proposed rule the following definitions apply:

(a) *Products.* Men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms.

(b) *Seller.* Any person, firm, corporation, or organization engaged in the sale of products for resale with or without further processing.

(c) *Customer or purchaser.* Persons, firms, corporations, or organizations engaged in the purchase of products for resale.

(d) *Customers competing in the resale and competing customers.* Mean those customers who actively compete with each other in the distribution of a seller's products.

§ 412.1 The rule.

Accordingly, the Commission proposes the following Trade Regulation Rule: The granting or furnishing, in whole or in part, of any advertising payment or promotional allowance, service or facility, by any seller of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms to a customer engaged in the resale of such products, within the purview of sections 2 (d) and (e) of the Clayton Act, as amended, will be presumed to be unlawful unless such payment or allowance, service, or facility has been made available on proportionally equal terms to all the seller's customers competing in the resale of products sold in competition with each other pursuant to and in accordance with all the terms and conditions of a written plan supplied to all such competing customers.

All interested or affected parties are hereby notified that they may file written data, views, or arguments concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than January 11, 1967. To the extent practicable, persons submitting written presentation exceeding two pages should file 12 copies thereof.

All interested parties are also hereby given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.s.t., on Wednesday, January 18, 1967, in Room 532 of the Federal Trade Commission Building, Washington, D.C. 20580.

On or after January 18, 1967, the data, views, or arguments presented orally or in writing relating to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C. 20580, and will be fully considered by the Commission in taking such action as may be warranted.

All persons, firms, corporations, or others engaged in the sale or distribution of men's, youths', and boys' suits, coats, overcoats, topcoats, jackets, dress trousers, and uniforms for resale in commerce, as "commerce" is defined in the Clayton Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

Information received during preliminary consideration of this matter indicates that the practices which would be prohibited by the proposed rule are widespread in the industry.

This proceeding is designed to inform all industry members of their obligations under the law and to attain equitable treatment of them in its enforcement.

All interested or affected parties are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof and give a full statement of their views in connection herewith.

Set forth below are sections 2 (d) and (e) of the Clayton Act, as amended:

(d) That it shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such

person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) That it shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

Issued: November 8, 1966.

By the Commission.

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

[F.R. Doc. 66-12091; Filed, Nov. 8, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[MC-C-1; Sub-No. 2; 96 M.C.C. 691]

ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Proposed Redefinition of Limits

NOVEMBER 4, 1966.

Petitioners: Baldor Electric Co., Keil Engineering Products, Inc., Kepro Circuit Systems, Inc., John V. Thiemann, Inc., L. E. Sauer Machine Co., Bohn & Dawson, Inc., Western Textile Products Co.; petitioners' representative: G. M. Rebman, 1030 Boatmen's Bank Building, St. Louis, Mo. 63102.

By petition filed October 17, 1966, petitioner request the Commission to reopen the above proceeding for the purpose of redefining the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, which were most recently redefined on December 30, 1964, in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 96 M.C.C. 691 at pages 696-697 (49 CFR 170.3). The western limits of such zone are defined in part by the western boundary of Kirkwood, Mo. Petitioners seek redefinition so as to include the following area immediately west of Kirkwood and known as Tree Court Industrial Park: "The area bounded on the east by Kirkwood, Mo., city limits, on the south by Marshall Road, on the west by Treecourt Avenue, and on the north by Big Bend Road."

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before December 12, 1966.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-12199; Filed, Nov. 8, 1966; 8:52 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–b]

DISC BRAKE PADS FROM CANADA

Antidumping Proceeding Notice

NOVEMBER 3, 1966.

The FEDERAL REGISTER notice dated September 9, 1966, is hereby corrected as follows: Wherever the manufacturer is stated to be "Certified Automotive Products, Rexdale, Ontario, Canada" it should be amended to read "Atom-Otive Products, Rexdale, Ontario, Canada."

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 66–12164; Filed, Nov. 8, 1966; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order 167–79]

COMMANDANT, U.S. COAST GUARD

Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 4), there are transferred to the Commandant, U.S. Coast Guard the functions of the Secretary of the Treasury contained in 42 U.S.C. 1594(c) and 1594b relating to the financing, maintenance and operation of housing for military personnel of the Coast Guard.

Dated: November 3, 1966.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–12165; Filed, Nov. 8, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 2, 1966.

The Department of Agriculture has filed an application, Serial No. I–199 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas, historical areas and an administrative site in the Clearwater National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Mangement will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

Orogrande Campground

T. 37 N., R. 7 E.,
Sec. 3, lots 1, 2, 3, NW¼SW¼NE¼ and N½SE¼NW¼.
Totaling 156.59 acres.

Tom Beal Park

T. 36 N., R. 14 E., unsurveyed, which probably will be when surveyed:
Sec. 20, SW¼NE¼SE¼, SE¼NW¼SE¼, and S½SE¼;
Sec. 29, N½N½NE¼.
Totaling 140 acres.

Spring Mountain Campsite

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:
Sec. 2, SE¼NE¼SW¼SE¼, NE¼SE¼SW¼SE¼, SW¼NW¼SE¼SE¼, and NW¼SW¼SE¼SE¼.
Totaling 10 acres.

Indian Post Office Site

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:
Sec. 17, W½NW¼SW¼.
Totaling 20 acres.

Lonesome Cove Campsite

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:
Sec. 18, SW¼NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, and NW¼SE¼SW¼SE¼.
Totaling 10 acres.

Sinque Hole Campsite

T. 37 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 36, E½SW¼NW¼SE¼ and W½SE¼NW¼SE¼.
Totaling 10 acres.

Indian Grave Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 1, S½NE¼NW¼NE¼ and N½SE¼NW¼NE¼.
Totaling 10 acres.

Smoking Place Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 1, W½NW¼SE¼, W½E½NW¼SE¼, NW¼NE¼SW¼SE¼, and N½NW¼SW¼SE¼.
Totaling 37.50 acres.

Bald Mountain Campsite

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 20, N½S½NE¼NW¼ and S½N½NE¼NW¼.
Totaling 20 acres.

Bald Mountain Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 19, S½SE¼NW¼NE¼ and N½NE¼SW¼NE¼.
Totaling 10 acres.

Dry Campsite

T. 36 N., R. 9 E., unsurveyed, which probably will be when surveyed:
Sec. 25, SW¼SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, SE¼SE¼NE¼NW¼, and NE¼NE¼SE¼NW¼.
Totaling 10 acres.

Sherman Peak Historical Site

T. 36 N., R. 9 E., unsurveyed, which probably will be when surveyed:
Sec. 34, SW¼NE¼SW¼ and E½SE¼NW¼SW¼.
Totaling 15 acres.

Cache Mountain Site

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 12, SW¼NW¼NE¼.
Totaling 10 acres.

Hungery Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 14, SW¼NE¼SW¼, NW¼SE¼SW¼.
Totaling 20 acres.

Retreat Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 15, NE¼NW¼SW¼.
Totaling 10 acres.

Soup Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 8, S½NW¼NE¼SE¼.
Totaling 5 acres.

Elbow Bend Campsite

T. 35 N., R. 7 E.,
Sec. 13, W½SW¼SW¼NE¼ and E½SE¼SE¼NW¼.
Totaling 10 acres.

Horse Steak Meadow Campsite

T. 35 N., R. 7 E.,
Sec. 14, SE¼NE¼SW¼NE¼, NE¼SE¼SW¼NE¼, SW¼NW¼SE¼NE¼, and NW¼SW¼SE¼NE¼.
Totaling 10 acres.

Wendover Ridge Campsite

T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed:
Sec. 4, SW¼NE¼NE¼.
Totaling 10 acres.

Lola Pass Information Site

T. 38 N., R. 15 E.,
Sec. 16, W½NW¼SE¼.
Totaling 20 acres.

The areas described aggregate 544 acres, more or less, in Clearwater and Idaho Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 66-12154; Filed, Nov. 8, 1966; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION VI SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Director of Administration, Region VI, during the absence of the Regional Director of Administration, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Administration, Region VI, provided that no officer is authorized to serve as Acting Regional Director of Administration unless all officers whose titles precede his in this designation are unable to act by reason of absence:

1. Chief, Budget and Management Branch.
2. Chief, Accounting Branch.
3. Training and Personnel Officer.

This designation supersedes the designation effective February 10, 1965 (30 F.R. 3401, Mar. 13, 1965).

(Delegation effective May 4, 1962, 27 F.R. 4319; Department Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 19th day of September 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 66-12166; Filed, Nov. 8, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-26]

JONES MEDICAL INSTRUMENT CO.

Notice of Filing of Petition for Rule Making

Please take notice that the Jones Medical Instrument Co., 315-323 South Honore Street, Chicago, Ill., by letter dated October 20, 1966, has filed with the Commission a petition for rule making to amend the Commission's regulation "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31.

The amendments proposed by the petitioner would amend Part 31 so as to issue a general license authorizing possession and use of iodine 125 for clinical and laboratory testing of thyroid function not involving administration to human beings. The petitioner requests that the general license authorize possession and use of prepackaged units not to exceed ten microcuries of iodine 125, with a total possession limit at any one time of one hundred microcuries of iodine 125.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 2d day of November 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-12123; Filed, Nov. 8, 1966; 8:45 a.m.]

[Docket No. PRM-30-27]

PYROTRONICS, INC.

Notice of Filing of Petition for Rule Making

Please take notice that Pyrotronics, Inc., 2343 Morris Avenue, Union, N.J., by letter dated October 21, 1966, has filed with the Commission a petition for rule making to amend the Commission's regulation, "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items," 10 CFR Part 31.

The amendments proposed by the petitioner would amend Part 31 so as to issue a general license for fire and smoke detectors utilizing not more than 130 microcuries of americium 241 for producing an ionized atmosphere within the detector bodies. The general license proposed by the petitioner would require testing of the device, for possible leakage of americium 241, prior to installation of the device, but not thereafter. The proposed general license also would permit transfer of the installed devices to other general licensees.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 2d day of November 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-12124; Filed, Nov. 8, 1966 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17782]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT (LUFTHANSA GERMAN AIRLINES) PERMIT AMENDMENT

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on Tuesday, November 22, 1966, at 10 a.m. (eastern standard time) in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information, interested persons are referred to the prehearing conference report and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 4, 1966.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 66-12160; Filed, Nov. 8, 1966; 8:48 a.m.]

[Docket No. 17909; Order No. E-24361]

ESTABLISHMENT OF SERVICE RATES FOR MAIL

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of November 1966.

The President has signed into law P.L. 89-725 which establishes a new class of mail which is required to be moved by air.

The new class of mail consists of first-class letter mail (including postal cards and post cards), sound recorded communications having the character of personal correspondence, and parcels of any class of mail not exceeding 5 pounds in weight and 60 inches in length and girth combined, mailed at or addressed to an Armed Forces Post Office. This class of mail is to be airlifted on a space-available basis between Armed Forces Post Offices established under 39 U.S.C. 705 (d) and located outside of the 48 contiguous States of the United States, and between any such Armed Forces Post Office and the point of embarkation or debarkation within the 50 States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone. In addition, certain second-class

publications mailed at or addressed to an Armed Forces Post Office in an overseas area designated as a combat area by the President under 39 U.S.C. 4169, and parcels over 5 pounds but less than 70 pounds and not exceeding 100 inches in length and girth mailed at or addressed to overseas Armed Services Post Offices where adequate surface transportation is not available are included in the new class and are to be similarly airlifted. Under the legislation the Board is required to fix and determine under section 406 of the Federal Aviation Act of 1958 the rate of compensation to be paid the air carriers for the carriage of this new class of mail.

It is expected that the airlifting of P.L. 89–725 mail will begin immediately. The Board is, therefore, today instituting an investigation for the purpose of fixing and determining the fair and reasonable rate of compensation to be paid by the Postmaster General for the carriage of mail subject to P.L. 89–725 on and after the date of this order. In some geographical areas existing mail rates are applicable to this class of mail, while in other areas there are no applicable rates. Existing service mail rates are therefore reopened to the extent necessary to establish a rate for this class of mail.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 204 and 406 thereof, and P.L. 89–725,

It is ordered, That:

1. An investigation is hereby instituted to fix and determine the fair and reasonable rates of compensation to be paid air carriers for the transportation of mail under P.L. 89–725 on and after the date of this order;

2. All air carriers holding certificates of public convenience and necessity authorizing the transportation of mail shall be made parties to this proceeding.

3. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–12161; Filed, Nov. 8, 1966; 8:48 a.m.]

[Docket No. 17708]

NOVO INDUSTRIAL CORP.

Notice of Proposed Approval of Control Relationships

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 4, 1966.

[SEAL] J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

By application filed September 13, 1966, Novo Industrial Corp. (Novo) requests approval, without hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), for the purchase of all the assets and business of Air Dispatch, Inc. (ADI), a domestic air freight forwarder, while it (Novo) also controls Fleet Transfer Corp. (Fleet), an interstate common carrier by truck.[1] Fleet operates under a certificate of public convenience and necessity issued by the Interstate Commerce Commission (MC 41136) authorizing the transportation of trucks, buses and other automotive vehicles from designated points (e.g., Pontiac, Mich., Elmira, N.Y., and Nashville, Tenn.), over irregular routes to unspecified places in various states in the United States.

ADI operates air freight forwarder and other related services within the United States pursuant to an authorization issued by the Board under Part 296 of the Economic Regulations.[2]

The acquisition of ADI by Novo will be accomplished by exchanging 25,000 shares of Novo common stock and 30,000 shares of new class B preferred stock of Novo for the total issued and outstanding stock of ADI, amounting to 4,725½ shares.[3] Upon consummation of this transaction Novo will immediately transfer all of the assets, good will and liabilities of ADI to a wholly owned subsidiary, Air Dispatch Operating Co., Inc. (ADO), which will continue with the same key personnel and in the same manner as ADI presently operates.[4]

The application states that interlocking relationships within the scope of section 409 of the Act will exist as a result of the holding by three officers and directors of Novo of positions with ADO and Fleet, but that such relationships fall within the exemption from section 409 provided by Part 287 of the Economic Regulations.[5]

In support of the application, Novo states that the operations of ADO will be a continuation and expansion of the air freight forwarding business conducted by ADI; that as a result of the reorganization, ADI's successor, ADO, will be in a sounder financial condition and thus better able to develop its air freight business;[6] that operations of ADO will not be integrated with the operations of any other subsidiary or affiliate of Novo, and that the transaction will have no adverse effect on the public or the air carrier since the result should be an improved air freight forwarding operation. With specific reference to its common control of the air freight forwarder and the interstate motor carrier, Novo submits that Fleet operates a specialized service involving the transfer of fully assembled trucks and buses from manufacturer to dealer, requiring the use of specially designed tractor-trailer equipment; that such heavy equipment is not now or in the foreseeable future susceptible to air transportation; that the two carriers operate in completely different marketing areas, and that approval of the relationships will not result in creating a monopoly, restrain competition or adversely affect any other air carrier. With the exception of Fleet, Novo does not control and is not directly or indirectly affiliated with any other air carrier, common carrier or person engaged in a phase of aeronautics.

No comments on the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that ADI is an air carrier, that Fleet is a common carrier, both within the meaning of section 408 of the Act, and that the common control of both companies by Novo is subject to that section. However, it has been further concluded that these relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. In this instance, it appears that the ICC certificate issued to Fleet limits its commodity authorization to truck and bus assemblies which are not, because of their size, weight, special handling requirements and other factors, susceptible now or in the foreseeable future, to air transportation.

Thus there is no apparent conflict of interest between the air and surface operations of the companies.[7]

However, should the certificate of Fleet be amended to include commodities more readily transportable by air, new issues would be raised which could only be resolved upon the filing of a further application for approval by the Board. In this posture it appears that approval of the control relationships would not be inconsistent with the public interest, provided that such approval is made effective only so long as the operations of motor vehicles by Fleet is limited to the commodities described in ICC Certificate of Public Convenience and Necessity No. MC 41136 in effect on the date of the application filed herein.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing.[8]

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[1] Novo is a diversified manufacturing and services corporation with divisions and subsidiaries in the United States and Canada. Manufactured products include electrical appliances, automotive parts, structural steel, air filtering equipment and truck bodies and trailers. Services include the preparation and delivery of buses and trucks and the storage, inspection and shipment of film and video tapes.

[2] In Docket 7773, Order E–10571, Aug. 29, 1956, the Board approved the control of ADI by 14 motor carriers or persons controlling such carriers and by Bonded Film Storage, Inc., now a subsidiary of Novo. None of these persons owned more than 10 percent of ADI's stock.

[3] The new Class B stock is convertible into common at a per share price of $20 to December 1, 1970; $25 thereafter to Dec. 1, 1973, and $30 thereafter to Dec. 1, 1976. Novo's common stock was quoted on the American Exchange as of Sept. 21, 1966, at $18 per share. At those prices the value of the Novo stock would be $1,050,000. (25,000 x 18 plus 30,000 x 20).

[4] By application filed concurrently, ADO requests issuance of an air freight forwarder authorization pursuant to Part 296 of the Economic Regulations. The operating authorization of ADI will be surrendered for cancellation on approval of this request.

[5] These officers are Walter E. Bronston, Chairman of the Board of Directors, Richard E. Garley, Vice President, Secretary and General Counsel, and James W. Armour, Jr., Vice President.

[6] Although ADI operated profitably in 1965–66, its June 30, 1966, statement shows a negative stockholder equity of $371,478.

[7] Cf. Telstar Air Freight, Inc., Order E-22479, July 27, 1965.

[8] To the extent that such approval involves interlocking relationships within the scope of section 409 of the Act, such relationships appear to fall within the exemption from section 409 provided by Part 287 of the Board's Economic Regulations.

Accordingly, it is ordered:

1. That the acquisition of control of ADI by Novo while it also controls Fleet be and it hereby is approved;

2. That the transfer of all the assets and business of ADI to ADO be and it hereby is approved;

3. That the resulting common control by Novo of ADO and Fleet be and it hereby is approved;

4. That such approval shall be effective only so long as the commodities transported by Fleet are confined to those described in ICC Certificate of Public Convenience and Necessity No. MC 41136 in effect on September 13, 1966, and;

5. That to the extent not granted herein, the application in Docket 17708 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations (14 CFR 385.50) may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Director, Bureau of
Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-12162; Filed, Nov. 8, 1966; 8:48 a.m.]

CHARTER FLIGHTS BY SUPPLEMENTAL AIR CARRIERS

Notice Concerning Board Policy With Respect to Future Authorization by Exemption

NOVEMBER 4, 1966.

It has been the Board's practice to grant to any supplemental air carrier an individual exemption for a specific passenger charter in foreign air transportation in areas where no supplemental carrier holds certificated charter authority. The principal showing required is that the charter be in accordance with the Board's charter concept. At the present time, the principal traffic under this procedure is to Canada, Mexico, Bermuda, the Bahamas, and the Caribbean area.

By Orders E-24237 and 24242, served September 30, 1966, certificates were issued to 11 supplemental carriers authorizing them to engage in passenger charters in foreign and overseas air transportation, as delineated in each certificate. This authority is to become effective November 26, 1966. On that date, a major premise for the grant of individual exemptions—i.e., the absence of certificated supplemental service—will no longer exist. Our intended procedure in this changeover period will be delineated herein, taking note, however, of three supplemental carriers which have applications for certification still pending:

1. For flights commencing prior to November 26, the Board's existing practice will continue.

2. For flights occurring on or after November 26, a carrier certificated to a particular foreign area will need no specific exemption for charters to that area and none will be issued.

3. For flights occurring within 60 days after November 26, the Board will entertain exemption applications from a carrier denied authority to the particular foreign area in question by the aforementioned orders, provided the charter contract was executed prior to the date of service of the orders—i.e., September 30, 1966.

4. Applications for individual exemptions for flights occurring on and after November 26 will continue to be entertained from the three supplemental carriers whose applications for certificates in the "Supplemental Air Service Proceeding" are still pending, until final decisions on their applications are issued. However, exemptions will be granted only on a first refusal basis in favor of those supplemental carriers that have certificated authority in the particular area in which the flight is to be operated.

5. Transatlantic charter flights will not be authorized by individual exemptions after November 26.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-12222; Filed, Nov. 8, 1966; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16706-16708; FCC 66-944]

ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues Conditionally

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357; for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513; for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319; for construction permit.

1. This proceeding involves the mutually exclusive applications of: (a) Atlantic Broadcasting Co. (hereinafter WUST) for renewal of its license for standard broadcast Station WUST, Bethesda, Md., and for a construction permit to increase the power of WUST on 1120 kilocycles from 250 watts to 5,000 watts, with 1,000 watts during critical hours, daytime only, in Bethesda, Md.; and (b) Bethesda-Chevy Chase Broadcasters, Inc. (hereinafter B-CC), for a construction permit for a new standard broadcast station to operate on 1120 kilocycles, 250 watts power, daytime only, in Bethesda, Md. These applications were designated for hearing by our order (FCC 66-526, released June 16, 1966) on issues to determine: (a) Areas and populations to be served; (b) whether B-CC is financially qualified; (c) whether WUST's proposal will provide a realistic local transmission facility for Bethesda or for another larger community and, if the latter, whether WUST will meet all of the technical provisions of the rules for that larger community; and (d) which of the proposals would better serve the public interest.

2. In our designation order, we also considered the application of § 73.25(a)(5)(ii) of the rules to WUST's proposal to increase power. That section, which provides for the operation of daytime only stations on 1120 kilocycles within the continental United States with the facilities authorized as of October 30, 1961, was adopted as part of the Clear Channel proceeding, 31 FCC 565, 21 RR 1801 (1961), to protect clear channel stations from additional interference. However, WUST's proposal to increase power was filed prior to the conclusion of the Clear Channel proceeding, and we waived § 73.25(a)(5)(ii) of the rules to permit consideration of WUST's proposal in this proceeding. At the same time, we refused to waive that rule with respect to an additional WUST application to change the location of that station from Bethesda to Washington, D.C., and to increase the power of WUST to 1,000 watts, daytime only, which proposal had been filed after the conclusion of the Clear Channel proceeding, FCC 66-525, released June 15, 1966.

3. WUST has now filed a petition for reconsideration of the designation order, requesting grant of its application to increase the power of its station in Bethesda to 5,000 watts. WUST asserts that this application could be granted except for the specification of Issue (c), above, which is based upon our "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901 (1965). WUST states that its request for grant of this application is based on the fact that the questions raised by Issue (c) are moot in light of the undisputed facts: (a) that WUST has been operated to serve the Negro population of Washington, D.C., and its environs, for more than 15 years, (b) that WUST provides a local transmission facility for that Negro population rather than for Bethesda, and (c) that the application shows on its face that it would not meet all of the technical provisions of the rules for Washington, D.C. Since there are no questions of fact to be resolved in the hearing with respect to this application, WUST asserts that we should waive the 307(b) policy statement or the technical requirements of our rules for a station assigned to Washington so that its application to increase power may be granted.

4. Both the Chief, Broadcast Bureau, and B-CC oppose WUST's petition, urging that no reason has been shown for waiver of the 307(b) policy statement or of our regulations and that there is no basis for grant of WUST's application to

increase power without a hearing.[1] In reply to those oppositions to its petition, WUST notes that our designation Order states that WUST is operated to serve the Washington Negro population and that it is fully qualified to receive a grant of its renewal application. WUST argues that, if it is fully qualified to serve the Washington Negro population with 250 watts notwithstanding the 307(b) policy statement, no hearing is necessary to prove that it is qualified to serve that same population with 5,000 watts. WUST concludes that there are no issues of fact to be tried and that grant of its application to increase power would serve the public interest.

5. Although WUST has made certain assertions concerning its present programing policies, we are not persuaded that those assertions, alone, are sufficient to establish that the public interest, convenience, and necessity would be served by permitting WUST to increase its power to 5,000 watts in Bethesda. Under the circumstances of this proceeding, we are convinced that it would be inappropriate for us to grant WUST's application to increase its power without a hearing. Accordingly, WUST's petition for reconsideration and grant will be denied. Notwithstanding this conclusion, WUST's petition has led us to reconsider the circumstances underlying this proceeding. As noted above, we waived § 73.25(a)(5)(ii) of the rules so that WUST's application to increase power could be considered, and possibly granted, in this proceeding, because it had been filed before the conclusion of the Clear Channel proceeding and because it was in compliance with our rules when it was filed. Although WUST's proposal to operate in Washington with 1,000 watts was filed after the conclusion of the Clear Channel proceeding, WUST requested, by its letter dated June 17, 1965, that its Washington proposal be accepted as an amendment of its pending proposal to increase power in Bethesda. After further consideration, we are now persuaded that WUST should be permitted to prosecute its proposal for Washington, if it desires to do so.

6. Because of our general policy favoring waiver of § 73.25(a)(5)(ii) for applications filed in compliance with our rules and prior to the conclusion of the Clear Channel proceeding, we have indicated that WUST could operate with 5,000 watts without prejudicing future consideration of the use of clear channel frequencies. WUST contends, without dispute, that all of the service contours of its 1,000 watt proposal in Washington would be within the similar contours of its 5,000 watt proposal for Bethesda and that the 1,000 watt proposal would meet all of the technical requirements for a station assigned to Washington. Thus, from an engineering point of view, the 1,000 watt proposal would certainly not create any more interference than the 5,000 watt proposal. Contrarily, there would be less impact upon the future use of the clear channel frequency from the 1,000 watt proposal than from the 5,000 watt proposal. Since we have concluded that the impact of WUST's 5,000 watt proposal would be tolerable, and since the fundamental purpose of § 73.25(a)(5)(ii) is to protect the clear channel frequencies from further degradation, we have concluded that consideration of WUST's 1,000 watt proposal would not subvert our policy with respect to the protection of the clear channel frequencies.[2]

7. Although WUST's 1,000 watt proposal for Washington may be considered without impairment of our Clear Channel policies, such a proposal to change station location is a major change, generally requiring the assignment of a new file number pursuant to § 1.571(j)(1) of the rules. However, as noted above, WUST's 1,000 watt proposal would create less interference and have less impact upon the frequency than would its 5,000 watt proposal, and WUST's programing is presently, and for a number of years has been, designed to serve the needs of Washington's Negro population. Since WUST's Washington proposal would not create any new interference problems, would not require any change in WUST's programing policies and would permit WUST to seek a license in conformity with its stated intention to serve as a local transmission service for the Washington Negro population, we are persuaded that good cause has been shown for waiver of § 1.571(j)(1). Cf. Central Du Page County Broadcasting Co., 2 FCC 2d 423, 7 RR 2d 136 (1966); City of New York Municipal Broadcasting System (WNYC), 1 FCC 2d 1370, 6 RR 2d 455 (1965); and Hubbard Broadcasting, Inc., FCC 64-513, released June 8, 1964, 2 RR 2d 569 (1964).

8. For the reasons set forth in paragraphs 6 and 7, supra, we shall accord WUST an opportunity to retender its 1,000 watt proposal for Washington as an amendment to its present application to increase power, or, in the alternative, to continue the prosecution of its 5,000 watt proposal for Bethesda. However, if WUST submits such an amendment, in order not to prejudice the rights of any interested party, we shall require WUST to comply with the local notice provisions of section 1.580 of the rules, and we shall permit new applications, conforming to WUST's proposed operation, to be filed for a period of 30 days. In the event that WUST elects to prosecute its 1,000 watt proposal for Washington rather than its present 5,000 watt proposal for Bethesda, we hereby apprise it that any properly filed application for the same facilities will be consolidated and given comparative consideration in this hearing with WUST's Washington proposal.[3] Under the circumstances of this proceeding, we are also persuaded that good cause has been shown for a waiver of § 1.522(b) of the rules, if WUST retenders its Washington proposal, and we shall direct the presiding examiner to accept such an amendment by WUST, conforming with our procedures and regulations and consistent with this memorandum opinion and order.

9. We note that the issues specified in this proceeding do not provide for a 307(b) comparison of the applicants. Without precluding the parties from seeking such further issues as they may deem appropriate, we are convinced that it would be essential, in the event that WUST amends its application, to determine in the light of section 307(b) whether WUST's proposal for Washington or WUST's renewal application and B-CC's application for a construction permit in Bethesda would better provide a fair, efficient, and equitable distribution of radio service. While we have waived § 73.25(a)(5)(ii) of the rules, WUST must still establish during the course of this hearing whether an improvement of its existing facilities would serve the public interest. Finally, we shall also add a contingent comparative issue to be resolved if 307(b) considerasions are found not to be determinative in this proceeding.

10. *Accordingly, it is ordered,* This 2d day of November 1966:

(1) That the motion to dismiss applications, filed July 28, 1966, by Bethesda-Chevy Chase Broadcasters, Inc., is dismissed as moot;

(2) That the petition for reconsideration and grant filed July 26, 1966, by Atlantic Broadcasting Co. (WUST), is denied;

[1] On July 28, 1966, B-CC also filed a motion to dismiss WUST's applications for an increase in power and for renewal of its license, which is opposed by both the Chief, Broadcast Bureau, and WUST. This motion should have been directed to the presiding examiner in this proceeding. See Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 140 (1965). However, because B-CC's motion is related to other pleadings pending before the Commission, we shall consider it. B-CC's motion is founded upon WUST's tender on July 21, 1966, of an application for a construction permit for a new standard broadcast station in Washington, D.C., which proposal is mutually exclusive with the application for renewal of the license of Station WOL, Washington. At the time B-CC's motion was filed, WUST's application had not been accepted for filing and it has since been returned to WUST by our order (FCC 66-894, released Oct. 7, 1966). Under these circumstances, B-CC's motion was premature when it was filed and, since the application in question has been returned, B-CC's motion may be dismissed as moot.

[2] We wish to emphasize, however, that, in the absence of the special circumstances of this proceeding where WUST had filed an application in compliance with our rules prior to the conclusion of the Clear Channel proceeding, we shall continue to adhere to our basic policy that proposals for new daytime only stations or increases in the facilities of daytime stations on clear channel frequencies will not be considered. See KXA, Inc., FCC 65-440, released May 21, 1965, 5 RR 2d 338; reconsideration denied, FCC 66-840, released Sept. 28, 1966.

[3] If WUST amends its application to specify 1,000 watt operation in Washington and if thereafter any additional applications are properly filed for a station in Washington, a further order of the Commission will be required to consolidate such new applications with those now in hearing status. The hearing issues, as modified by the subject memorandum opinion and order, would be further modified by such susequent order.

(3) That Atlantic Broadcasting Co. (WUST) is granted 30 days from the release date of this memorandum opinion and order to retender its 1,000 watt proposal for Washington, D.C., as an amendment to its present application (BP–14357) to increase power to 5,000 watts in Bethesda, Md.;

(4) That, if such an amendment is tendered, which conforms with our procedures and regulations and which is consistent with this memorandum opinion and order, §§ 1.522(b), 1.571(j)(1), and 73.25(a)(5)(ii) of the rules are hereby waived, and the presiding examiner is directed to accept it as an amendment of Atlantic Broadcasting Co.'s presently pending application (BP–14357) to increase the power of Station WUST to 5,000 watts in Bethesda, Md.;

(5) That, if such an amendment is tendered and accepted, the following issues are to be substituted in lieu of Issues (4), (5), and (6) in the designation order:

(4) To determine whether, in the light of section 307(b) of the Communications Act, the application of Atlantic Broadcasting Co. (WUST) for Washington, D.C., or one of the applications (i.e., the application for new construction permit of Bethesda-Chevy Chase Broadcasters, Inc., and the application for renewal of license of Atlantic Broadcasting Co. (WUST)) for Bethesda, Md., would better provide a fair, efficient, and equitable distribution of radio service.

(5) To determine, in the event that it is concluded that a choice between the applications should not be based solely upon considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(6) That, if such an amendment is tendered and accepted, a period of 30 days, following public notice of such acceptance, is allowed for the filing of new applications for construction permits for new daytime only standard broadcast stations to operate on 1120 kilocycles with 1,000 watts of power in Washington, D.C.

Released: November 4, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–12176; Filed, Nov. 8, 1966; 8:50 a.m.]

[Docket Nos. 16826, 16827; FCC 66M–1491]

BRANCH ASSOCIATES, INC., AND ASCENSION PARISH BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Branch Associates, Inc., Houma, La., Docket No. 16826, File No. BP–16701; R. E. Hook, trading as Ascension Parish Broadcasting Co., Donaldsonville, La., Docket No. 16827, File No. BP–17035; for construction permits.

The Hearing Examiner having for consideration the informal request of Ascension Parish Broadcasting Co. for a continuance of the procedural dates herein, all other parties having consented to a grant of the requested relief;

It is ordered, This 2d day of November 1966, that the presently established procedural dates are continued as follows:

Exchange of exhibits, November 7, 1966.

Notification of witnesses, November 10, 1966.

Hearing, November 17, 1966, at 10 a.m.

Released: November 3, 1966.

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

[F.R. Doc. 66–12177; Filed, Nov. 8, 1966; 8:50 a.m.]

[Docket No. 16792; FCC 66M–1490]

CITY OF CAMDEN AND L & P BROADCASTING CORP.

Order Regarding Procedural Dates

In re application of City of Camden (Assignor) and L & P Broadcasting Corp. (Assignee), Docket No. 16792, File No. BAL–5702; for assignment of license of Station WCAM, Camden, N.J.

It is ordered, This 1st day of November 1966, pursuant to the agreements reached at the prehearing conference held this date:

(1) That the direct affirmative cases of the parties, if any, shall be presented in the form of written sworn exhibits.

(2) That all exhibits to be offered into evidence in the affirmative presentations shall be exchanged among the parties and copies thereof supplied the hearing examiner on November 30, 1966.

(3) That notification of witnesses to be called for cross-examination shall be given on or before December 8, 1966.

(4) That hearing herein is scheduled to commence on December 13, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: November 2, 1966.

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

[F.R. Doc. 66–12178; Filed, Nov. 8, 1966; 8:50 a.m.]

[Docket Nos. 16669, 16670; FCC 66M–1489]

OLMSTEAD COUNTY BROADCASTING CO. AND NORTH CENTRAL VIDEO, INC.

Order Postponing Further Prehearing Conference

In re applications of Olmstead County Broadcasting Co., Rochester, Minn., Docket No. 16669, File No. BPH–5145; North Central Video, Inc., Rochester, Minn., Docket No. 16670, File No. BPH–5192; for construction permits.

It appearing, that the applicants desire postponement until November 10, 1966, of the further prehearing conference heretofore scheduled for November 4, 1966, because additional time is required for preparation of an amendment by one of the applicants proposing utilization of the newly assigned FM channel in Rochester, Minn.

It appearing, that counsel for all parties have informally agreed to the brief postponement and that the Examiner made provision for this contingency at the prehearing conference held on October 18, 1966;

Accordingly, it is ordered, on the Hearing Examiner's own motion, this 2d day of November 1966, that the further prehearing conference heretofore scheduled for November 4, 1966, is postponed to November 10, 1966, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: November 2, 1966.

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

[F.R. Doc. 66–12179; Filed, Nov. 8, 1966 8:50 a.m.]

[Docket No. 16043; FCC 66M–1492]

SPORTS NETWORK, INC., AND AMERICAN TELEPHONE & TELEGRAPH CO.

Order Continuing Hearing

Sports Network, Inc., New York, N.Y., Complainant versus American Telephone & Telegraph Co., New York, N.Y., Defendant, Docket No. 16043.

By letter to the Hearing Examiner dated and received October 24, 1966, counsel for Sports Network asks that the hearing be rescheduled from December 5 "to a date early in January 1967" because of conflict with another case which had previously been scheduled by another Hearing Examiner for December 5. Copies of the letter were sent to other counsel.

Treating the letter as the properly served motion which should, in the circumstances, have been filed, and as no oppositions have been received, the request will be granted.

Accordingly, it is ordered, This 3d day of November 1966, that hearing is rescheduled from December 5 to January 3, 1967. The other scheduled procedural dates remain in force.

Released: November 4, 1966.

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

[F.R. Doc. 66–12180; Filed, Nov. 8, 1966; 8:50 a.m.]

[3] Commissioner Bartley concurring in part and dissenting in part, filed as part of the original document, in which Commissioner Cox joins; Commissioner Wadsworth absent and Commissioner Johnson not participating.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1037]

MANACO INTERNATIONAL FORWARDERS

Notice is hereby given that Melvyn Paul Cohen doing business as Manaco International Forwarders, 9 Clinton Street, Newark, N.J. 07102, has complied with the Commission's order to show cause dated October 18, 1966, and published in the FEDERAL REGISTER (31 F.R. 13682), by filing an effective surety bond with the Commission.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-12188; Filed, Nov. 8, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP67-4, etc.]

AMERICAN GAS COMPANY OF WISCONSIN, INC., ET AL.

Notice of Settlement and Rate Filing

NOVEMBER 1, 1966.

American Gas Company of Wisconsin, Inc., Docket No. RP67-4; Great Plains Natural Gas Co., Docket No. RP67-6; Midwest Natural Gas, Inc., Docket No. RP67-7.

Take notice that on October 26, 1966, Northern Natural Gas Co. (Northern) tendered a settlement, compromise, and agreement executed by the above parties in Docket Nos. RP67-4, RP67-6, and RP67-7. The tender provides that the first year contract demands of American, Great Plains, and Midwest shall become operative as of January 27, 1967, rather than October 27, 1966, as provided by Opinion No. 491, issued on May 25, 1966, in Docket No. CP65-196. It is also provided that all gas delivered to the aforementioned customers shall be billed at 25.21 cents per Mcf until the aforementioned contract demands become effective on January 27, 1967. The settlement agreement is filed as a limited term special rate schedule to be included in Northern's FPC Gas Tariff.

Comments with respect to the foregoing may be filed with the Commission on or before November 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-12143; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. CP65-402, etc.]

CITY OF HAMILTON, OHIO, ET AL.

Notice Fixing Oral Argument

OCTOBER 31, 1966.

City of Hamilton, Ohio, Docket No. CP65-402; Texas Gas Transmission Corp., Docket No. CP66-13; The Ohio Fuel Gas Co., Docket No. CP66-207.

The Commission has before it the Presiding Examiner's decision of August 8, 1966; the briefs on exceptions, the replies to exceptions and the request for oral argument filed by the various parties in these proceedings.

Take notice that an oral argument in the above-captioned proceedings will be heard by the Commission en banc commencing at 10 a.m., e.s.t., December 5, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before November 16, 1966, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-12144; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. CP65-102, etc.]

COLUMBIA GULF TRANSMISSION CO., ET AL.

Notice Fixing Oral Argument

OCTOBER 31, 1966.

Columbia Gulf Transmission Co., Docket No. CP65-102; Atlantic Seaboard Corp., Docket No. CP65-122; Transcontinental Gas Pipe Line Corp., Docket No. CP65-181 (Phase I); Transcontinental Gas Pipe Line Corp., United Natural Gas Co., and North Penn Gas Co., Docket No. CP65-182; United Fuel Gas Co., Docket No. CP65-198.

The Commission has before it the Presiding Examiner's decision of June 13, 1966, in Columbia Gulf Transmission Co., et al., Docket No. CP65-102, et al., and his decision of September 28, 1966, in Docket Nos. CP65-122 and CP65-181 (both of which dockets are consolidated in the Docket No. CP65-102, et al. proceeding).

Take notice that an oral argument in the above proceedings will be heard by the Commission en banc commencing at 10 a.m., December 2, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before November 14, 1966, of the amount of time desired for presentation of their respective arguments.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-12145; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. CP67-108]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

NOVEMBER 1, 1966.

Take notice that on October 21, 1966, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-108 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Block 40 Field, Ship Shoal Area, Terrebonne Parish, La., pursuant to the terms of a contract dated August 15, 1966, between Applicant and Warren American Oil Co. as "seller" and Texas Gas as "buyer." The application states that the proposed sale will be made at a price of 21.25 cents per Mcf measured at 15.025 psia, including taxes. Initial deliveries are estimated to approximate 90,300 Mcf per month; Applicant's share is 50 percent of the total deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-12146; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. RI63-63, etc.]

H. M. GILLESPIE, ET AL.

Order Accepting Notices of Change in Rate, and Terminating Proceedings

OCTOBER 31, 1966.

H. M. Gillespie, et al., Docket No. RI63-63, RI67-95; H. M. Gillespie, Docket No. RI64-159, RI67-94; Edwin L. Cox, Docket No. RI67-96; Salmon Corp., Docket No. RI64-308.

The above-named parties have filed notices of change in rate for a sale of natural gas to Cities Service Gas Co.

(Cities) in the Kansas Hugoton Field.[1] The sale is made pursuant to the terms and conditions of Pan American Petroleum Corp.'s FPC Gas Rate Schedule No. 84 because each of the parties have executed contracts adopting such terms and conditions.

On April 13, 1966, we issued an order in Pan American Petroleum Corp., Docket Nos. G–9279, et al., approving a companywide settlement proposal filed by Pan American, which, inter alia, included a settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the sale by Pan American under its FPC Gas Rate Schedule No. 84. Pan American also proposed to amend its contract with Cities to eliminate the price redetermination provision therefrom for 25 years and to provide for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971.

Each of the parties here seeks the same settlement terms as we approved for Pan American's sale to Cities. Each has filed for a 12.5 cents rate and has tendered an executed amendatory agreement which conforms its contract to the provisions of the Pan American settlement.

H. M. Gillespie previously filed for increased rates of 14.5 cents per Mcf of natural gas which were suspended by orders of the Commission in Docket Nos. RI63–63 and RI64–159. Gillespie did not file a motion in accordance with section 4 of the Natural Gas Act to place the suspended increased rates in effect. Salmon also filed for an increased rate of 14.5 cents per Mcf, which was suspended in Docket No. RI64–308, but has never been made effective. Consequently, acceptance of the subject filings makes termination of those proceedings proper.

For the reasons set forth in an order issued October 31, 1966, in Northern Pump Co. (Operator), et al., Docket Nos. RI63–9, et al., we think it appropriate to accept the notices of change filed herein. Our action should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules in accordance with any reservation contained therein of the right to file increases under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future rate proceedings, including area rate proceedings, or similar proceedings, involving each of the parties' rates and rate schedules.

The Commission orders:

(A) The notices of change in rate and contract amendments filed by the above-named parties to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. for the subject sale to Cities are accepted and made effective as of the date of issuance of this order.

(B) The proceedings in Docket Nos. RI63–63, RI64–159, and RI64–308 are severed from the area rate proceeding, Docket No. AR64–1, and terminated, and the proceedings in Docket Nos. RI67–94, RI67–95, and RI67–96 are terminated.

By the Commission.[2]

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 66–12147; Filed, Nov. 8, 1966; 8:47 a.m.]

[1] H. M. Gillespie, FPC Gas Rate Schedule No. 9, Supplement Nos. 2 and 3. H. M. Gillespie, et al., FPC Gas Rate Schedule No. 2, Supplement Nos. 4 and 5. Edwin L. Cox, FPC Gas Rate Schedule No. 2, Supplement Nos. 3 and 4. Salmon Corp., FPC Gas Rate Schedule No. 1, Supplement Nos. 7 and 8. The filings by Gillespie and Cox were suspended by order issued Oct. 14, 1966, in Docket Nos. RI67–94, RI67–95, and RI67–96 pending action herein.

[2] Commissioner Ross dissenting for the reasons set forth in his statement accompanying the order in Docket Nos. RI63–9, et al., Northern Pump Co. (Operator), et al., issued Oct. 31, 1966.

[Docket No. CP67–111]

LONE STAR GAS CO.

Notice of Application

OCTOBER 31, 1966.

Take notice that on October 25, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67–111 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of certain gas gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate various lateral pipelines and related facilities as additions to and extensions of existing jurisdictional facilities to enable Applicant to take into its system natural gas from new reserves discovered in the proximity of its existing pipeline system.

The total cost of such construction will not exceed $1 million and the cost of no one project will exceed $250,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 66–12148; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. RI63–9, etc.]

NORTHERN PUMP CO., ET AL.

Order Conditionally Accepting Offers of Settlement, Accepting Notices of Change in Rate, Requiring Refunds, Severing and Terminating Proceedings

OCTOBER 31, 1966.

On July 18, 1966, W. E. Bakke Oil Co. (Operator), et al. (Bakke), filed an offer of settlement in Docket No. RI64–574 pursuant to § 1.18(e) of the Commission's rules of practice and procedure, and on August 9, 1966, each of the other Respondents to these proceedings filed identical offers of settlement of a sale of natural gas made by them to Cities Service Gas Co. (Cities) in the Kansas Hugoton Field under each of their FPC Gas Rate Schedules.

Respondents[1] in some cases here are assignees under farmout agreements with Pan American Petroleum Corp. (Pan Am), which specifically provide that the assignments are subject to the provisions of the Pan Am-Cities contract (Pan Am's FPC Gas Rate Schedule No. 84). In the other cases Respondents have interests covered by separate contracts adopting the terms and conditions of the Pan Am-Cities contract. All of the Respondents and Pan Am thus were selling gas to Cities under the same contract prior to the Pan Am settlement.

On April 13, 1966, we issued an order approving a rate settlement proposal filed by Pan Am which, inter alia, included a proposed increased rate reduction from the then presently effective rate, being collected subject to refund, of 14.5 cents per Mcf of natural gas at 14.65 psia to 12.5 cents per Mcf for sales by Pan Am under its FPC Gas Rate Schedule No. 84. Additionally, Pan Am proposed to renegotiate its contract with Cities eliminating the price redetermination clause therefrom for 25 years and providing instead for a definite price escalation of 1 cent per Mcf every 5 years commencing June 23, 1971. Each of the Respondents herein propose the same terms for its interest in the subject sale, and each has filed an executed contract amendment containing the same pricing provisions contained in the Pan Am-Cities renegotiation.

Since the farmouts and additional dedications of Respondents cover only shallow depths, they do not propose to dedicate deeper horizons as Pan Am did

[1] Respondents are Northern Pump Co. (Operator) et al., Docket No. RI63–9; John B. Hawley, Jr., Docket No. RI63–10; John B. Hawley, Jr., trustee, Docket No. RI63–11; Northern Pump Co., Docket No. RI63–12; G. S. and Norma D. Davidson, Docket No. RI63–13; and W. E. Bakke Oil Co. (Operator) et al., Docket No. RI64–574.

in its settlement. Pan Am's companywide moratorium also would not be applicable, but the contract amendments proposed by Respondent would, in effect, constitute a moratorium for the subject sales.

Each of the Respondents proposes to refund all monies collected subject to refund above the settlement rates. The amount of monies to be refunded is approximately $161,000, plus applicable interest.

The Respondents, other than Bakke, propose that the settlement rate of 12.5 cents per Mcf be made effective as of June 23, 1966, and that the refunds be computed accordingly. However, we find no good cause to grant their request, and shall condition our approval of the settlement proposals to require refunds to be computed to the date of issuance of this order.

We do not generally permit a producer to settle only one of its rate proceedings.[2] However, as indicated above, all of the Respondents here sell gas to Cities under the same terms and conditions. All of them are small producers.[3] For the three Respondents which have only one rate schedule on file, their offers also constitute a companywide settlement. It is also clear that at least for the future Respondents could obtain the advantages of the Pan American settlement by having their interests covered under Pan Am's rate schedule. In view of these special circumstances, we think it appropriate to accord Respondents the same settlement terms approved for Pan Am's sale to Cities.

We believe that the settlement proposals are in the public interest and shall approve the same. However, we desire to make it clear that acceptance of Respondents' offers of settlement shall not be construed as approval of any future increased rate that may be filed by Respondents under the subject rate schedules and is without prejudice to any findings or order of the Commission in any future proceeding involving Respondents' rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G–9287, et al., 32 FPC 49, we shall require Respondents to deposit the refund monies in a special escrow account or to commingle the retained refunds with each of its general assets pending future action of the Commission.

The Commission finds:

The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offers of settlement, filed with the Commission by Respondents on July 18 and August 9, 1966, are consistent with the public interest, and approval thereof as made effective and hereinafter ordered is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offers of settlement, filed with the Commission by Respondents on July 18 and August 9, 1966, are approved in accordance with the provisions of this order.

(B) The notices of change in rate, reducing the presently effective rate, being collected subject to refund, from 14.5 cents to 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. as designated in the Appendix are accepted for filing and made effective as of the date of issuance of this order.

(C) Respondents shall compute the difference between the rates collected subject to refund and the settlement rate of 12.5 cents per Mcf of natural gas at 14.65 p.s.i.a. with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to Cities, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and ten days thereafter each shall submit to the Commission a copy of a letter from Cities agreeing to the correctness of such amounts.

(D) Respondents shall retain the amounts shown in the report required under paragraph (C) above, subject to further action of the Commission directing the disposition of those amounts.

(E) Each Respondent may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon Cities.

Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, each escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between each Respondent and any bank or trust company used as a depository of funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Each Respondent, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final action of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be paid out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If any Respondent elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 6 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final action of the Commission.

(G) Upon notification by the Secretary of the Commission that a Respondent has complied with the terms and conditions of this order, the proceedings in its proceedings involved herein shall terminate and shall be severed from the area rate proceeding, Docket No. AR64–1, all without further order of the Commission.

(H) The acceptance by the Commission of Respondents' offers of settlement, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against each Respondent and is without prejudice to claims or contentions which may be made by each Respondent, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission.[4]

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX

	Rate schedule	Supp. No.
Northern Pump Co. (Operator), et al	5	13
Northern Pump Co	38	8
John B. Hawley, Jr	1	10
John B. Hawley, Jr., Trustee	1	5
G. S. and Norma G. Davidson	1	7
W. E. Bakke Oil Co (Operator), et al	1	7

[F.R. Doc. 66–12149; Filed, Nov. 8, 1966; 8:47 a.m.]

[2] *Skelly Oil Co.*, Docket No. RI60–253, order issued Apr. 4, 1966, and *Union Oil Company of California*, Docket Nos. G–3711 and RI60–450, order issued Apr. 8, 1966.

[3] There are some large producers which sell gas subject to the Pan Am contract, but they have not filed an offer of settlement here.

[4] Dissenting statement of Commissioner Ross filed as part of original document.

[Docket No. CP67-110]

TOWN OF NAPOLEON, IND., AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 31, 1966.

Take notice that on October 25, 1966, the town of Napoleon, Ind. (Applicant), filed in Docket No. CP67-110 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to sell natural gas to Applicant for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks delivery of natural gas by Respondent at an interconnection on Respondent's transmission system in Ripley County, Ind., with a lateral transmission line to be constructed, per order issued September 26, 1966, in FPC Docket No. CP67-15, by the town of Osgood, Ind., and the sale of such gas to Applicant by Respondent at the town gate of Applicant. Applicant will then distribute the gas within its boundaries and environs.

The estimated third year peak-day and annual requirements of Applicant are 138.5 Mcf and 12,466 Mcf respectively.

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 November 28, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-12150; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. CP67-109]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 1, 1966.

Take notice that on October 25, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-109 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain rate service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that the Commission issue an order permitting and approving the abandonment of service under Applicant's Rate Schedule PS-1 as contained in Applicant's FPC Gas Tariff, Original Volume No. 1. The application states that the above-mentioned rate schedule is no longer being used and that such service is not now available.

No facilities were constructed in order to render service under Rate Schedule PS-1, and none are to be abandoned as a result of the authorization sought.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 28, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-12151; Filed, Nov. 8, 1966; 8:47 a.m.]

[Docket No. RI67-125]

WOODS OIL & GAS CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 31, 1966.

On September 26, 1966,[1] Woods Oil & Gas Co. (Operator), et al. (Woods),[2] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated September 19, 1966.
Purchaser and producing area: Plaquemines Oil & Gas Co., Inc. (Potash Field, Plaquemines Parish, La.) (Southern Louisiana).
Rate schedule designation: Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1.
Effective date: November 1, 1966.[3]
Amount of annual increase: $18,000.
Effective rate: 15.5 cents per Mcf.[4]
Proposed rate: 16.5 cents per Mcf.[4 5]
Pressure base: 15.025 p.s.i.a.

Woods' proposed increased rate and charge exceeds the area price level for increased rates in Southern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Woods' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until April 1, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1966.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-12152; Filed, Nov. 8, 1966; 8:47 a.m.]

[1] Filings completed Oct. 7, 1966.
[2] Address is 1528 International Trade Mart Building, New Orleans, La. Attention: J. L. Keefe, vice president.
[3] The effective date is the contractually provided effective date.
[4] Includes 1.5 cents tax reimbursement.
[5] Periodic rate increase.

SECURITIES AND EXCHANGE COMMISSION

[811-1026]

MARINE CAPITAL CORP.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

NOVEMBER 3, 1966.

Notice is hereby given that Marine Capital Corp. ("Applicant"), 2030 Marine Plaza, Milwaukee, Wis. 53202, a Wisconsin corporation licensed as a small business investment company under the

Small Business Investment Act of 1958 and a management closed end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that on July 15, 1966, its shareholders adopted a plan of complete liquidation and dissolution. Applicant represents that, in accordance with the plan of liquidation, some of its portfolio securities, plus a cash liquidating distribution, were distributed pro rata to its shareholders during August 1966. Applicant states that its remaining assets were subsequently liquidated and the proceeds thereof deposited with the Marine National Exchange Bank of Milwaukee ("Bank") as escrowee for the benefit of the Applicant's shareholders. Applicant represents that, after paying the Applicant's operating expenses and remaining liabilities, the Bank will distribute the balance of the cash to the Applicant's shareholders on or about November 10, 1966, and that the cash which has been deposited with the Bank is not available to the Applicant except for the payment of expenses and liabilities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Deputy Administrator for Investments, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 66–12156; Filed, Nov. 8, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 4, 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. 40775—*Lumber from and to points in Virginia.* Filed by Southwestern Freight Bureau, agent (No. B–8912), for interested rail carriers. Rates on lumber and related articles, in carloads, between points in Virginia, on the one hand, and points in southwestern territory, on the other.

Grounds for relief—Carrier competition.

Tariff—Supplement 18 to Southwestern Freight Bureau, agent, tariff ICC 4688.

FSA No. 40776—*Chlorine to points in Tennessee and Virginia.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2869), for interested rail carriers. Rates on chlorine, in tank carloads, from specified points in Michigan, New York, and Ohio, also Reybold, Del., Edgewood, Md., and Natrium, W. Va., to specified points in Virginia and Tennessee.

Grounds for relief—Market competition.

Tariffs—Supplements 1 and 158 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C–611 and C–334, respectively.

FSA No. 40777—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 585), for interested rail carriers. Rates on fiberboard, pulpboard, or strawboard boxes, fatty acids, animal or vegetable and inedible tallow and soap grease, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 59 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40779—*Phosphatic fertilizer solution to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A–2476), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, from Don, Idaho, and Garfield, Utah, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 170 to Western Trunk Line Committee, agent, tariff ICC A–4411.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40778—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 586), for interested rail carriers. Rates on fiberboard, pulpboard, or strawboard boxes, spent sulphuric acid and fatty acids, animal or vegetable and inedible tallow and soap grease, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 59 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–12194; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 420]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 4, 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 1074 (Deviation No. 3), ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601, Winchester, Va. 22601, filed October 25, 1966. Carrier's representative: C. F. Germelman (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Winchester, Va., and Hagerstown, Md., over

Interstate Highway 81, 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 Winchester, Va., and Hagerstown, Md., over U.S. Highway 11.

No. MC 52709 (Deviation No. 21), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216, filed October 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *classes A and B explosives*, over deviation routes as follows: (1) From junction U.S. Highway 50 and Utah Highway 24 over U.S. Highway 50 to Price, Utah, thence over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, thence over Utah Highway 13 to Cove Fort, Utah, thence over U.S. Highway 91 to junction Utah Highway 20, and (2) from junction U.S. Highway 50 and Utah Highway 24 over U.S. Highway 50 via Price, Utah, to Spanish Fork, Utah, thence over U.S. Highway 91 via Cove Fort, Utah, to junction Utah Highway 20, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Grand Junction, Colo., over U.S. Highway 50 to junction Utah Highway 24, thence over Utah Highway 24 to junction unnumbered highway, thence over unnumbered highway to junction Utah Highway 62, thence over Utah Highway 62 to junction Utah Highway 22, thence over Utah Highway 22 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Utah Highway 20, thence over Utah Highway 20 to junction U.S. Highway 91, thence over U.S. Highway 91 to Las Vegas, Nev., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 337) (Cancels Deviation No. 303), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed October 25, 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 U.S. Highway 25 and Interstate Highway 75 at or near Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25 near Berea, Ky., with the following access routes: (a) from junction Interstate Highway 75 and Kentucky Highway 338 over Kentucky Highway 338 to Richwood, Ky., (b) from junction Interstate Highway 75 and Kentucky Highways 14–16 over Kentucky Highways 14–16 to Walton, Ky., (c) from junction Interstate Highway 75 and Kentucky Highway 491 over Kentucky Highway 491 to Crittenden, Ky., (d) from junction Interstate Highway 75 and Kentucky Highway 22 over Kentucky Highway 22 to Dry Ridge, Ky., (e) from junction Interstate Highway 75 and Kentucky Highway 36 over Kentucky Highway 36 to Williamstown, Ky., (f) from junction Interstate Highway 75 and Kentucky Highway 1032 over Kentucky Highway 1032 to Corinth, Ky., (g) from junction Interstate Highway 75 and U.S. Highway 62 over U.S. Highway 62 to Georgetown, Ky., (h) from junction Interstate Highway 75 and Kentucky Highway 922 over Kentucky Highway 922 to Lexington, Ky., (i) from junction Interstate Highway 75 and Kentucky Highway 169 over Kentucky Highway 169 to Richmond, Ky., and (j) from junction Interstate Highway 75 and Kentucky Highway 595 over Kentucky Highway 595 to Berea, Ky., and (2) from junction U.S. Highway 25 and Interstate Highway 75, approximately 2 miles south of Williamsburg, Ky., over Interstate Highway 75 to junction U.S. Highway 25–W, approximately 1 mile south of Jellico, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn., and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley, and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25–W to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 338) (Cancels Deviation Nos. 43 and 218), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex. 76102, filed October 28, 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 Omaha, Nebr., over Interstate Highway 80 to junction U.S. Highway 83, thence over U.S. Highway 83 to North Platte, Nebr., and over available access roads between authorized points and Interstate Highway 80, and (2) from junction U.S. Highway 6 and Interstate Highway 280, near Omaha, Nebr., over Interstate Highway 280 to junction Interstate Highway 80, 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 Omaha, Nebr., over U.S. Highway 275 via Valley, Nebr., to Fremont, Nebr., thence over U.S. Highway 30 via Cheyenne, Wyo., to junction relocated U.S. Highway 30 near Medicine Bow, Wyo., (2) from Omaha, Nebr., over U.S. Highway 6 to junction County Highway 52, thence over County Highway 52 to junction Nebraska Highway 37, thence over Nebraska Highway 37 to junction Nebraska Highway 31, thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, Nebr., and (3) from junction U.S. Highway 275 and Alternate U.S. Highway 30, about 19 miles west of Omaha, Nebr., over Alternate U.S. Highway 30 to junction U.S. Highway 30, about 9 miles northeast of Center City, Nebr., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-12195; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 986]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 4, 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 43251 (Sub-No. 12) (republication), filed January 3, 1966, published FEDERAL REGISTER issue of January 27, 1966, and republished, this issue. Applicant: H. MAYNARD GOULD CO., a corporation, Union Street, East Walpole, Mass. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. 02184. By application filed January 3, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, paper, paper products, and materials and supplies used in the installation thereof (except commodities in bulk, in tank vehicles) and flower pots, from Walpole and Norwood, Mass., and Phillipsdale, R.I., to points in New York, except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. A supplemental order of the Commission, Operating Rights Board No. 1, dated October 13, 1966, and served October 27, 1966, as amended, finds that by application filed July 11, 1966, in No. MC 34689 (Sub-No. 8), applicant seeks to convert its contract-carrier authority to corresponding common-carrier authority. Inasmuch as applicant may not be granted contract-carrier authority in this proceeding because of said dual operations and inasmuch as applicant is seeking to convert its contract-carrier authority to common-carrier authority, applicant will here be granted common-carrier authority to perform the involved operations, subject to the condition, however, that

the certificate sought in No. MC 34689 (Sub-No. 8) first be issued.

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) *building materials, paper, paper products, and materials and supplies* used in installation thereof (except commodities in bulk), and (2) *flower pots*, from Walpole and Norwood, Mass., and Philipsdale, R.I., to points in New York (except New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.); 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; that an appropriate certificate should be issued, subject to the two conditions described above respecting the conversion of applicant's present contract-carrier authority and prior publication in the FEDERAL REGISTER. 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 that any proper party in interest may file an appropriate protest or other pleading on or before the 30th day following the date of said publication.

No. MC 103490 (Sub-No. 36) (Republication of petition for modification), filed April 21, 1966, published FEDERAL REGISTER issue of May 4, 1966, and republished, this issue. Applicant: PROVAN TRANSPORT CORP., Newburg, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. On October 22, 1964, a certificate was issued to the above-named carrier, in No. MC 103490 (Sub-No. 36) authorizing, in pertinent part, the transportation, over irregular routes, of stone, in bulk, in dump vehicles, from and to specified points and areas in New York, Connecticut, Massachusetts, and New Jersey, which operating rights originally were embraced in certificate No. MC 103490 (Sub-No. 50), issued March 19, 1962, in the name of Provan Petroleum Transport Co., Inc. By petition filed April 21, 1966, petitioner seeks modification of that portion of its certificate in MC 103490 (Sub-No. 36), authorizing the transportation of, stone, in bulk, in dump vehicles, from points in Rockland, Dutchess, and Ulster Counties, N.Y., to points in Connecticut, Massachusetts, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.). By the instant petition, petitioner seeks elimination of "in dump vehicles," as it relates to the transportation of stone, and requests the Commission issue a corrected certificate to transport stone, in bulk, from and to points presently authorized.

An Order of the Commission, Operating Rights Board No. 1, dated September 29, 1966, and served October 27, 1966, finds that certificate No. MC–103490 (Sub-No. 36), dated October 22, 1964, be, and it is hereby, modified, by deleting from the segment thereof authorizing the transportation of stone the service restrictions "in bulk, in dump vehicles," subject, however, to prior publication in the FEDERAL REGISTER of a notice of the modification actually affected by this order; and that an amended certificate, setting forth such modification, should be issued to petitioner upon receipt of its written request for the coincidental cancellation of the portion of certificate No. MC–103490 (Sub-No. 36), dated October 22, 1964, so modified. Because it is possible that other parties, who have relied upon the notice of the petition as published, may have an interest in and would be prejudiced by the lack of proper notice of the modification described in this order, a notice of the modification actually authorized herein will be published in the FEDERAL REGISTER, and effectuation of said modification 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 126749 (Sub-No. 4) (Republication), filed December 16, 1965, published FEDERAL REGISTER issue of February 10, 1966, and republished, this issue. Applicant: K. P. MOVING & STORAGE CO., INC., 1475 South Acoma Street, Denver, Colo. By application filed December 16, 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 general commodities, between Ward, Colo., on the one hand, and, on the other, points in that part of Colorado beginning at a point on U.S. Highway 40 at Granby, Colo., thence east to Colorado Highway 93, thence north on Colorado Highway 93 to Colorado Highway 7, thence east on Colorado Highway 7 to U.S. Highway 285, thence north on U.S. Highway 285 to U.S. Highway 34, thence west on U.S. Highway 34 to junction U.S. Highway 40 at Granby, Colo. A supplemental order of the Commission, Operating Rights Board No. 1, dated October 11, 1966, and served November 1, 1966, as amended, 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 *household goods*, as defined by the Commission, between points in that part of Colorado bounded by a line beginning at Ward, Colo., and extending over Colorado Highway 160 to junction Colorado Highway 160 and Colorado Highway 119, thence over Colorado Highway 119 to junction Colorado Highway 119 and U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 6 and Colorado Highway 93, thence over Colorado Highway 93 to Boulder, Colo., thence over Colorado Highway 7 to junction Colorado Highway 7 and Left Hand Canyon Road approximately 8 miles north of Boulder, thence back to the beginning over Left Hand Canyon Road to Ward; 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 127936 (Republication), filed January 3, 1966, published FEDERAL REGISTER issue of April 21, 1966, and republished, this issue. Applicant: CHARLES ZICHTERMAN, SR., doing business as PRODUCE CARRIER, 743 Forest Hill Avenue SE., Grand Rapids, Mich. By application filed January 3, 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 apple cider, from points in Michigan, to points in Florida, South Carolina, Georgia, Alabama, Mississippi, and North Carolina, and fruits and vegetables, on return. A report of the Commission, Operating Rights Review Board No. 1, decided October 18, 1966, and served October 28, 1966, as amended, 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 *apple cider and apples* (other than frozen), in mixed loads, from points in the Lower Peninsula of Michigan to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; 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 of the fact that the authority granted in some respects is broader than that sought, the scope of the authority actually granted herein should be published in the FEDERAL REGISTER and the issuance of a certificate withheld for 30 days, during which period any proper party in interest, which may have relied upon the notice of the application as originally published and would be prejudiced by lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1733 (Sub-No. 8) filed October 14, 1966. Applicant: LAKE SHORE MOTOR TRANSIT LINES, INC., 230 North State Street, St. Joseph, Mich. Applicant's representative: William D. Parsley, 117 West Allegan Street, Lan-

sing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall paper* and *general commodities*, (1) between points in Lake, Cook, Du Page, and Will Counties, Ill., and that portion of Kankakee County, Ill., on and north of Illinois Highway 17, that portion of Kendall and Kane Counties, Ill., on and east of Illinois Highway 47, and that portion of McHenry County, Ill., on and east of Illinois Highway 47 and on and south of Illinois Highway 120, and (2) between points in the area described in (1) above, on the one hand, and, on the other, points in Illinois, restricted to shipments for shippers located in the area described in (1) above. NOTE: Applicant states it proposes to tack this authority with all of its presently held authority to permit operation over its regular routes into southwestern Michigan and northwestern Indiana (including off-route points). The joinder would take place in the Chicago, Ill., commercial zone. This application is directly related to MC–F 9557. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

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–9569. Authority sought for purchase by BAYLOR TRUCKING, INC., Rural Route 1, Milan, Ind., of a portion of the operating rights of SUBLER TRANSFER, INC., Versailles, Ohio 45380, and for acquisition by CHESTER BAYLOR and RUTH BAYLOR, both also of Milan, Ind., of control of such rights through the purchase. (The authority being sought was acquired pursuant to MC–F–9257 (Subler Transfer, Inc.—Purchase—Chrispens Truck Lines, Inc.), granted April 25, 1966, by the Commission, Finance Board No. 1, and consummated June 2, 1966.) Applicants' attorney and representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204, and Robert P. Layman, Versailles, Ohio 45380. Operating rights sought to be transferred: *Paper and paper products*, as a *common carrier*, over regular routes, from Hamilton, Ohio, to Providence, R.I., and points in New Jersey and New York (except Buffalo and Rochester, N.Y.); and *skids for paper*, from the destination points specified immediately above to Hamilton, Ohio. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Indiana, Illinois, Michigan, West Virginia, Arkansas, Colorado, Connecticut, Iowa, Kansas, Maryland, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9570. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021, of WALLACE TRANSPORT CO. LIMITED, 198 Welland Street, Port Colborne, Ontario, Canada, and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of WALLACE TRANSPORT CO. LIMITED, through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES. Applicants' attorney: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities* (except liquid chemicals and coal tar products, in bulk, in tank vehicles), as a *common carrier*, over irregular routes, between Buffalo, N.Y., and the United States-Canada boundary line, through the ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *household goods*, as defined by the Commission, between the United States-Canada boundary line, on the one hand, and, on the other, points in Ohio, Pennsylvania, and New York, through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *nickel and nickel products*, from the United States-Canada boundary line, to Cleveland, Ohio, Erie, Pa., Syracuse, Lockport, Niagara Falls, and Dunkirk, N.Y., through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *sheet steel*, from Cleveland, Ohio, to the United States-Canada boundary line, through ports of entry at Buffalo, Niagara Falls, and Lewiston, N.Y.; *iron and steel articles* the transportation of which because of size or weight requires the use of special equipment, from Lackawanna, N.Y., and the town of Hamburg, N.Y., to the United States-Canada boundary line, at Buffalo, Niagara Falls, and Lewiston, N.Y., Restriction: The operations authorized immediately above are restricted to a transportation service to be performed in foreign commerce only; Restriction: The authority granted herein to the extent it authorizes the transportation of classes A and B explosives shall be limited, in point of time, to a period expiring 5 years after March 30, 1966. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, is authorized to operate as a *common carrier* in New York, Pennsylvania, Connecticut, New Jersey, Massachusetts, Vermont, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held at Washington, D.C.

No. MC–F–9571. Authority sought for purchase by EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C., of the operating rights of PAGE PERKINSON (PATTIE H. PERKINSON, ADMINISTRATRIX), Wise, N.C., and for acquisition by W. S. BUGG, and C. M. BULLOCK, both also of Warrenton, N.C., of control of such rights through the purchase. Applicants' attorney: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *Livestock and poultry feed*, and *fertilizers*, other than liquid, as a *common carrier*, over irregular routes, from Norfolk and Hopewell, Va., to points in Vance and Warren Counties, N.C. Vendee is authorized to operate as a *common carrier* in North Carolina, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, South Carolina, Minnesota, Georgia, Alabama, Florida, Mississippi, Kentucky, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9572. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., of the operating rights of FOWSER FAST FREIGHT, INC., North Lenola Road, Moorestown, N.J., and for acquisition by ROBERT B. GOTFREDSON (ROBERT L. GOTFREDSON, EXECUTOR), 1724 Ford Building, Detroit 26, Mich., and CHARLOTTE B. GOTFREDSON, 1700 North Waterman Avenue, Detroit 9, Mich., of control of such rights through the purchase. Applicants' attorneys: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004, and V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. 19109. 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 Philadelphia, Pa., and Cedarville and Port Elizabeth, N.J., serving all intermediate points, and off-route points in Pennsylvania and New Jersey within 25 miles of Philadelphia, and those within 10 miles of the above-specified routes; *glass products*, over irregular routes, from Vineland, N.J., to Philadelphia, Pa., New York, N.Y., and Baltimore, Md.; *damaged, rejected or returned glass products*, from the above destination territory to Millville and Vineland, N.J.; *articles used in or useful to the manufacture of glass*, from Baltimore, Md., New York, N.Y., and Philadelphia, Pa., to Millville, N.J.; *spaghetti products*, from Vineland, N.J., to Philadelphia, Pa., Baltimore, Md., and New York, N.Y.; *articles used in or useful to the manufacture of spaghetti products*, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to Vineland, N.J.; *empty glass containers*, in cartons, boxes, and crates, from Salem, N.J., to Baltimore and Relay, Md., points in Delaware, Connecticut, New York, Pennsylvania, Virginia, and the District of Columbia; *empty cartons, boxes, and crates*, from Baltimore and Relay, Md., certain specified points in Connecticut, New York (with exception) and Pennsylvania, to Salem, N.J.

Empty boxes, broken glass, and rejected jars, from Philadelphia, Pa., to Salem, N.J.; *lumber*, from Philadelphia, Pa., to Quinton, N.J.; *flat paper sheets*, corrugated and plain, from Baltimore, Md., and Philadelphia, Pa., to Salem,

N.J.; *empty glass containers, battery jars, carboys,* and *insulators,* from Salem, N.J., and points in Maryland, except Baltimore and Relay, Md.; *returned or rejected shipments* and *empty cartons,* from the above-specified Maryland destination points to Salem, N.J.; *soda fountains* and *soda fountain supplies, including fruits, extracts, flavorings, and syrups,* between Vineland, N.J., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., and New York, N.Y.; *machinery used for or useful to soda fountains,* between Vineland, N.J., and Baltimore, Md.; *glassware* and *closures for glass containers,* from Millville, N.J., to points in Massachusetts and Rhode Island; and *damaged, defective,* and *returned shipments* of the above-described commodities, and *wooden boxes* and *fiberboard cartons,* from points in Massachusetts and Rhode Island to Millville, N.J. Vendee is authorized to operate as a *common carrier* in New York, Illinois, Indiana, Iowa, Michigan, Ohio, Pennsylvania, Nebraska, Oklahoma, Texas, Kansas, Minnesota, Missouri, Wisconsin, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont, West Virginia, Massachusetts, Arkansas, Tennessee, Kentucky, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9573. Authority sought for purchase by IDEAL TRUCK LINES, INC., 912 North State, Norton, Kans., of a portion of the operating rights of DALE I. BURT, doing business as CLAY CENTER FREIGHT SERVICE, 1419 Sherman, Clay Center, Kans., and for acquisition by R. E. BLICKENSTAFF, C. D. BLICKENSTAFF and FRED L. GILHOUSEN, all of Norton, Kans., on control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison, Topeka, Kans. 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 Clay Center, Kans., and Kansas City, Mo., serving the off-route point of North Kansas City, Mo., and the intermediate point of Kansas City, Kans.; *livestock,* over irregular routes, from Clay Center, Kans., and points within 25 miles of Clay Center to St. Joseph, Mo., between Clay Center, Kans., and points within 25 miles of Clay Center, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and North Kansas City, Mo., between Barnes, Kans., and points within 15 miles of Barnes, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo.; *grain, hides,* and *containers for petroleum products,* from Barnes, Kans., and points within 15 miles of Barnes, to Kansas City, Kans., and Kansas City and St. Joseph, Mo.; and *feed, agricultural implements and parts, twine, petroleum products* in containers, *hardware, fencing,* and *building and fencing material,* from Kansas City, Mo., and Kansas City, Kans., to Barnes, Kans., and points within 15 miles of Barnes. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Nebraska, and Colorado. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–9574. Authority sought for control by EVERGREEN TRAILS, INC., 1936 Westlake Avenue, Seattle, Wash. 98101, of BREMERTON-TACOMA STAGES, INC., 1936 Westlake Avenue, Seattle, Wash. 98101, and for acquisition by ELWOOD ARNESON, 1936 Westlake Avenue, Seattle, Wash. 98101, MYRL P. HOOVER, 23641 Camino Hermosa, Los Altos, Calif. 94022, MAURICE H. HOOVER and WILLIAM NISKANEN, both of 1068 Bond Street, Bend, Oreg. 97701, of control of BREMERTON-TACOMA STAGES, INC., through the acquisition by EVERGREEN TRAILS, INC. Applicants' attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash. 98664. Operating rights sought to be controlled: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Pleasant Valley Junction, Wash., and Bremerton, Wash., between Pleasant Valley Junction, Wash., and Tacoma, Wash., serving all intermediate points; passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, between Bremerton, Wash., and Seattle, Wash., serving no intermediate points. EVERGREEN TRAILS, INC., is authorized to operate as a *common carrier* in the State of Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: A motion to dismiss for lack of jurisdiction has been filed simultaneously.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–12196; Filed, Nov. 8, 1966; 8:51 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 4, 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. 15842, filed October 25, 1966. Applicant: KING MOTOR COMPANY, INC., 506 East Commerce Street, Greenville, Ala. Applicant's representative: Robert S. Richard, Post Office Box 2069, Montgomery, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, classes A and B explosives, household merce Commission, commodities in bulk in tank vehicles and those requiring special equipment), over regular routes, between Greenville, Ala., and Montgomery, Ala. From Greenville, Ala., over Alabama Highway 10 to Camden, Ala., thence over Alabama Highway 28 to its junction with Alabama Highway 21, thence over Alabama Highway 21 to its junction with U.S. Highway 80, thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route, serving all intermediate points and the off-route points of Forest Home, Allenton, and Letohatchee, Ala. Both intrastate and interstate authority is sought.

HEARING: Not set. Contact the Alabama Public Service Commission for this information.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–12197; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 282]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such 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 87720 (Sub-No. 55 TA), filed November 1, 1966. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, containers and plastic tubes*, for the account of Tennepak Department, Tenneco Chemicals, Inc., from Flemington, N.J., to points in Ohio, Illinois, Indiana, Michigan, and Wisconsin, for 180 days. Supporting shipper: Tennepak Department, Tenneco Chemicals, Inc., Post Office Box 81, Flemington, N.J. 08822. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 128007 (Sub-No. 6 TA), filed November 1, 1966. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well sealing mixture*, in bulk and in bags, from Gravette, Ark., to points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi; *materials and supplies used in the manufacture of oil well sealing mixture*, from points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, and Mississippi, to Gravette, Ark., for 180 days. Supporting shipper: Gravette Shelling Co., Inc., Gravette, Ark. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128638 (Sub-No. 1 TA), filed November 1, 1966. Applicant: CENTRAL GRAIN HAULERS, INC., Route 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, flour and cornmeal*, in bags or containers, from Lexington, Ky., to points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri; and (2) *materials* in bags, *used in the processing and manufacturing of flour and cornmeal*, from points in Ohio, Indiana, Illinois, Tennessee, Virginia, West Virginia, and Missouri, to Lexington, Ky., for 180 days. Supporting shipper: Buhler Mills, Inc., 133 South Broadway, Lexington, Ky. 40507. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 128673 TA, filed November 1, 1966. Applicant: CRAIGSVILLE DISTRIBUTING COMPANY, INC., Post Office Box No. 567, Chelyan (Kanawha County) W. Va. 25041. Applicant's representative: Homer W. Hanna, Jr., 1201 Kanawha Valley Building, Charleston, W. Va. 25301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts and accessories*, (1) from Lebanon and Ambridge, Pa., Marietta and Mingo Junction, Ohio, to Richwood, Henry, Bayard, Kingwood, Tioga, and Werth, W. Va., (2) from Marietta and Mingo Junction, Ohio, and Huntington, W. Va., to Tire Hill, Pa., for 180 days. Supporting shippers: Maust Coal & Coke Co.; Alpine Coal Co.; Cherry River Coal & Coke Co.; Summersville Coal Co.; Birch Coal Co.; North Branch Coal Co., Gauley Coal & Coke Co.; Chapel Coal Co. and Bird Coal Co., all of Post Office Box No. 191, Richwood, W. Va. 26261, Attention: Mr. H. Frank Harris, Purchasing Agent. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–12198; Filed, Nov. 8, 1966; 8:51 a.m.]

[Notice 988]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

NOVEMBER 7, 1966.

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–9576. Authority sought for purchase by NIELSEN FREIGHT LINES, 1272 Gossage Avenue, Petaluma, Calif. 94952, of the operating rights and property of CALLISON TRUCK LINES, INC., 1100 West Del Norte Street, Post Office Box C, Eureka, Calif. 95501, and for acquisition by JAMES P. NIELSEN, also of Petaluma, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104, and Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–105762, Sub 8, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–12243; Filed, Nov. 8, 1966; 8:52 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, Second Session.

Approved November 5, 1966

H.R. 2266 ..... Public Law 89–757

An Act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963.

H.R. 12360 ..... Public Law 89–758

An Act to permit the sale of grain storage facilities to public nonprofit agencies and organizations.

H.R. 15024 ..... Public Law 89–759

An Act to authorize the Administrator of General Services to select an available Government-owned site in the District of Columbia and to improve and lease such site for a temporary heliport.

S. 84 ..... Public Law 89–706

An Act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyoming, if and when such lands revert to the United States.

S. 360 ..... Public Law 89–761

An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

S. 476 ..... Public Law 89–763

An Act to amend the Act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes.

S. 1349 ..... Public Law 89–764

An Act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under sixty-five feet in length.

S. 1496 ..... Public Law 89–762

An Act to repeal section 3342 of title 5, United States Code, relating to the prohibition of employee details from the field service to the departmental service, and for other purposes.

S. 1556 ..... Public Law 89–765

An Act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes.

S. 1760 ..... Public Law 89–766

Greek Loan of 1929 Settlement Act.

S. 3148 ..... Public Law 89–767

An Act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Texas.

S.J. Res. 133 ..... Public Law 89–768

Joint Resolution designating February, 1967 as American History Month.

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

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FEDERAL REGISTER

VOLUME 31 • NUMBER 218

Wednesday, November 9, 1966 • Washington, D.C.

PART II

Department of Agriculture

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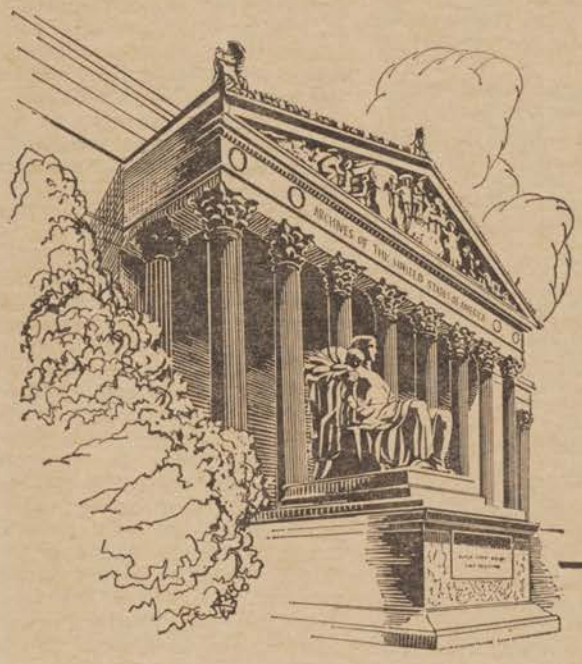
Consumer and Marketing Service



Cotton Research and Promotion Orders

Title 7—AGRICULTURE

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION ORDERS

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

On October 19, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 13478) regarding proposed regulations to govern the procedure for the conduct of referenda in connection with cotton research and promotion orders under the Cotton Research and Promotion Act (80 Stat. 279). After consideration of all such relevant matter as was presented by interested persons, the regulations as so proposed are hereby adopted, subject to the following changes:

1. Subdivision (iii) of subparagraph (4) of § 1205.202(a) is changed by inserting after the words "prior to the" the words "beginning of the".

2. In the first sentence of paragraph (d) of § 1205.204, after the words "placing it in" the words "the return postage-and-fees paid indicia envelope furnished by the county committee" are changed to read "an envelope".

3. Paragraph (a) of § 1205.205 is changed.

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

Dated: November 3, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Subpart—Procedure for the Conduct of Referenda in Connection With Cotton Research and Promotion Orders

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 15, Cotton Research and Promotion Act (sec. 15, 80 Stat. 285).

§ 1205.200 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a cotton research and promotion order, or the termination or suspension of such an order, is approved or favored by producers shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1205.201 Definitions.

(a) "Act" means the Cotton Research and Promotion Act (80 Stat. 279).

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead and "Department" means the U.S. Department of Agriculture.

(c) "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(d) "Agricultural Stabilization and Conservation Service", also referred to as ASCS, means the Agricultural Stabilization and Conservation Service of the Department.

(e) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

(g) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(h) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(i) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office, or the person acting in such capacity.

(j) "State executive director" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State Office, or the person acting in such capacity.

(k) "Order" means the order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(l) "Representative period" means the period designated by the Secretary pursuant to section 8 of the act.

(m) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(n) "Upland cotton" means any cotton other than extra long staple cotton.

(o) "Engaged in the production." The term "engaged in the production" shall include planting an upland cotton crop even though the crop is not harvested if such failure to harvest is not caused by the neglect of the farmer. In addition,

(1) Except for a landlord of a standing rent, cash rent, or fixed rent tenant, each person sharing in an upland cotton crop, or proceeds thereof, on a farm as an owner, cash tenant, landlord of a share tenant, share tenant or sharecropper shall be considered engaged in the production of such crop.

(2) Each person who was either the owner or operator of a farm for which an acreage allotment for a crop of upland cotton was established pursuant to the Agricultural Adjustment Act of 1938, as amended, but on which such crop was not produced shall be deemed to be engaged in the production of such crop in the year in which such crop, if produced, would have been harvested if any acreage of such crop was deemed devoted to the crop for history purposes under applicable provisions of such law and he would have shared in such crop if it had been produced.

(p) "Producer" means any person engaged in the production of upland cotton.

§ 1205.202 Agencies through which a referendum shall be conducted.

(a) *Consumer and Marketing Service.* The Administrator shall:

(1) Determine the referendum period.

(2) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the upland cotton producing areas, announcing the dates, places, or methods of voting, and other pertinent information, and (ii) by such other means as he may deem advisable.

(3) Provide ballots and related material to be used in the referendum to ASCS. The ballot (i) shall provide for recording essential information for ascertaining whether the person voting is an eligible voter, and (ii) may provide for recording the total amount of upland cotton produced by the producer during the representative period.

(4) Make available to producers through ASCS county committees instructions on voting, an appropriate ballot and, except in the case of a referendum on the termination or suspension of an order, a summary of the terms and conditions of the order. The instructions on voting shall explain the method to be used in determining the amount of upland cotton produced during the representative period and shall specify whether such amount is to be entered on the ballot by the voter, subject to the following terms and conditions:

(i) If a current production year for which harvesting has not been completed is designated as the representative period, the amount of upland cotton produced shall be determined by the office of the county committee on the basis of the acreage planted on the farm and projected lint yield per acre for the farm.

(ii) On farms in which more than one eligible voter is engaged in production,

the vote cast by each voter shall represent only the amount of upland cotton that is his share of the crop, or proceeds thereof.

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm he is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is his share of the crop, or proceeds thereof, on all such farms: *Provided,* That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the beginning of the referendum, establishes to the satisfaction of such county office his share of the crop, or proceeds thereof, on any additional farm or farms.

(iv) A person who is eligible to vote in the referendum and who did not have any planted acreage of upland cotton during the representative period, regardless of reason for not planting, may vote "yes" or "no" with respect to the order but such person's volume of production will be considered as zero (0).

(b) *Agricultural Stabilization and Conservation Service.* Except for the functions specified in paragraph (a) of this section, the Deputy Administrator shall be in charge of and responsible for conducting each referendum. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of each committee to conduct each referendum in a fair, unbiased and impartial manner in accordance with the regulations in this subpart.

§ 1205.203 Voting eligibility.

(a) *Special eligibility requirements.* Each person who was engaged in the production of upland cotton during the representative period shall be eligible to vote in a referendum.

(b) *General eligibility requirements.* (1) A person may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of upland cotton farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian, administrator, executor, or trustee engages in the production of upland cotton will be eligible to vote in such fiduciary capacity if, in such capacity, he qualifies as an eligible voter. In such cases the person for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X, he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y, he may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, are engaged in the production of upland cotton under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons are engaged in the production of upland cotton as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is eligible to vote. Eligibility to vote applies to each one individually. A wife is eligible to vote if she shares in the proceeds of the required crop as an owner, cash tenant, landlord of a share tenant, share tenant, or sharecropper. If a husband and wife are tenants or sharecroppers on a farm, jointly responsible under the rental or sharecropping agreement, both are eligible to vote. This is true whether the rental or sharecropping agreement is written, signed by both parties, or oral, provided both husband and wife made the oral agreement. A minor is not disqualified from voting solely because of his minority if otherwise eligible and he is not less than 18 years of age.

(c) *Voting by proxy prohibited.* There shall be no voting by proxy or agent but a duly authorized officer of a corporation, association, or other legal entity, may cast its vote.

§ 1205.204 Voting.

(a) *Place of voting.* The ASCS county office serving the county in which the producer's farm is located shall be his polling place.

(b) *Register of eligible voters.* The county committee shall establish a register of known eligible voters prior to the referendum.

(c) *Mailing of ballot to eligible voters.* The county committee shall furnish each eligible voter a ballot suitable for mailing back to the office of the county committee. If an eligible voter does not receive a ballot, he may obtain one during the referendum period from the office of the county committee for the county in which he is eligible to vote.

(d) *Returning ballot to office of the county committee.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by completing and signing his ballot, placing it in an envelope, and delivering or mailing it to the office of the county committee for the county in which he is eligible to vote. In order to be eligible for tabulation by the county committee, voted ballots must be received by the county committee of the county in which the voter is eligible to vote during the period established for holding the referendum. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later than midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots.

(e) *Placing of ballots in ballot box.* Notwithstanding the fact that a ballot(s) may be later challenged by the county committee, envelopes containing ballots received at the ASCS county office during the referendum period shall remain unopened and shall be placed immediately in a ballot box provided by the county office manager. Such ballot box shall be arranged so that ballots cannot be read or moved without breaking the seal on the container.

§ 1205.205 Canvass of ballots.

(a) *Canvassing procedure.* Canvassing of returned ballots shall take place as soon as possible after the opening of the county office on the fifth day following the close of the referendum period. Such canvassing shall be in the presence of at least two members of the county committee and shall be open to the public. The canvassing and ballots shall be handled in such a manner that no member of the public may see how any person voted in the referendum. The county committee shall supervise the opening of the sealed ballot box, the opening of the envelopes containing the ballots and a determination as to (1) the number of eligible voters favoring the order and, where necessary, the amount of upland cotton represented by them, (2) the number of eligible voters disapproving the order and, where necessary, the amount of upland cotton represented by them, (3) the number of ballots cast by voters found to be ineligible to vote in the referendum, and (4) number of spoiled ballots. The ballots determined to be spoiled or cast by ineligible voters shall not be considered as approving or disapproving the order, and the persons who cast such ballots shall not be regarded as participating in the referendum.

(b) *Spoiled ballots.* A ballot shall be considered as a spoiled ballot if (1) it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted, or (2) it does not contain the signature of the voter, or his properly witnessed mark.

(c) *Challenge of ballots.* A ballot may be challenged by any member of the county committee. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the county committee as to the

eligibility of the voter to vote in the referendum.

§ 1205.206 Reporting results of referendum.

(a) Each county committee shall transmit a written county summary of ballots showing the results of the referendum in its county to its State committee.

(b) Each State committee shall transmit a written summary of the referendum results from the county committees within its State to the Director, Cotton Division, Consumer and Marketing Service, Washington, D.C. 20250, and maintain one copy of the summary in the office of the State committee where it will be available for public inspection for a period of 5 years following the end of the referendum period.

(c) The Director of the Cotton Division shall prepare and submit to the Secretary a report as to the results of the referendum. The Secretary shall then publicly proclaim the results of the referendum.

§ 1205.207 Challenge of correctness of county summary of ballots.

The State committee shall make a prompt investigation and decision in case of any dispute or challenge regarding the correctness of the county summary of ballots in any county: *Provided*, That no dispute or challenge shall be investigated unless it is brought to the attention of the State committee within 3 days after receipt by the State committee of the county summary of ballots from such county.

§ 1205.208 Disposition of ballots and records by county committee.

The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and summary sheets for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the county office manager for a period of 45 calendar days after the referendum period. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed, but the registers and county summary sheets shall be filed for a period of 5 years in the office of the county committee.

§ 1205.209 Confidential information.

All ballots cast and the contents thereof shall be treated as confidential.

§ 1205.210 Additional instructions and forms.

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart for the use of State and county committees in conducting a referendum. Such additional instructions may include procedures for county and State committees to report and announce the results of the preliminary count of the votes in the county and the State.

[F.R. Doc. 66-12200; Filed Nov. 8, 1966; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1205]

[CRPA Docket No. 1]

COTTON RESEARCH AND PROMOTION

Decision and Referendum Order With Respect to Proposed Order

Pursuant to the rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act (7 CFR Part 1205, 31 F.R. 10510), public hearing sessions on a proposed cotton research and promotion order were held in Memphis, Tenn., on August 22–24, 1966, in Dallas, Tex., on August 25–26, in Phoenix, Ariz., on August 29–30, and in Atlanta, Ga., on September 1–2, after notice thereof was published in the FEDERAL REGISTER (31 F.R. 10532) on August 5, 1966.

On the basis of the evidence adduced at the hearing and the record thereof, a recommended decision in this proceeding, including a proposed cotton research and promotion order was filed on September 30, 1966, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (31 F.R. 12956) on October 5, 1966. The time for filing exceptions to the recommended decision, with the Hearing Clerk, expired on October 14, 1966.

Material issues, findings and conclusions, rulings and general findings. The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (31 F.R. 12956) are hereby approved and adopted as the material issues, findings and conclusions, rulings and the general findings of this decision as if set forth in full herein, except as they are modified by the rulings on the exceptions hereinafter set forth.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by Joseph O. Parker and L. Alton Denslow for the National Cotton Council of America, by the Runnels County Texas Farm Bureau, and by C. H. DeVaney, President, Texas Farm Bureau, on his behalf and on behalf of J. D. Hays, Marvin L. Morrison, and Boswell Stevens. These exceptions have been considered carefully and fully, in connection with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Exception was taken to the last sentence in § 1205.325 of the recommended order dealing with the taking of action by the Cotton Board by mail, telegraph, or telephone. This sentence in § 1205.325 is revised to include, in accordance with the hearing record, provision for authorizing Board action by mail, telegraph, or telephone on matters of an emergency nature when there is not enough time to call an assembled meeting of the Board. Also, three new sentences reading as follows are added after the third sentence in next to the last paragraph of the findings and conclusions dealing with material issue (3)(b) as set forth in the recommended decision: "Also, provision should be made for the Board to take action upon the concurring votes of its members by mail, telegraph, or telephone on matters of an emergency nature when there is not enough time to call an assembled meeting. The responsibility for initiating a poll by mail, telegraph, or telephone should rest with the Chairman of the Board, or such person or persons designated by the Board. It should be the responsibility of the person conducting any such poll to explain each proposition accurately, fully, and similarly to each member of the Board."

Exception was taken on the basis that the recommended decision is inconsistent with the best interests of cotton producers and would hamper the rebuilding of a viable cotton industry, and that the recommended decision is not supported either by the findings and conclusions or the body of evidence offered in testimony during the process of the hearings. Since the evidence does support the findings and conclusions the exception is denied. However, some of the contentions on which this exception is based and the contents of another exception do indicate a need for clarification on refunds of assessments in the eighth and ninth paragraphs of the findings and conclusions dealing with material issue (3)(d). Accordingly, the last four sentences in the eighth paragraph dealing with material issue (3)(d) are deleted and the following sentence is substituted therefor: "The dollar per bale assessment is mandatory but each producer has the right to decide whether or not he will exercise his refund privilege." Also, the last four sentences in the ninth paragraph dealing with material issue (3)(d) are deleted and the following sentences are substituted therefor: "The Board may also want to consider making such forms available to producers at the ASCS county office, or some other government office, in each cotton-producing county. Such forms should not be available at the offices of handlers collecting the $1 per bale because the intense competition for business among handlers could easily defeat the purpose of the act and order. This should not preclude the Board from making the forms available to producers at ASCS county offices even though the Board should designate the Commodity Credit Corporation as a handler. Certainly, no regulation issued by the Board should contain any impossible, complex, or even onerous condition. Although the act requires that any producer desiring a refund shall make the request personally, there is no provision in the act or order that precludes a producer needing help, such as assistance in writing letters to the Board or completing application forms, from obtaining such help. No interest should be allowed on any refund made to a producer, inasmuch as there is no provision therefor in the act and no suggestion of congressional intent to provide for payment of interest."

Annexed hereto and made a part hereof is a document entitled "Cotton Research and Promotion Order" which has been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. This document shall not become effective unless and until the requirements of § 1205.15 of the aforesaid rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act have been met.

Referendum order. Pursuant to the applicable provisions of the Cotton Research and Promotion Act (80 Stat. 279), it is hereby directed that a referendum be conducted among the cotton producers who, during calendar year 1966 (which period is hereby determined to be a representative period for the purpose of such referendum) have been engaged in the production of upland cotton in the United States for the 1966 crop to determine whether such producers favor the issuance of the said annexed Cotton Research and Promotion Order.

The procedure applicable to the referendum shall be the procedure for the conduct of referenda in connection with cotton research and promotion orders (7 CFR 1205.200 et seq.) as published in this issue of the FEDERAL REGISTER. The referendum period shall be December 5 through 9, 1966, provided that ballots cast prior to December 5 shall not be invalidated for that reason.

The ASCS county office will send each eligible voter an appropriate ballot, instructions on the voting procedure, and a summary of the terms and conditions of the said annexed Cotton Research and Promotion Order. If any eligible voter does not receive a ballot on or prior to December 5, 1966, he may obtain one during the referendum period from the ASCS county office for the county in which he is eligible to vote.

Single copies of the complete text of the proposed Cotton Research and Promotion Order may be obtained at any ASCS county office in cotton producing counties or from the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

It is hereby ordered, That all of this decision, referendum order, and annexed Cotton Research and Promotion Order be published in the FEDERAL REGISTER.

Dated: November 3, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Cotton Research and Promotion Order[1]

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 5, Cotton Research and Promotion Act (sec. 5, 80 Stat. 280).

§ 1205.300 Findings and determinations.

(a) *Findings on the basis of the hearing record.* Pursuant to the Cotton Research and Promotion Act (80 Stat. 279), and the applicable rules of practice and procedure (7 CFR Part 1205, 31 F.R. 10510), public hearing sessions on a proposed cotton research and promotion order were held in Memphis, Tenn., on August 22–24, 1966, in Dallas, Tex., on August 25–26, in Phoenix, Ariz., on August 29–30, and in Atlanta, Ga., on September 1–2. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

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

(2) All cotton produced and handled in the United States is in the current interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

It is therefore ordered:

DEFINITIONS

§ 1205.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1205.302 Act.

"Act" means the Cotton Research and Promotion Act (Public Law 89–502, 89th Congress, approved July 13, 1966, 80 Stat. 279).

§ 1205.303 Person.

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

§ 1205.304 Cotton.

"Cotton" means all upland cotton harvested in the United States, and except as used in §§ 1205.308, 1205.331, and 1205.332, includes cottonseed of such cotton and the products derived from such cotton and its seed.

§ 1205.305 Fiscal period.

"Fiscal period" is the 12-months budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, selects some other 12-months budgetary period.

§ 1205.306 Cotton Board.

"Cotton Board" means the administrative body established pursuant to § 1205.318.

§ 1205.307 Producer.

"Producer" means any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlord of a share tenant, share tenant, or sharecropper.

§ 1205.308 Handler.

"Handler" means any person who handles cotton, including the Commodity Credit Corporation.

§ 1205.309 Handle.

"Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

§ 1205.310 United States.

"United States" means the 50 States of the United States of America.

§ 1205.311 Cotton-producing State.

"Cotton-producing State" means each of the following States and combinations of States:

Alabama-Florida;	New Mexico;
Arizona;	North Carolina-Virginia;
Arkansas;	Oklahoma;
California-Nevada;	South Carolina;
Georgia;	Tennessee-Kentucky
Louisiana;	Texas.
Mississippi;	
Missouri-Illinois;	

§ 1205.312 Marketing.

"Marketing" includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

§ 1205.313 Cotton-producer organization.

"Cotton-producer organization" means any organization which has been certified by the Secretary pursuant to § 1205.337.

§ 1205.314 Contracting organization or association.

"Contracting organization or association" means the organization or association with which the Cotton Board has entered into a contract or agreement pursuant to § 1205.328(c).

§ 1205.315 Cotton-producing region.

"Cotton-producing region" means each of the following groups of cotton-producing States:

(a) Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina;

(b) Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky;

(c) Southwest Region: Oklahoma and Texas;

(d) Western Region: Arizona, California-Nevada, and New Mexico.

§ 1205.316 Marketing year.

"Marketing year" means a consecutive 12-month period ending on July 31.

§ 1205.317 Part and subpart.

"Part" means the cotton research and promotion order and all rules, regulations and supplemental orders issued pursuant to the act and the order, and the aforesaid order shall be a "subpart" of such part.

COTTON BOARD

§ 1205.318 Establishment and membership.

There is hereby established a Cotton Board composed of representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State, as certified pursuant to § 1205.337, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by producers in the manner authorized by the Secretary.

[1] This order shall not become effective unless and until the requirements of § 1205.15 of the rules of practice and procedure governing proceedings to formulate orders under the Cotton Research and Promotion Act have been met.

Each cotton-producing State shall be represented by at least one member and by an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period specified in the regulations for determining Board membership.

§ 1205.319 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, but the initial members and alternates shall be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1205.320 Nominations.

All nominations authorized under § 1205.318 shall be made within such period of time and in such manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing State, as certified pursuant to § 1205.337, shall caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be selected to represent the cotton producers of such cotton-producing State. If joint agreement is not reached with respect to the nominees for any such position each such organization may nominate two qualified persons for any position on which there was no agreement.

§ 1205.321 Selection.

From the nominations made pursuant to §§ 1205.318 and 1205.320 the Secretary shall select the members of the Board and an alternate for each such member on the basis of the representation provided for in §§ 1205.318 and 1205.319.

§ 1205.322 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1205.323 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.318, 1205.320, and 1205.321.

§ 1205.324 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and qualified. In the event both a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting.

§ 1205.325 Procedure.

A majority of the members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person. For routine and noncontroversial matters which do not require deliberation and the exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph or telephone, but any such action by telephone shall be confirmed promptly in writing.

§ 1205.326 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1205.327 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler responsible for collecting the producer assessment authorized by § 1205.331, which designation may be of different handlers or classes of handlers to recognize differences in marketing practices in any State or area;

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

(d) To recommend to the Secretary amendments to this subpart.

§ 1205.328 Duties.

The Board shall have the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary for the conduct of its business, and to define their duties;

(b) To appoint or employ such persons as it may deem necessary and to determine the compensation and to define the duties of each;

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submission to it of research and promotion plans or projects authorized by § 1205.329, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the costs thereof with funds collected pursuant to § 1205.331, with an organization or association whose governing body consists of cotton producers selected by the cotton producer organizations certified by the Secretary under § 1205.337, in such manner that the producers of each cotton-producing State will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such State bears to the total cotton marketed by the producers of all cotton-producing States, subject to adjustments to reflect lack of participation in the program by reason of refunds under § 1205.332. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(d) To review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with its recommendations with respect to the approval thereof by the Secretary;

(e) To submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary;

(h) To give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings;

(i) To act as intermediary between the Secretary and any producer or handler;

(j) To submit to the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1205.329 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.328(c) establish or provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act;

(b) The establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient.

EXPENSES AND ASSESSMENTS

§ 1205.330 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1205.331.

§ 1205.331 Assessments.

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of $1 per bale of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under this subpart, except that no more than one such assessment shall be made on any bale of cotton.

§ 1205.332 Producer refunds.

Any cotton producer against whose cotton any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in this subpart shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time period shall give the producer at least 90 days from the date of collection to submit the refund form to the Board. Any such refund shall be made within 60 days after demand therefor.

§ 1205.333 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1205.334 Reports.

Each handler subject to this subpart may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following:

(a) Number of bales handled;

(b) Number of bales on which an assessment was collected;

(c) Name and address of person from whom he has collected the assessment on each bale handled;

(d) Date collection was made on each bale handled.

§ 1205.335 Books and records.

Each handler subject to this subpart shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the marketing year of their applicability.

§ 1205.336 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.336 shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this subpart, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board.

CERTIFICATION OF COTTON PRODUCER ORGANIZATION

§ 1205.337 Certification of cotton producer organization.

Any cotton producer organization within a cotton-producing State may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent such State on the Cotton Board. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Geographic territory within the State covered by the organization's active membership;

(b) Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton-producing counties in such State in which the organization has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.337 will be certified by the Secretary, and his determination as to eligibility is final.

MISCELLANEOUS

§ 1205.338 Suspension and termination.

(a) The Secretary will, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving this subpart, to determine whether cotton producers favor the termination or suspension of this subpart, and he shall suspend or terminate such subpart

at the end of the marketing year whenever he determines that its suspension or termination is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.

§ 1205.339 Proceedings after termination.

(a) Upon the termination of this subpart the Cotton Board shall recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.328(c); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this § 1205.339.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this § 1205.339 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the cotton research or promotion programs hitherto authorized.

§ 1205.340 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder, or (b) release or extinguish any violation of this subpart or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1205.341 Personal liability.

No member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty or wilful misconduct.

§ 1205.342 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 66-12201; Filed, Nov. 8, 1966; 8:52 a.m.]