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Agencies in this issue—



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FEDERAL REGISTER

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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, 1965, and specifies how they are affected.**

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3682

### IMPLEMENTING AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS BETWEEN THE UNITED STATES AND CANADA

**By the President of the United States of America**

**A Proclamation**

WHEREAS the United States and Canada on January 16, 1965, entered into an Agreement Concerning Automotive Products, which provides that Canada shall accord duty-free treatment to imports of certain automotive products of the United States and that, after enactment of implementing legislation, the United States shall accord duty-free treatment to certain automotive products of Canada retroactively to the earliest date administratively possible following the date on which the agreement has been implemented by Canada (art. II, 89th Cong. 1st sess., H. Rep. 537, 38);

WHEREAS the agreement of January 16, 1965, was implemented by Canada through the granting of the requisite duty-free treatment to United States products on January 18, 1965;

WHEREAS titles II and IV of the Automotive Products Trade Act of 1965 have been enacted to provide for modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) to implement the agreement of January 16, 1965, such modifications to enter into force in the manner proclaimed by the President (79 Stat. 1016);

WHEREAS sections 201(a) and 203 of the Automotive Products Trade Act of 1965 authorize the President to proclaim the modifications of the Tariff Schedules of the United States provided for in sections 403, 404, and 405 of that Act with retroactive effect as of the earliest date after January 17, 1965, which he determines to be practicable, and section 401(b) of that Act provides that the rates of duty in column numbered 1 of the tariff schedules that are modified pursuant to such proclamation shall be treated as having been proclaimed by the President as being required to carry out a foreign trade agreement to which the United States is a party (79 Stat. 1016); and

WHEREAS I determine that the earliest date, after January 17, 1965, as of which it is practicable to give retroactive effect to this proclamation is January 18, 1965:

NOW, THEREFORE, I, LYNDON B. JOHNSON, under the authority vested in me by the Constitution and the statutes, particularly sections 201(a) and 203 of the Automotive Products Trade Act of 1965, do proclaim (1) that the modifications of the Tariff Schedules of the United States provided for in sections 403 and 404 of that Act shall enter into force on the day following the date of this proclamation, and (2) that the modifications of the tariff schedules provided for in section 405 of that Act shall enter into force on December 20, 1965, effective with respect to articles which are or have been entered for consumption, or for warehouse, on or after January 18, 1965.

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 twenty-first day of October in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 65-11584; Filed, Oct. 25, 1965; 4:21 p.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

### PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on March 4, 1965 (30 F.R. 2781), which were designated for barley crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

SOUTH DAKOTA (3)

Lake. Moody.
McCook.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11552; Filed, Oct. 27, 1965; 8:47 a.m.]

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### PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1966 crop year. The crops on which insurance is offered are shown opposite the name of the county.

NORTH DAKOTA

| *State and County* | *Crop(s)* |
|---|---|
| Barnes | Barley, Flax, Oats, Rye, Wheat. |
| Grand Forks | Barley, Flax, Oats, Wheat. |
| Pierce | Barley, Flax, Oats, Rye, Wheat. |
| Ransom | Barley, Corn, Flax, Oats, Wheat. |
| Richland | Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat. |
| Sargent | Barley, Corn, Flax, Oats, Wheat. |
| Steele | Barley, Flax, Oats, Wheat. |

SOUTH DAKOTA

| | |
|---|---|
| Day | Barley, Corn, Flax, Oats, Rye, Wheat. |
| Deuel | Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat. |

SOUTH DAKOTA—Continued

| *State and County* | *Crop(s)* |
|---|---|
| Hamlin | Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat. |
| Lake | Corn, Flax, Oats, Rye, Soybeans. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11555; Filed, Oct. 27, 1965; 8:47 a.m.]

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### PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1966 crop year.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Washington.
Weld.

ILLINOIS

Adams.
Bond.
Carroll.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Kalb.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Ford.
Fulton.
Greene.
Grundy.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Jo Daviess.
La Salle.
Livingston.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Marshall.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Ogle.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Stephenson.
Tazewell.
Vermilion.
Washington.
Wayne.
Winnebago.
Woodford.

INDIANA

Adams.
Allen.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Fountain.
Fulton.
Grant.
Hancock.

INDIANA—Continued

Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Morgan.
Noble.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Crawford.
Dallas.
Delaware.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Iowa.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Linn.
Lyon.
Madison.
Mahaska.
Marshall.
Mills.
Mitchell.
Montgomery.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Shelby.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Atchison.
Bourbon.
Brown.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Johson.
Linn.
Marshall.
Miami.
Nemaha.
Osage.
Pottawatomie.
Shawnee.
Washington.

KENTUCKY

Daviess.
McLean.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Branch.
Calhoun.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.

MICHIGAN—Continued

Jackson.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Buchanan.
Caldwell.
Calloway.
Carroll.
Cass.
Chariton.
Clark.
Cooper.
Daviess.
De Kalb.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pettis.
Pike.
Ralls.
Ray.
St. Charles.
Saline.
Scotland.
Shelby.
Sullivan.
Vernon.
Worth.

NEBRASKA

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.
Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Johnson.
Knox.
Lancaster.
Madison.
Nemaha.
Otoe.
Pawnee.
Pierce.
Platte.
Polk.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Beaufort.
Pamlico.
Washington.

NORTH DAKOTA

Cass.
Ransom.
Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fayette.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Bon Homme.
Brookings.
Clark.
Clay.
Codington.
Davison.
Deuel.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.
Obion.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

Buffalo.
Columbia.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11556; Filed, Oct. 27, 1965; 8:47 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1966 crop year.

ALABAMA

Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Covington.
Crenshaw.
Cullman.
Dale.
De Kalb.
Escambia.
Etowah.
Geneva.
Hale.
Henry.
Houston.
Jackson.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Tuscaloosa.

ARKANSAS

Arkansas.
Clay.
Craighead.
Crittenden.
Cross.
Greene.
Jackson.
Jefferson.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Saint Francis.
Woodruff.

FLORIDA

GEORGIA

Baker.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt.
Cook.
Dooly.
Early.
Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Tattnall.
Terrell.
Tift.
Turner.
Worth.

KENTUCKY

Fulton.

LOUISIANA

Acadia.
Avoyelles.
Bossier.
Caddo.
Concordia.
Catahoula.
East Carroll.
Evangeline.
Franklin.
Madison.
Morehouse.
Natchitoches.
Rapides.
Red River.
Richland.
Saint Landry.
Tensas.
West Carroll.

MISSISSIPPI

Alcorn.
Bolivar.
Coahoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.
Madison.
Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

New Madrid.

NEW MEXICO

Chaves.
Dona Ana.
Eddy.
Lea.

NORTH CAROLINA

Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hertford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rutherford.
Sampson.
Warren.
Wayne.
Wilson.

OKLAHOMA

| | |
|---|---|
| Beckham. | Jackson. |
| Caddo. | Kiowa. |
| Grady. | Tillman. |
| Harmon. | Washita. |

SOUTH CAROLINA

| | |
|---|---|
| Allendale. | Hampton. |
| Anderson. | Laurens. |
| Barnwell. | Lee. |
| Calhoun. | Lexington. |
| Chester. | Marion. |
| Chesterfield. | Marlboro. |
| Clarendon. | Orangeburg. |
| Darlington. | Saluda. |
| Dillon. | Spartanburg. |
| Edgefield. | Sumter. |
| Florence. | Williamsburg. |
| Greenville. | York. |

TENNESSEE

| | |
|---|---|
| Carroll. | Lake. |
| Crockett. | Lauderdale. |
| Dyer. | Lincoln. |
| Fayette. | McNairy. |
| Franklin. | Madison. |
| Gibson. | Obion. |
| Giles. | Shelby. |
| Hardeman. | Tipton. |
| Haywood. | Weakley. |
| Henderson. | |

TEXAS

| | |
|---|---|
| Bailey. | Hockley. |
| Bell. | Hunt. |
| Brazos. | Knox. |
| Briscoe. | Lamar. |
| Burleson. | Lamb. |
| Castro. | Limestone. |
| Cochran. | Lubbock. |
| Collin. | Lynn. |
| Crosby. | McLennan. |
| Dawson. | Milam. |
| Deaf Smith. | Navarro. |
| Denton. | Nueces. |
| Ellis. | Parmer. |
| El Paso. | Refugio. |
| Falls. | Robertson. |
| Fannin. | San Patricio. |
| Floyd. | Swisher. |
| Fort Bend. | Terry. |
| Garza. | Travis. |
| Grayson. | Wharton. |
| Hale. | Wilbarger. |
| Hill. | Williamson. |

VIRGINIA

| | |
|---|---|
| Greensville. | Southampton. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11557; Filed, Oct. 27, 1965; 8:47 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1966 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

COLORADO

| *State and County* | *Class(es) of dry beans insured* |
|---|---|
| Boulder | Pinto. |
| Larimer | Pinto. |
| Logan | Pinto. |
| Morgan | Pinto. |
| Sedgwick | Pinto. |
| Washington | Pinto. |
| Weld | Pinto. |

IDAHO

| | |
|---|---|
| Canyon | Great Northern, Pinto, Small Red. |
| Cassia | Great Northern, Pinto, Small Red.[1] |
| Gooding | Great Northern, Pinto, Small Red.[1] |
| Jerome | Great Northern, Pinto, Small Red.[1] |
| Lincoln | Great Northern, Pinto, Small Red. |
| Minidoka | Great Northern, Pinto, Small Red.[1] |
| Twin Falls | Great Northern, Pinto, Small Red.[1] |

MICHIGAN

| | |
|---|---|
| Bay | Pea and Medium White. |
| Gratiot | Pea and Medium White. |
| Huron | Pea and Medium White. |
| Saginaw | Pea and Medium White. |
| St. Clair | Pea and Medium White. |
| Sanilac | Pea and Medium White. |
| Shiawassee | Pea and Medium White. |
| Tuscola | Pea and Medium White. |

NEBRASKA

| | |
|---|---|
| Box Butte | Great Northern, Pinto. |
| Morrill | Great Northern, Pinto. |
| Scotts Bluff | Great Northern, Pinto. |
| Sheridan | Great Northern, Pinto. |

WASHINGTON

| | |
|---|---|
| Adams | Great Northern, Pinto, Small Red, Flat Small White, Pink. |
| Franklin | Great Northern, Pinto, Small Red, Flat Small White, Pink. |
| Grant | Great Northern, Pinto, Small Red, Flat Small White, Pink. |

WYOMING

| | |
|---|---|
| Goshen | Great Northern, Pinto. |
| Platte | Great Northern, Pinto. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11558; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1966 crop year.

[1] Insurance is also provided on bush varieties of garden seed beans.

MINNESOTA

| | |
|---|---|
| Becker. | Norman. |
| Big Stone. | Ottertail. |
| Brown. | Pennington. |
| Chippewa. | Pipestone. |
| Clay. | Polk. |
| Cottonwood. | Pope. |
| Grant. | Red Lake. |
| Jackson. | Red Wood. |
| Kittson. | Renville. |
| Lac Qui Parle. | Rock. |
| Lincoln. | Roseau. |
| Lyon. | Stevens. |
| Mahnoman. | Swift. |
| Marshall. | Traverse. |
| Martin. | Wilkin. |
| Murray. | Yellow Medicine. |
| Nobles. | |

NORTH DAKOTA

| | |
|---|---|
| Barnes. | McIntosh. |
| Benson. | McLean. |
| Bottineau. | Mountrail. |
| Burleigh. | Nelson. |
| Cass. | Pembina. |
| Cavalier. | Pierce. |
| Dickey. | Ramsey. |
| Eddy. | Ransom. |
| Emmons. | Renville. |
| Foster. | Richland. |
| Grand Forks. | Rolette. |
| Griggs. | Sargent. |
| Kidder. | Sheridan. |
| La Moure. | Steele. |
| Logan. | Stutsman. |
| McHenry. | |

SOUTH DAKOTA

| | |
|---|---|
| Brookings. | Hamlin. |
| Brown. | Kingsbury. |
| Campbell. | Lake. |
| Clark. | McPherson. |
| Codington. | Marshall. |
| Corson. | Miner. |
| Day. | Moody. |
| Deuel. | Roberts. |
| Edmunds. | Walworth. |
| Grant. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
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[F.R. Doc. 65-11559; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1966 crop year.

KANSAS

| | |
|---|---|
| Brown. | Grant. |
| Butler. | Greenwood. |
| Chase. | Harvey. |
| Clay. | Haskell. |
| Cloud. | Jackson. |
| Coffey. | Jefferson. |
| Cowley. | Kearny. |
| Dickinson. | Labette. |
| Elk. | Lyon. |
| Finney. | Marion. |
| Franklin. | Marshall. |
| Geary. | McPherson. |

KANSAS—Continued

Meade.
Montgomery.
Morris.
Osage.
Nemaha.
Neosho.
Ottawa.
Pottawatomie.
Reno.
Republic.
Rice.
Riley.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Stafford.
Stanton.
Stevens.
Sumner.
Wabaunsee.
Washington.
Wichita.
Wilson.

MISSOURI

Bates.
Henry.
Vernon.

NEBRASKA

Adams.
Boone.
Butler.
Cass.
Clay.
Colfax.
Fillmore.
Gage.
Hamilton.
Jefferson.
Johnson.
Lancaster.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Platte.
Polk.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Webster.
York.

OKLAHOMA

Alfalfa.
Blaine.
Caddo.
Canadian.
Craig.
Delaware.
Garfield.
Grady.
Grant.
Jackson.
Kay.
Kiowa.
Mayes.
Nowata.
Ottawa.
Texas.
Tillman.
Washita.

SOUTH DAKOTA

Bon Homme.
Charles Mix.

TEXAS

Bailey.
Bell.
Briscoe.
Castro.
Collin.
Crosby.
Deaf Smith.
Denton.
Ellis.
Falls.
Floyd.
Grayson.
Hale.
Hill.
Hunt.
Lamb.
Lubbock.
McLennan.
Milam.
Navarro.
Nueces.
Parmer.
Randall.
Refugio.
San Patricio.
Swisher.
Travis.
Wilbarger.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11560; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1966 crop year.

CALIFORNIA

Modoc.

IDAHO

Canyon.
Latah.

ILLINOIS

Carroll.
Jo Daviess.
Ogle.
Stephenson.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Clayton.
Crawford.
Dallas.
Delaware.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Iowa.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Linn.
Lyon.
Madison.
Mahaska.
Marshall.
Mills.
Mitchell.
Montgomery.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Shelby.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

MICHIGAN

Gratiot.
Jackson.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Kittson.
Lac qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Marshall.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Norman.
Olmsted.
Otter Tail.
Pennington.
Pipestone.
Polk.
Pope.
Red Lake.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

NORTH DAKOTA

Barnes.
Benson.
Burleigh.
Cass.
Cavalier.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.

NORTH DAKOTA—Continued

Kidder.
La Moure.
Logan.
Morton.
Nelson.
Pembina.
Ramsey.
Ransom.
Richland.
Sargent.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.

OREGON

Klamath.

PENNSYLVANIA

Chester.
Cumberland.
Dauphin.

SOUTH DAKOTA

Beadle.
Bon Homme.
Brookings.
Brown.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Grant.
Hamlin.
Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Marshall.
Miner.
Minnehaha.
Moody.
Roberts.
Spink.
Turner.
Union.
Yankton.

WISCONSIN

Buffalo.
Columbia.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.
Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11561; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for pea (canning and freezing) crop insurance for the 1966 crop year.

IDAHO

Nez Perce.

MINNESOTA

Faribault.
Martin.

OREGON

Umatilla.
Union.

WASHINGTON

Columbia.
Walla Walla.
Whitman.

WISCONSIN

Columbia.
Dane.
Dodge.
Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11563; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for pea (dry) crop insurance for the 1966 crop year.

IDAHO

| | |
|---|---|
| Benewah. | Lewis. |
| Kootenai. | Nez Perce. |
| Latah. | |

OREGON

| | |
|---|---|
| Umatilla. | Union. |

WASHINGTON

| | |
|---|---|
| Adams. | Spokane. |
| Franklin. | Walla Walla. |
| Grant. | Whitman. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11564; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for peanut crop insurance for the 1966 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

| | |
|---|---|
| Coffee—Runner. | Geneva—Runner. |
| Covington—Runner. | Henry—Runner. |
| Crenshaw—Runner. | Houston—Runner. |
| Dale—Runner. | Pike—Runner. |

FLORIDA

Jackson—Runner, Spanish, Virginia.

GEORGIA

| | |
|---|---|
| Baker—Runner, Spanish, Virginia. | Colquitt—Runner, Spanish, Virginia. |
| Bulloch—Runner, Spanish, Virginia. | Cook—Runner, Spanish, Virginia. |
| Calhoun—Runner, Spanish, Virginia. | Early—Runner, Spanish, Virginia. |
| Clay—Runner, Spanish, Virginia. | Irwin—Runner, Spanish, Virginia. |
| Coffee—Runner, Spanish, Virginia. | Lee—Runner, Spanish, Virginia. |
| Miller—Runner, Spanish, Virginia. | Tift—Runner, Spanish, Virginia. |
| Mitchell—Runner, Spanish, Virginia. | Turner—Runner, Spanish, Virginia. |
| Randolph—Runner, Spanish, Virginia. | Worth—Runner, Spanish, Virginia. |
| Terrell—Runner, Spanish, Virginia. | |

NORTH CAROLINA

Bertie—Virginia Type.
Bladen—Virginia Type.
Chowan—Virginia Type.
Edgecombe—Virginia Type.
Gates—Virginia Type.
Halifax—Virginia Type.
Hertford—Virginia Type.
Martin—Virginia Type.
Northampton—Virginia Type.
Washington—Virginia Type.

OKLAHOMA

Caddo—Spanish.
Grady—Spanish.

VIRGINIA

Dinwiddie—Virginia Type.
Greensville—Virginia Type.
Isle of Wight—Virginia Type.
Nansemond—Virginia Type.
Prince George—Virginia Type.
Southampton—Virginia Type.
Surry—Virginia Type.
Sussex—Virginia Type.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11566; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby designated for potato crop insurance for the 1966 crop year.

CALIFORNIA

Modoc.

IDAHO

| | |
|---|---|
| Bannock. | Jefferson. |
| Bingham. | Minidoka. |
| Bonneville. | Power. |
| Canyon. | Twin Falls. |
| Cassia. | |

OREGON

| | |
|---|---|
| Jefferson. | Malheur. |
| Klamath. | |

WASHINGTON

| | |
|---|---|
| Adams. | Grant. |
| Franklin. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11567; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1966 crop year.

ARKANSAS

| | |
|---|---|
| Arkansas. | Jefferson. |
| Clay. | Lonoke. |
| Craighead. | Monroe. |
| Crittenden. | Poinsett. |
| Cross. | St. Francis. |
| Greene. | Woodruff. |
| Jackson. | |

LOUISIANA

| | |
|---|---|
| Acadia. | Jefferson Davis. |
| Calcasieu. | St. Landry. |
| Evangeline. | |

MISSISSIPPI

| | |
|---|---|
| Bolivar. | Washington. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11569; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SAFFLOWER CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for safflower crop insurance for the 1966 crop year.

NEBRASKA

| | |
|---|---|
| Cheyenne. | Deuel. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11570; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1966 crop year.

ALABAMA

| | |
|---|---|
| Baldwin. | Madison. |
| Jackson. | |

ARKANSAS

Arkansas.
Clay.
Craighead.
Crittenden.
Cross.
Greene.
Jackson.
Jefferson.
Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
St. Francis.
Woodruff.

ILLINOIS

Adams.
Bond.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
De Kalb.
De Witt.
Douglas.
Edgar.
Effingham.
Fayette.
Ford.
Fulton.
Greene.
Grundy.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
La Salle.
Livingston.
Logan.
Macon.
Marshall.
McDonough.
McLean.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Ogle.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Wayne.
Winnebago.
Woodford.

INDIANA

Adams.
Allen.
Benton.
Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
De Kalb.
Delaware.
Fountain.
Fulton.
Grant.
Hancock.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Morgan.
Noble.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

IOWA

Adair.
Adams.
Allamakee.
Audubon.
Benton.
Black Hawk.
Boone.
Bremer.
Buchanan.
Buena Vista.
Butler.
Calhoun.
Carroll.
Cass.
Cerro Gordo.
Cherokee.
Chickasaw.
Clay.
Crawford.
Dallas.
Delaware.
Dickinson.
Emmet.
Fayette.
Floyd.
Franklin.
Fremont.
Greene.
Grundy.
Guthrie.
Hamilton.
Hancock.
Hardin.
Howard.
Humboldt.
Ida.
Iowa.
Jasper.
Jefferson.
Johnson.
Jones.
Keokuk.
Kossuth.
Linn.
Lyon.
Madison.
Mahaska.
Marshall.

IOWA—Continued

Mills.
Mitchell.
Montgomery.
O'Brien.
Osceola.
Page.
Palo Alto.
Plymouth.
Pocahontas.
Polk.
Pottawattamie.
Poweshiek.
Sac.
Shelby.
Sioux.
Story.
Tama.
Union.
Warren.
Washington.
Webster.
Winnebago.
Winneshiek.
Woodbury.
Worth.
Wright.

KANSAS

Allen.
Anderson.
Bourbon.
Cherokee.
Coffey.
Crawford.
Franklin.
Labette.
Linn.
Lyon.
Miami.
Neosho.
Osage.

KENTUCKY

Daviess.
Fulton.
McLean.

LOUISIANA

Avoyelles.
Concordia.
Catahoula.
East Carroll.
Franklin.
Madison.
Morehouse.
Richland.
St. Landry.
Tensas.
West Carroll.

MARYLAND

Kent.
Queen Annes.

MICHIGAN

Clinton.
Gratiot.
Hillsdale.
Lenawee.
Monroe.
Saginaw.
St. Joseph.
Shiawassee.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Dakota.
Dodge.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.
Murray.
Nicollet.
Nobles.
Norman.
Olmsted.
Ottertail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Traverse.
Wabasha.
Waseca.
Washington.
Watonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Holmes.
Humphreys.
Issaquena.
Lee.
Leflore.
Panola.
Prentiss.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tippah.
Tunica.
Union.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Buchanan.
Caldwell.
Carroll.
Cass.
Chariton.

MISSOURI—Continued

Clark.
Cooper.
Daviess.
De Kalb.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pettis.
Pike.
Ralls.
Ray.
St. Charles.
Saline.
Scotland.
Shelby.
Sullivan.
Vernon.
Worth.

NEBRASKA

Cuming.
Dodge.
Saunders.
Washington.

NORTH CAROLINA

Beaufort.
Craven.
Johnston.
Jones.
Pamlico.
Washington.

NORTH DAKOTA

Cass.
Richland.
Traill.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fayette.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Paulding.
Pickaway.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Craig.
Ottawa.

SOUTH CAROLINA

Allendale.
Barnwell.
Calhoun.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Florence.
Hampton.
Lee.
Lexington.
Marlboro.
Orangeburg.
Sumter.

SOUTH DAKOTA

Bon Homme.
Brookings.
Clay.
Deuel.
Grant.
Hamlin.
Lake.
Lincoln.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Crockett.
Dyer.
Fayette.
Gibson.
Haywood.
Lake.
Lauderdale.
Obion.
Shelby.
Tipton.
Weakley.

VIRGINIA

Nansemond.
Southampton.

WISCONSIN

| | |
|---|---|
| Buffalo. | Pierce. |
| Dunn. | Racine. |
| Jackson. | Rock. |
| Jefferson. | St. Croix. |
| Kenosha. | Trempealeau. |
| Pepin. | Walworth. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11571; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following counties have been designated for sugar beet crop insurance for the 1966 crop year.

IDAHO

| | |
|---|---|
| Canyon. | Twin Falls. |

MINNESOTA

Clay.

OREGON

Malheur.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
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[F.R. Doc. 65-11572; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1966 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

| | | | |
|---|---|---|---|
| Alachua | 14 | Madison | 14 |
| Columbia | 14 | Suwannee | 14 |
| Hamilton | 14 | | |

GEORGIA

| | | | |
|---|---|---|---|
| Appling | 14 | Lanier | 14 |
| Atkinson | 14 | Lowndes | 14 |
| Bacon | 14 | Mitchell | 14 |
| Berrien | 14 | Pierce | 14 |
| Brooks | 14 | Tattnall | 14 |
| Bulloch | 14 | Tift | 14 |
| Candler | 14 | Toombs | 14 |
| Coffee | 14 | Turner | 14 |
| Colquitt | 14 | Ware | 14 |
| Cook | 14 | Wayne | 14 |
| Irwin | 14 | Worth | 14 |
| Jeff Davis | 14 | | |

KENTUCKY

| | | | |
|---|---|---|---|
| Adair | 31 | Madison | 31 |
| Allen | 31, 35 | Marion | 31 |
| Anderson | 31 | Mason | 31 |
| Barren | 31 | McLean | 31, 36 |
| Bath | 31 | Mercer | 31 |
| Bourbon | 31 | Metcalfe | 31 |
| Bracken | 31 | Montgomery | 31 |
| Breckinridge | 31 | Muhlenberg | 22, 31, 55 |
| Caldwell | 22, 31, 35 | Nelson | 31 |
| Calloway | 23, 31, 35 | Nicholas | 31 |
| Casey | 31 | Ohio | 31, 36 |
| Christian | 22, 31, 35 | Owen | 31 |
| Clark | 31 | Pendleton | 31 |
| Daviess | 31, 36 | Pulaski | 31 |
| Fayette | 31 | Robertson | 31 |
| Fleming | 31 | Russell | 31 |
| Franklin | 31 | Scott | 31 |
| Garrard | 31 | Shelby | 31 |
| Grant | 31 | Simpson | 22, 31, 35 |
| Graves | 23, 31, 35 | Spencer | 31 |
| Green | 31 | Todd | 22, 31, 35 |
| Harrison | 31 | Trigg | 22, 31, 35 |
| Hart | 31 | Warren | 31, 35 |
| Henry | 31 | Washington | 31 |
| Larue | 31 | Wayne | 31 |
| Lewis | 31 | Woodford | 31 |
| Lincoln | 31 | | |
| Logan | 22, 31, 35 | | |

MARYLAND

| | | | |
|---|---|---|---|
| Calvert | 32 | Prince Georges | 32 |
| Charles | 32 | St. Marys | 32 |

NORTH CAROLINA

| | | | |
|---|---|---|---|
| Alamance | 11a | Jones | 12 |
| Beaufort | 12 | Lee | 11b |
| Bertie | 12 | Lenoir | 12 |
| Bladen | 13 | Madison | 31 |
| Brunswick | 13 | Martin | 12 |
| Buncombe | 31 | Moore | 11b |
| Carteret | 12 | Nash | 12 |
| Caswell | 11a | Northampton | 12 |
| Chatham | 11b | Onslow | 12 |
| Chowan | 12 | Orange | 11b |
| Columbus | 13 | Pamlico | 12 |
| Craven | 12 | Person | 11a |
| Cumberland | 13 | Pender | 12 |
| Davidson | 11a | Pitt | 12 |
| Duplin | 12 | Randolph | 11a |
| Durham | 11b | Richmond | 11b |
| Edgecombe | 12 | Robeson | 13 |
| Forsyth | 11a | Rockingham | 11a |
| Franklin | 11b | Sampson | 12 |
| Gates | 12 | Stokes | 11a |
| Granville | 11b | Surry | 11a |
| Greene | 12 | Vance | 11b |
| Guilford | 11a | Wake | 11b |
| Halifax | 12 | Warren | 11b |
| Harnett | 11b | Washington | 12 |
| Haywood | 31 | Wayne | 12 |
| Hartford | 12 | Wilson | 12 |
| Hoke | 13 | Yadkin | 11a |
| Iredell | 11a | Yancey | 31 |
| Johnston | 12 | | |

OHIO

| | | | |
|---|---|---|---|
| Adams | 31 | Highland | 31 |
| Brown | 31 | | |

PENNSYLVANIA

| | | | |
|---|---|---|---|
| Lancaster | 41 | York | 41 |
| Lebanon | 41 | | |

SOUTH CAROLINA

| | | | |
|---|---|---|---|
| Chesterfield | 13 | Lee | 13 |
| Clarendon | 13 | Marion | 13 |
| Darlington | 13 | Marlboro | 13 |
| Dillon | 13 | Sumter | 13 |
| Florence | 13 | Williamsburg | 13 |
| Horry | 13 | | |

TENNESSEE

| | | | |
|---|---|---|---|
| Claiborne | 31 | Giles | 31 |
| Carter | 31 | Grainger | 31 |
| Cocke | 31 | Greene | 31 |
| De Kalb | 31 | Hamblen | 31 |
| Dickson | 22 | Hancock | 31 |
| Franklin | 31 | Hawkins | 31 |
| Jackson | 31 | Robertson | 22, 31, 35 |
| Jefferson | 31 | Sevier | 31 |
| Johnson | 31 | Smith | 31 |
| Lincoln | 31 | Stewart | 22, 31 |
| Loudon | 31 | Sullivan | 31 |
| Marshall | 31 | Sumner | 22, 31, 35 |
| McMinn | 31 | Trousdale | 31 |
| Maury | 31 | Unicoi | 31 |
| Monroe | 31 | Washington | 31 |
| Montgomery | 22, 31 | Weakley | 23, 35 |
| Obion | 23, 35 | Williamson | 31 |
| Putnam | 31 | Wilson | 31 |

VIRGINIA

| | | | |
|---|---|---|---|
| Amelia | 11a, 21 | Nottoway | 11a, 21 |
| Appomattox | 11a, 21 | Pittsylvania | 11a |
| Brunswick | 11a, 21 | Prince Edward | 11a, 21, 37 |
| Campbell | 11a, 21 | Prince George | 11a |
| Charlotte | 11a, 21 | Russell | 31 |
| Cumberland | 11a, 21, 37 | Scott | 31 |
| Dinwiddie | 11a, 21 | Smyth | 31 |
| Greensville | 11a | Southampton | 11a |
| Halifax | 11a | Sussex | 11a |
| Lee | 31 | Washington | 31 |
| Lunenburg | 11a | | |
| Mecklenburg | 11a | | |
| Nansemond | 11a | | |

WISCONSIN

| | | | |
|---|---|---|---|
| Dane | 54 | Trempealeau | 55 |
| La Crosse | 55 | Vernon | 55 |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11573; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1966 crop year.

INDIANA

| | |
|---|---|
| Grant. | Miami. |
| Howard. | Tipton. |

OHIO

| | |
|---|---|
| Fulton. | Putnam. |
| Henry. | Sandusky. |
| Lucas. | Wood. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11574; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

The counties listed below are hereby deleted from the list of counties pub-

lished in the FEDERAL REGISTER on March 4, 1965 (30 F.R. 2782), which were designated for wheat crop insurance for the 1966 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

IDAHO (2)

Boundary. Butte.

MONTANA (3)

Carter. Prairie.
Garfield.

NEBRASKA (4)

Buffalo. Lincoln.
Hall. Nance.

OKLAHOMA (1)

Beaver.

SOUTH DAKOTA (3)

Lake. Ziebach.
McCook.

TEXAS (3)

Archer. Young.
Wichita.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11576; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 402—RAISIN CROP INSURANCE

### Subpart—Regulations for the 1964 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.20 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1966 crop year.

CALIFORNIA

Fresno. Merced.
Kern. Stanislaus.
Kings. Tulare.
Madera.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11568; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 403—PEACH CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, the following counties have been designated for peach crop insurance for the 1966 crop year.

ALABAMA

Chilton.

ARKANSAS

Cross. Lee.
Howard. St. Francis.
Johnson.

GEORGIA

Peach. Upson.

NORTH CAROLINA

Cleveland. Richmond.
Moore. Rutherford.

SOUTH CAROLINA

Allendale. Laurens.
Barnwell. Lexington.
Chesterfield. Saluda.
Edgefield. Spartanburg.
Greenville. York.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11565; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 404—APPLE CROP INSURANCE

### Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1966 crop year.

WASHINGTON

Chelan. Okanogan.
Douglas.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11551; Filed, Oct. 27, 1965; 8:47 a.m.]

## PART 405—CHERRY CROP INSURANCE

### Subpart—Regulations for Red Tart Cherries for the 1963 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR CHERRY CROP INSURANCE

Pursuant to authority contained in § 405.1 of the above-identified regulations, the following county has been designated for cherry crop insurance for the 1966 crop year.

MICHIGAN

Oceana

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11553; Filed, Oct. 27, 1965; 8:47 a.m.]

## PART 406—CALIFORNIA ORANGE CROP INSURANCE

### Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, the following county has been designated for orange crop insurance for the 1966 crop year.

CALIFORNIA

Tulare

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11562; Filed, Oct. 27, 1965; 8:48 a.m.]

## PART 407—TUNG NUT CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE

Pursuant to authority contained in § 407.1 of the above-identified regulations, the following county has been designated for tung nut crop insurance for the 1966 crop year.

FLORIDA

Jackson

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11575; Filed, Oct. 27, 1965; 8:49 a.m.]

## PART 408—NORTH CAROLINA APPLE CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, the following county has been designated for apple crop insurance for the 1966 crop year.

NORTH CAROLINA

Henderson

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11550; Filed, Oct. 27, 1965; 8:47 a.m.]

## PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

### Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.1 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1966 crop year.

ARIZONA

Maricopa. Yuma.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 65-11554; Filed, Oct. 27, 1965; 8:47 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-EA-27]

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

### Alteration of Control Zone, Designation of Transition Areas

*Correction*

In F.R. Doc. 65-11189 appearing at page 13312 in the issue for Wednesday, October 20, 1965, the third line of the second paragraph describing the amended Parkersburg, W. Va. transition area reads as follows: "beginning at: 30°40'-00" N., 81°47'00" W., to". The same line is corrected to read as follows: "beginning at: 39°40'00" N., 81°47'00" W., to".

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

## PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

### Terms Implying Fibers Not Present

On August 5, 1965, a notice of proposed rule making was issued by the Commission. Such notice was published in the FEDERAL REGISTER on August 10, 1965, and provided that the Commission proposed to give consideration to an amendment of § 303.18 (Rule 18) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, so as to designate conditions under which certain fiber implying terms may or may not be used on labels affixed to textile fiber products.

The notice further provided that interested parties could participate by submitting their written views, arguments or other data to the Federal Trade Commission on or before September 10, 1965, and that written rebuttal could be submitted until September 30, 1965. A draft of the proposed amendment was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing and written rebuttal thereto as provided in the notice.

After due consideration of the proposed amendment and all pertinent information and material relating thereto and after having afforded interested parties an opportunity to present their views, argument and other data, the Commission has determined to amend § 303.18 (Rule 18) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purposes above specified.

Section 303.18 (Rule 18) of the rules and regulations under the Textile Fiber Products Identification Act shall hereafter read:

**§ 303.18 Terms implying fibers not present.**

Words, coined words, symbols or depictions, (a) which constitute or imply the name or designation of a fiber which is not present in the product, (b) which are phonetically similar to the name or designation of such a fiber, or (c) which are only a slight variation of spelling from the name or designation of such a fiber shall not be used in such a manner as to represent or imply that such fiber is present in the product.

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e)

Issued: October 25, 1965.

By direction of the Commission.

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

[F.R. Doc. 65-11546; Filed, Oct. 27, 1965; 8:46 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket No. R-287; Order 307]

## PART 3—ORGANIZATION

### Organization of Commission Staff

OCTOBER 20, 1965.

Since the issuance of the Commission's revised Statement of Organization (Order No. 245, 27 FPC 887; 27 F.R. 4276, 18 CFR 3.4(e)), its staff has been reorganized in numerous respects. Consequently, and in accordance with section 3(a)(1) of the Administrative Procedure Act, we are amending those portions of the organization statement so as to accurately describe our current organization.

The Commission finds: The amendment to its general rules adopted hereby involves matters of agency organization and procedure which do not require compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to authority granted by section 309 of the Federal Power Act and section 16 of the Natural Gas Act (16 U.S.C. 825h; 15 U.S.C. 717o) and in accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002), orders:

(A) Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by amending the opening sentence and subparagraphs (1), (2), (3), (8), (9), and (10) of § 3.4(e) and by adding a new subparagraph (12) to read as follows:

**§ 3.4 Organization.**

* * * * *

(e) *The staff.* The Commission's staff is comprised of the following bureaus and offices:

(1) The Bureau of Natural Gas, responsible for all staff functions pertaining to the natural gas industry, including work related to cost of service studies, cost allocations, rate design, engineering feasibility determinations, service discrimination studies, economic feasibility determinations, gas reserve and deliverability studies, and rate, contract, and tariff analyses and related statistical matters; except responsibility for the legal aspects of the foregoing, the Uniform System of Accounts, original cost and reclassification studies, financial and related statistical matters, rate-of-return studies, and other matters responsibility for which has been assigned to other elements of the staff. The Bureau consists of the Office of the Chief, the Pipeline Division, the Producer Division, the Area Rate Division, and the Analysis and Procedures Division.

(2) The Bureau of Power, responsible for all staff activities pertaining to water resources, hydroelectric power, and the electric power industry; except legal aspects of the foregoing, accounting, financial and related statistical matters, and other matters responsibility for which has been assigned to other elements of the staff. The Chief of the Bureau is also the Chief Engineer of the Commission and is personally responsible for furnishing advice, assistance, and counsel on such engineering matters as the Commission may require, and in addition is responsible for the substantive and administrative aspects of the Commission's civil and defense mobilization activities. The Bureau is divided into a headquarters office at Washington, D.C. and five regional offices. The headquarters office consists of the Office of the Chief of the Bureau, a Division of Electric Resources and Requirements, a Division of Licensed Projects, a Division of Rates and Corporate Regulations, and a Division of River Basins. The regional offices at Atlanta, Chicago, Fort Worth, New York, and San Francisco are re-

sponsible within their respective geographic areas for Bureau functions which can be done most effectively and efficiently in the field, including field investigations and studies, consultations, and inspections.

(3) The Office of Accounting and Finance, responsible for all staff activities pertaining to accounting, financial and related statistical matters including rate-of-return studies and work related to licensed project initial costs, net investment and depreciation and amortization reserve determinations; audit and examination of accounting procedures of licensees, public utilities and natural gas companies for compliance with prescribed System of Accounts; development and interpretation of Uniform System of Accounts; financial analysis of applications for securities or acquisition of property; and collection, preparation and publication of accounting and financial statistics; except legal aspects of the foregoing, accounting investigations relative to rates and charges for electric power and natural gas, and other matters responsibility for which is assigned to other elements of the staff. The Office consists of the Office of the Chief, a Division of Audits, a Division of Systems, and a Division of Finance and Statistics. The Division of Audits includes a field unit with offices in San Francisco, California. The Chief Accountant, in addition to his duties as head of the Office, has personal responsibility for the overall correlation and adequacy of the accounting and related functions of all bureaus and offices of the staff.

* * * * *

(8) The Office of Economics, responsible for advisory and research activities pertaining to economic policy aspects of the Commission's administration of the Federal Power Act and the Natural Gas Act, and for coordinating the Commission's statistical programs. The Office consists of the Office of the Chief, a Division of Econometric Analysis, a Division of Economic Studies, and a Division of Reports and Statistical Analysis.

(9) The Office of Administrative Operations, responsible for providing contracting and procurement, travel and transportation, records, dockets, and files, all types of office services, and data processing machine services.

(10) The Office of Management and Manpower Utilization, responsible for the functions of management analysis, automatic data processing systems analysis and programing services, the conduct of management and manpower utilization surveys, and the suggestion awards aspect of the Commission's incentive awards program.

* * * * *

(12) The Office of Program, Budget, and Financial Services, responsible for development and implementation of the Commission's financial management system including program, budget, and administrative accounting, and provision of payroll services. The Chief of the Office is also the Budget Officer and has the personal responsibility for the overall correlation and adequacy of the budgeting and related functions of the staff.

(Secs. 16, 52 Stat. 830, 15 U.S.C. 717o; sec. 309, 49 Stat. 858, 16 U.S.C. 825h; sec 3, 60 Stat. 238, 5 U.S.C. 1002)

(B) The amendments prescribed herein will be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11529; Filed, Oct. 27, 1965; 8:45 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM INOSINATE

The Commissioner of Food and Drugs, having reviewed the data submitted in a petition (FAP 6A1825) filed by Ajinomoto Co., Inc., 7, 1-Chome, Takara-Cho, Chuo-Ku, Tokyo, Japan, and other relevant material, has concluded that, in the absence of a specific need for subsequent purification by passage through a cation-exchange resin in the petitioner's production of the compound disodium inosinate with seven and one-half molecules of water of crystallization, § 121.1090 of the food additive regulations should be amended to delete such specific purification requirement. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1090 (a) is revised to read as follows:

§ 121.1090 Disodium inosinate.

* * * * *

(a) The food additive is the disodium salt of inosinic acid, manufactured and purified so as to contain no more than 150 parts per million of soluble barium in the compound disodium inosinate with seven and one-half molecules of water of crystallization.

* * * * *

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

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

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

Dated: October 20, 1965.

WINTON B. RANKIN, *Assistant Commissioner for Planning.*

[F.R. Doc. 65-11583; Filed, Oct. 27, 1965; 8:50 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6858]

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

### Election by Individuals To Be Subject to Tax at Corporate Rates

On April 13, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4718) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform to section 962 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. The amendment shall apply with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

PARAGRAPH 1. Paragraph (b) of § 1.962-2, as set forth in the notice of proposed rule making, is revised.

PAR. 2. Paragraph (b) of § 1.962-3, as set forth in the notice of proposed rule making, is amended by redesignating subparagraph (4) as subparagraph (5), by inserting a new subparagraph (4), and by revising the chart in paragraph (a) of the example in redesignated subparagraph (5).

PAR. 3. Section 1.962–4, as set forth in the notice of proposed rule making, is revised.

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

Approved: October 21, 1965.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 962 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

**§ 1.962 Statutory provisions; election by individuals to be subject to tax at corporate rates.**

Sec. 962. *Election by individuals to be subject to tax at corporate rates*—(a) *General rule.* Under regulations prescribed by the Secretary or his delegate, in the case of a United States shareholder who is an individual and who elects to have the provisions of this section apply for the taxable year—

(1) The tax imposed under this chapter on amounts which are included in his gross income under section 951(a) shall (in lieu of the tax determined under section 1) be an amount equal to the tax which would be imposed under section 11 if such amounts were received by a domestic corporation, and

(2) For purposes of applying the provisions of section 960 (relating to foreign tax credit) such amounts shall be treated as if they were received by a domestic corporation.

(b) *Election.* An election to have the provisions of this section apply for any taxable year shall be made by a United States shareholder at such time and in such manner as the Secretary or his delegate shall prescribe by regulations. An election made for any taxable year may not be revoked except with the consent of the Secretary or his delegate.

(c) *Surtax exemption.* For purposes of applying subsection (a)(1), the surtax exemption provided by section 11(c) shall not exceed, in the case of any United States shareholder, an amount which bears the same ratio to $25,000 as the amounts included in his gross income under section 951(a) for the taxable year bears to his pro rata share of the earnings and profits for the taxable year of all controlled foreign corporations with respect to which such United States shareholder includes any amount in gross income under section 951(a).

(d) *Special rule for actual distributions.* The earnings and profits of a foreign corporation attributable to amounts which were included in the gross income of a United States shareholder under section 951(a) and with respect to which an election under this section applied shall, when such earnings and profits are distributed, notwithstanding the provisions of section 959(a)(1), be included in gross income to the extent that such earnings and profits so distributed exceed the amount of tax paid under this chapter on the amounts to which such election applied.

[Sec. 962 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

**§ 1.962–1 Limitation of tax for individuals on amounts included in gross income under section 951(a).**

(a) *In general.* An individual United States shareholder may, in accordance with § 1.962–2, elect to have the provisions of section 962 apply for his taxable year. In such case—

(1) The tax imposed under chapter 1 of the Internal Revenue Code on all amounts which are included in his gross income for such taxable year under section 951(a) shall (in lieu of the tax determined under section 1) be an amount equal to the tax which would be imposed under section 11 if such amounts were received by a domestic corporation (determined in accordance with paragraph (b)(1) of this section), and

(2) For purposes of applying section 960(a)(1) (relating to foreign tax credit) such amounts shall be treated as if received by a domestic corporation (as provided in paragraph (b)(2) of this section).

Thus, an individual United States shareholder may elect to be subject to tax at corporate rates on amounts included in his gross income under section 951(a) and to have the benefit of a credit for certain foreign taxes paid with respect to the earnings and profits attributable to such amounts. Section 962 also provides rules for the treatment of an actual distribution of earnings and profits previously taxed in accordance with an election of the benefits of this section. See § 1.962–3. For transitional rules for certain taxable years, see § 1.962–4.

(b) *Rules of application.* For purposes of this section—

(1) *Application of section 11.* For purposes of applying section 11 for a taxable year as provided in paragraph (a)(1) of this section in the case of an electing United States shareholder—

(i) *Determination of taxable income.* The term "taxable income" as used in section 11 shall mean the sum of—

(*a*) All amounts required to be included in his gross income under section 951(a) for such taxable year; plus

(*b*) All amounts which would be required to be included in his gross income under section 78 for such taxable year with respect to the amounts referred to in (*a*) of this subdivision if such shareholder were a domestic corporation.

For purposes of this section, such sum shall not be reduced by any deduction of the United States shareholder even if such shareholder's deductions exceed his gross income.

(ii) *Limitation on surtax exemption.* The surtax exemption provided by section 11(c) shall not exceed an amount which bears the same ratio to $25,000 as the amounts included in his gross income under section 951(a) for the taxable year bear to his pro rata share of the earnings and profits for the taxable year of all controlled foreign corporations with respect to which such United States shareholder includes any amount in his gross income under section 951(a) for the taxable year.

(2) *Allowance of foreign tax credit*—(i) *In general.* Subject to the applicable limitation of section 904 and to the provisions of this subparagraph, there shall be allowed as a credit against the United States tax on the amounts described in subparagraph (1)(i) of this paragraph the foreign income, war profits, and excess profits taxes deemed paid under section 960(a)(1) by the electing United States shareholder with respect to such amounts.

(ii) *Application of section 960(a)(1).* In applying section 960(a)(1) for purposes of this subparagraph in the case of an electing United States shareholder, the term "domestic corporation" as used in sections 960(a)(1) and 78, and the term "corporation" as used in section 901, shall be treated as referring to such shareholder with respect to the amounts described in subparagraph (1)(i) of this paragraph.

(iii) *Carryback and carryover of excess tax deemed paid.* For purposes of this subparagraph, any amount by which the foreign income, war profits, and excess profits taxes deemed paid by the electing United States shareholder for any taxable year under section 960(a)(1) exceed the limitation determined under subdivision (iv)(*a*) of this subparagraph shall be treated as a carryback and carryover of excess tax paid under section 904(d), except that in no case shall excess tax paid be deemed paid in a taxable year if an election under section 962 by such shareholder does not apply for such taxable year. Such carrybacks and carryovers shall be applied only against the United States tax on amounts described in subparagraph (1)(i) of this paragraph.

(iv) *Limitation on credit.* For purposes of determining the limitation under section 904 on the amount of the credit for foreign income, war profits, and excess profits taxes—

(*a*) Deemed paid with respect to amounts described in subparagraph (1)(i) of this paragraph, the electing United States shareholder's taxable income shall be considered to consist only of the amounts described in such subparagraph (1)(i), and

(*b*) Paid with respect to amounts other than amounts described in subparagraph (1)(i) of this paragraph, the electing United States shareholder's taxable income shall be considered to consist only of amounts other than the amounts described in such subparagraph (1)(i).

(v) *Effect of choosing benefits of sections 901 to 905.* The provisions of this subparagraph shall apply for a taxable year whether or not the electing United States shareholder chooses the benefits of subpart A of part III of subchapter N of Chapter 1 (sections 901 to 905) of the Internal Revenue Code for such year.

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

*Example.* Throughout his taxable year ending December 31, 1964, A, an unmarried individual who is not the head of a household, owns 60 of the 100 shares of the one class of stock in foreign corporation M and 80 of the 100 shares of the one class of stock in foreign corporation N. A and corporations M and N use the calendar year as a taxable year, corporations M and N are controlled foreign corporations throughout the period here involved, and neither corporation is a less developed country corporation. The earnings and profits and subpart F income of, and the foreign income taxes paid by, such corporations for 1964 are as follows:

| | M | N |
|---|---|---|
| Pretax earnings and profits | $500,000 | $1,200,000 |
| Foreign income taxes | 200,000 | 400,000 |
| Earnings and profits | 300,000 | 800,000 |
| Subpart F income | 150,000 | 750,000 |

Apart from his section 951(a) income, A has gross income of $200,600 and $100,000 of deductions attributable to such income. He is required to include $90,000 (0.60×$150,000) in gross income under section 951(a) with respect to M Corporation and $600,000 (0.80×$750,000) with respect to N Corporation. A elects to have the provisions of section 962 apply for 1964 and computes his tax as follows:

| | | | |
|---|---|---|---|
| Tax on amounts included under sec. 951(a): | | | |
| Income under sec. 951(a) from M Corporation | $90,000 | | |
| Gross-up under secs. 960(a)(1) and 78 ($90,000/$300,000×$200,000) | 60,000 | | |
| Income under sec. 951(a) from N Corporation | 600,000 | | |
| Gross-up under secs. 960(a)(1) and 78 ($600,000/$800,000×$400,000) | 300,000 | | |
| Taxable income under sec. 11 | 1,050,000 | | |
| Normal tax (0.22×$1,050,000) | | $231,000 | |
| Surtax exemption ([$90,000+$600,000]/[0.60×$300,000+(0.80×$800,000)]×$25,000) | $21,036 | | |
| Subject to surtax under sec. 11 ($1,050,000−$21,036) | 1,028,964 | | |
| Surtax (0.28×$1,028,964) | | 288,110 | |
| Tentative U.S. tax | | 519,110 | |
| Foreign tax credit ($60,000+$300,000) | | 360,000 | |
| Total U.S. tax payable on amounts included under sec. 951(a) | | | $159,110 |
| Tax with respect to other income: | | | |
| Gross income | | $200,600 | |
| Less: | | | |
| Personal exemption | $600 | | |
| Deductions | 100,000 | | |
| | | 100,600 | |
| Taxable income | | 100,000 | |
| Tax with respect to such other taxable income | | | 59,340 |
| Total tax ($159,110+$59,340) | | | 218,450 |

### § 1.962–2 Election of limitation of tax for individuals.

(a) *Who may elect.* The election under section 962 may be made only by a United States shareholder who is an individual (including a trust or estate).

(b) *Time and manner of making election.* Except as provided in § 1.962–4, a United States shareholder shall make an election under this section by filing a statement to such effect with his return for the taxable year with respect to which the election is made. The statement shall include the following information:

(1) The name, address, and taxable year of each controlled foreign corporation with respect to which the electing shareholder is a United States shareholder and of all other corporations, partnerships, trusts, or estates in any applicable chain of ownership described in section 958(a);

(2) The amounts, on a corporation-by-corporation basis, which are included in such shareholder's gross income for his taxable year under section 951(a);

(3) Such shareholder's pro rata share of the earnings and profits (determined under § 1.964–1) of each such controlled foreign corporation with respect to which such shareholder includes any amount in gross income for his taxable year under section 951(a) and the foreign income, war profits, excess profits, and similar taxes paid on or with respect to such earnings and profits;

(4) The amount of distributions received by such shareholder during his taxable year from each controlled foreign corporation referred to in subparagraph (1) of this paragraph from excludable section 962 earnings and profits (as defined in paragraph (b)(1)(i) of § 1.962–3), from taxable section 962 earnings and profits (as defined in paragraph (b)(1)(ii) of § 1.962–3), and from earnings and profits other than section 962 earnings and profits, showing the source of such amounts by taxable year; and

(5) Such further information as the Commissioner may prescribe by forms and accompanying instructions relating to such election.

(c) *Effect of election*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph and § 1.962–4, an election under this section by a United States shareholder for a taxable year shall be applicable to all controlled foreign corporations with respect to which such shareholder includes any amount in gross income for his taxable year under section 951(a) and shall be binding for the taxable year for which such election is made.

(2) *Revocation.* Upon application by the United States shareholder, an election made under this section may, subject to the approval of the Commissioner, be revoked. Approval will not be granted unless a material and substantial change in circumstances occurs which could not have been anticipated when the election was made. The application for consent to revocation shall be made by the United States shareholder's mailing a letter for such purpose to Commissioner of Internal Revenue, Attention: T:R, Washington, D.C., 20224, containing a statement of the facts upon which such shareholder relies in requesting such consent.

### § 1.962–3 Treatment of actual distributions.

(a) *In general.* Section 962(d) provides that the earnings and profits of a foreign corporation attributable to amounts which are, or have been, included in the gross income of an individual United States shareholder under section 951(a) by reason of such shareholder's ownership (within the meaning of section 958(a)) of stock in such corporation and with respect to which amounts an election under § 1.962–2 applies or applied shall, when such earnings and profits are distributed to such shareholder with respect to such stock, notwithstanding the provisions of section 959(a)(1), be included in his gross income to the extent that such earnings and profits exceed the amount of income tax paid by such shareholder under this chapter on the amounts to which such election applies or applied. Thus, when such shareholder receives an actual distribution of section 962 earnings and profits (as defined in paragraph (b)(1) of this section) from a foreign corporation, only the excludable section 962 earnings and profits (as defined in paragraph (b)(1)(i) of this section) may be excluded from his gross income.

(b) *Rules of application.* For purposes of this section—

(1) *Section 962 earnings and profits defined.* With respect to an individual United States shareholder, the term "section 962 earnings and profits" means the earnings and profits of a foreign corporation referred to in paragraph (a) of this section. Such earnings and profits include—

(i) *Excludable section 962 earnings and profits.* Excludable section 962 earnings and profits which are the amount of the section 962 earnings and profits equal to the amount of income tax paid under this chapter by such shareholder on the amounts included in his gross income under section 951(a); and

(ii) *Taxable section 962 earnings and profits.* Taxable section 962 earnings and profits which are the excess of section 962 earnings and profits over the amount described in subdivision (i) of this subparagraph.

(2) *Determinations made separately for each taxable year.* If section 962

earnings and profits attributable to more than one taxable year are distributed by a foreign corporation, the determinations under this section shall be made separately with respect to each such taxable year.

(3) *Source of distributions*—(i) *In general.* Except as otherwise provided in this subparagraph, the provisions of paragraphs (a) through (d) of § 1.959–3 shall apply in determining the source of distributions of earnings and profits by a foreign corporation.

(ii) *Treatment of section 962 earnings and profits under § 1.959–3.* For purposes of a section 959(c) amount and year classification under paragraph (b) of § 1.959–3, a distribution of earnings and profits by a foreign corporation shall be first allocated to earnings and profits other than section 962 earnings and profits (as defined in subparagraph (1) of this paragraph) and then to section 962 earnings and profits. Thus distributions shall be considered first attributable to amounts described in paragraph (b)(1) of § 1.959–3 which are not section 962 earnings and profits and then to amounts described in such paragraph (b)(1) which are section 962 earnings and profits (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year), secondly to amounts described in paragraph (b)(2) of § 1.959–3 which are not section 962 earnings and profits and then to amounts described in such paragraph (b)(2) which are section 962 earnings and profits (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year), and finally to the amounts described in paragraph (b)(3) of § 1.959–3 (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year).

(iii) *Allocation to excludable section 962 earnings and profits.* A distribution of section 962 earnings and profits by a foreign corporation for any taxable year shall be considered first attributable to the excludable section 962 earnings and profits (as defined in subparagraph (1)(i) of this paragraph) and then to taxable section 962 earnings and profits.

(iv) *Allocation of deficits in earnings and profits.* A United States shareholder's pro rata share (determined in accordance with the principles of paragraph (e) of § 1.951–1) of a foreign corporation's deficit in earnings and profits (determined under § 1.964–1) for any taxable year shall be applied in accordance with the provisions of paragraph (c) of § 1.959–3 except that such deficit shall also be applied to taxable section 962 earnings and profits (as defined in subparagraph (1)(ii) of this paragraph).

(4) *Distribution in exchange for stock.* The provisions of this section shall not apply to a distribution of section 962 earnings and profits which is treated as in part or full payment in exchange for stock under subchapter C of chapter 1 of the Internal Revenue Code. The application of this subparagraph may be illustrated by the following example:

*Example.* Individual United States shareholder A owns 60 percent of the only class of stock in foreign corporation M, the basis of which is $10,000. Both A and M Corporation use the calendar year as a taxable year. In each of the taxable years 1964, 1965, and 1966, M Corporation has $1,000 of earnings and profits and $1,000 of subpart F income. With respect to each such amount, A includes $600 in gross income under section 951(a), makes the election under section 962, and pays a United States tax of $132 (22 percent of $600). Accordingly, A increases the basis of his stock in M corporation under section 961(a) by $132 in each of the years 1964, 1965, and 1966, and thus on December 31, 1966, the adjusted basis for A's stock in M Corporation is $10,396. In 1967, M Corporation is completely liquidated (in a transaction described in section 331) and A receives $13,800, consisting of $1,800 of earnings and profits attributable to the amounts which A included in gross income under section 951(a) in 1964, 1965, and 1966, and $12,000 attributable to the other assets of M Corporation. No amount of the $3,404 gain realized by A on such distribution ($13,800 minus $10,396) may be excluded from gross income under section 959(a)(1). However, section 962(d) will not prevent any part of such $3,404 from being treated as a capital gain under section 331.

(5) *Illustration.* The application of this paragraph may be illustrated by the following example:

*Example.* (a) M, a controlled foreign corporation is organized on January 1, 1963; A and B, individual United States shareholders, own 50 percent and 25 percent, respectively, of the only class of stock in M Corporation. Corporation M, A, and B use the calendar year as a taxable year, and M Corporation is a controlled foreign corporation throughout the period here involved. For the taxable years 1963, 1964, 1965, and 1966, A and B must include amounts in gross income under section 951(a) with respect to M Corporation. For the years 1963, 1965, and 1966, A makes the election under section 962. On January 1, 1967, B sells his 25-percent interest in M Corporation to A; A satisfies the requirements of paragraph (d) of § 1.959–1 so as to qualify as B's successor in interest. As of December 31, 1967, M Corporation's accumulated earnings and profits of $675 (before taking into account distributions made in 1967) applicable to A's interest (including his interest as B's successor in interest) in such corporation are classified under § 1.959–3 and this section for purposes of section 962(d) as follows:

CLASSIFICATION OF EARNINGS AND PROFITS FOR PURPOSES OF SEC. 1.962-3

| Year | Sec. 959(c)(1) | | | Sec. 959(c)(2) | | | Sec. 959(c)(3) |
|---|---|---|---|---|---|---|---|
| | Non-sec. 962 earnings and profits | Excludable sec. 962 earnings and profits | Taxable sec. 962 earnings and profits | Non-sec. 962 earnings and profits | Excludable sec. 962 earnings and profits | Taxable sec. 962 earnings and profits | |
| 1963 | $25 | $11 | $39 | | | | |
| 1964 | 75 | | | $60 | | | $15 |
| 1965 | | | | 75 | $33 | $117 | |
| 1966 | | | | 50 | 22 | 78 | |
| 1967 | | | | | | | 75 |

(b) During 1967, M Corporation makes three separate distributions to A of $200, $208, and $267. The source of such distributions under § 1.959–3 and this section is as follows:

| Distribution | Amount | Year | Classification of distributions under secs. 959 and 962(d) |
|---|---|---|---|
| No. 1 | $75 | 1964 | (c)(1) non-sec. 962. |
| | 25 | 1963 | Do. |
| | 11 | 1963 | (c)(1) excludable sec. 962. |
| | 39 | 1963 | (c)(1) taxable sec. 962. |
| | 50 | 1966 | (c)(2) non-sec. 962. |
| Total | 200 | | |
| No. 2 | 22 | 1966 | (c)(2) excludable sec. 962. |
| | 78 | 1966 | (c)(2) taxable sec. 962. |
| | 77 | 1965 | (c)(2) non-sec. 962. |
| | 33 | 1965 | (c)(2) excludable sec. 962. |
| Total | 208 | | |
| No. 3 | 117 | 1965 | (c)(2) taxable sec. 962. |
| | 60 | 1964 | (c)(2) non-sec. 962. |
| | 75 | 1967 | (c)(3). |
| | 15 | 1964 | Do. |
| Total | 267 | | |

(c) A must include $324 in his gross income for 1967. The source of these amounts is as follows:

| Distribution | Amount | Year | Classification |
|---|---|---|---|
| No. 1 | $39 | 1963 | (c)(1) taxable sec. 962. |
| No. 2 | 78 | 1966 | (c)(2) taxable sec. 962. |
| No. 3 | 117 | 1965 | Do. |
| | 75 | 1967 | (c)(3). |
| | 15 | 1964 | Do. |
| Total | 324 | | |

(c) *Treatment of shareholder's successor in interest*—(1) *In general.* If a United States person (as defined in § 1.957–4) acquires from any person any portion of the interest in the foreign corporation of a United States shareholder referred to in this section, the rules of paragraphs (a) and (b) of this section shall apply to such acquiring person. However, no exclusion of section 962 earnings and profits under paragraph (a) of this section shall be allowed unless such acquiring person establishes to the satisfaction of the district director his right to such exclusion. The information to be furnished by the acquiring person to the district director with his return for the taxable year to support such exclusion shall include:

(i) The name, address, and taxable year of the foreign corporation from which a distribution of section 962 earnings and profits is received and of all other corporations, partnerships, trusts, or estates in any applicable chain of ownership described in section 958(a);

(ii) The name and address of the person from whom the stock interest was acquired;

(iii) A description of the stock interest acquired and its relation, if any, to a chain of ownership described in section 958(a);

(iv) The amount for which an exclusion under paragraph (a) of this section is claimed; and

(v) Evidence showing that the section 962 earnings and profits for which an

exclusion is claimed are attributable to amounts which were included in the gross income of a United States shareholder under section 951(a) subject to an election under § 1.962–2, that such amounts were not previously excluded from the gross income of a United States person, and the identity of the United States shareholder including such amount.

The acquiring person shall also furnish to the district director such other information as may be required by the district director in support of the exclusion.

(2) *Taxes previously deemed paid by an individual United States shareholder.* If a corporate successor in interest of an individual United States shareholder receives a distribution of section 962 earnings and profits, the income, war profits, and excess profits taxes paid to any foreign country or to any possession of the United States in connection with such earnings and profits shall not be taken into account for purposes of section 902, to the extent such taxes were deemed paid by such individual United States shareholder under paragraph (b)(2) of § 1.962–1 and section 960(a)(1) for any prior taxable year.

**§ 1.962–4 Transitional rules for certain taxable years.**

(a) *Extension of time for making or revoking election.* Paragraphs (b) and (c) of this section provide additional rules with respect to making or revoking an election under section 962 which apply only to a taxable year of a United States shareholder for which the last day prescribed by law for filing his return (including any extensions of time under section 6081) occurs or occurred on or before January 31, 1966.

(b) *Manner of making election not previously made.* If a United States shareholder who has not previously made an election under section 962 for any taxable year referred to in paragraph (a) of this section desires to make such an election, he may do so by filing his return or an amended return for such taxable year together with a statement setting forth the information required under paragraph (b) of § 1.962–2. Such return or amended return and statement shall be filed on or before January 31, 1966.

(c) *Revocation of election previously made.* If a United States shareholder who has made an election under section 962 on or before November 1, 1965, for any taxable year referred to in paragraph (a) of this section desires to revoke such election, he may do so by filing an amended return to which is attached a statement that the election previously made is revoked. Such amended return and statement shall be filed on or before January 31, 1966.

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

[F.R. Doc. 65–11471; Filed, Oct. 27, 1965; 8:45 a.m.]

[T.D. 6859]

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

### Elections To Treat Operating Mineral Interests in Same Tract or Parcel of Land as Separate or in Combination for Taxable Years Beginning After December 31, 1963, in Cases of Oil and Gas Wells

On March 2, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2663) with respect to elections to treat operating mineral interests in the same tract or parcel of land as separate or in combination for taxable years beginning after December 31, 1963, in cases of oil and gas wells. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted subject to the following changes:

PARAGRAPH 1. Section 1.614, as set forth in the notice of proposed rule making, is amended by revising section 614(b)(3)(C)(i).

PAR. 2. Paragraph (e)(1) of § 1.614–2, as set forth in the notice of proposed rule making, is revised.

PAR. 3. Paragraph (a)(2) of § 1.614–4, as set forth in the notice of proposed rule making, is revised.

PAR. 4. Subparagraphs (2)(ii)(b)(ii) and (5)(iii) of § 1.614–6(a), as set forth in the notice of proposed rule making, are revised.

PAR. 5. Section 1.614–8, as set forth in the notice of proposed rule making, is amended by revising subdivision (ii) and examples (2) and (3) of subdivision (iii)(c) of paragraph (a)(3), by revising subparagraphs (1), (4), and (5) of paragraph (b), and by adding a new subparagraph (6) at the end of paragraph (b).

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

Approved: October 25, 1965.

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 614 of the Internal Revenue Code of 1954 to section 226 of the Revenue Act of 1964 (78 Stat. 94), such regulations are amended as follows:

PARAGRAPH 1. Section 1.614 is amended by revising section 614(b), by revising the heading and striking out paragraph (5) of section 614(c), by revising section 614(d), by revising paragraph (2) of section 614(e), by revising the historical note for section 614, and by adding section 226(c) of the Revenue Act of 1964 and a historical note for section 226(c). These revised and added provisions read as follows:

**§ 1.614 Statutory provisions; definition of property.**

Sec. 614. *Definition of property.* * * *

(b) *Special rules as to operating mineral interests in oil and gas wells.* In the case of oil and gas wells—

(1) *In general.* Except as otherwise provided in this subsection—

(A) All of the taxpayer's operating mineral interests in a separate tract or parcel of land shall be combined and treated as one property, and

(B) The taxpayer may not combine an operating mineral interest in one tract or parcel of land with an operating mineral interest in another tract or parcel of land.

(2) *Election to treat operating mineral interests as separate properties.* If the taxpayer has more than one operating mineral interest in a single tract or parcel of land, he may elect to treat one or more of such operating mineral interests as separate properties. The taxpayer may not have more than one combination of operating mineral interests in a single tract or parcel of land. If the taxpayer makes the election provided in this paragraph with respect to any interest in a tract or parcel of land, each operating mineral interest which is discovered or acquired by the taxpayer in such tract or parcel of land after the taxable year for which the election is made shall be treated—

(A) If there is no combination of interests in such tract or parcel, as a separate property unless the taxpayer elects to combine it with another interest, or

(B) If there is a combination of interests in such tract or parcel, as part of such combination unless the taxpayer elects to treat it as a separate property.

(3) *Certain unitization or pooling arrangements.*

(A) *In general.* Under regulations prescribed by the Secretary or his delegate, if one or more of the taxpayer's operating mineral interests participate, under a voluntary or compulsory unitization or pooling agreement, in a single cooperative or unit plan of operation, then for the period of such participation—

(i) They shall be treated for all purposes of this subtitle as one property, and

(ii) The application of paragraphs (1), (2), and (4) in respect of such interests shall be suspended.

(B) *Limitation.* Subparagraph (A) shall apply to a voluntary agreement only if all the operating mineral interests covered by such agreement—

(i) Are in the same deposit, or are in 2 or more deposits the joint development or production of which is logical from the standpoint of geology, convenience, economy, or conservation, and

(ii) are in tracts or parcels of land which are contiguous or in close proximity.

(C) *Special rule in the case of arrangements entered into in taxable years beginning before January 1, 1964.* If—

(i) Two or more of the taxpayer's operating mineral interests participate under a voluntary or compulsory unitization or pooling agreement entered into in any taxable year beginning before January 1, 1964, in a single cooperative or unit plant of operation,

(ii) The taxpayer, for the last taxable year beginning before January 1, 1964, treated such interests as two or more separate properties, and

(iii) It is determined that such treatment was proper under the law applicable to such taxable year,

such taxpayer may continue to treat such interests in a consistent manner for the period of such participation.

(4) *Manner, time, and scope of election.*

(A) *Manner and time.* Any election provided in paragraph (2) shall be made for each operating mineral interest, in the manner prescribed by the Secretary or his delegate by regulations, not later than the time prescribed by law for filing the return (including extensions thereof) for whichever of the following taxable years is the later: The first taxable year beginning after December 31, 1963, or the first taxable year in which any expenditure for development or operation in respect of such operating mineral interest is made by the taxpayer after the acquisition of such interest.

(B) *Scope.* Any election under paragraph (2) shall be for all purposes of this subtitle and shall be binding on the taxpayer for all subsequent taxable years.

(5) *Treatment of certain properties.* If, on the day preceding the first day of the first taxable year beginning after December 31, 1963, the taxpayer has any operating mineral interests which he treats under subsection (d) of this section (as in effect before the amendments made by the Revenue Act of 1964), such treatment shall be continued and shall be deemed to have been adopted pursuant to paragraphs (1) and (2) of this subsection (as amended by such Act).

(c) *Special rules as to operating mineral interests in mines.* * * *

(5) [Deleted]

(d) *Operating mineral interests defined.* For purposes of this section, the term "operating mineral interest" includes only an interest in respect of which the costs of production of the mineral are required to be taken into account by the taxpayer for purposes of computing the 50 percent limitation provided for in section 613, or would be so required if the mine, well, or other natural deposit were in the production stage.

(e) *Special rule as to nonoperating mineral interests.* * * *

(2) *Nonoperating mineral interest defined.* For purposes of this subsection, the term "nonoperating mineral interests" includes only interests which are not operating mineral interests.

[Sec. 614 as amended by sec. 37, Technical Amendments Act 1958 (72 Stat. 1633); sec. 226 (a), (b), Revenue Act 1964 (78 Stat. 94)]

Sec. 226 [Revenue Act of 1964]. * * *

(c) *Allocation of basis in certain cases.* For purposes of the Internal Revenue Code of 1954—

(1) *Fair market value rule.* Except as provided in paragraph (2), if a taxpayer has a section 614(b) aggregation, then the adjusted basis (as of the first day of the first taxable year beginning after December 31, 1963) of each property included in such aggregation shall be determined by multiplying the adjusted basis of the aggregation by a fraction—

(A) The numerator of which is the fair market value of such property, and

(B) The denominator of which is the fair market value of such aggregation.

For purposes of this paragraph, the adjusted basis and the fair market value of the aggregation, and the fair market value of each property included therein, shall be determined as of the day preceding the first day of the first taxable year which begins after December 31, 1963.

(2) *Allocation of adjustments, etc.* If the taxpayer makes an election under this paragraph with respect to any section 614(b) aggregation, then the adjusted basis (as of the first day of the first taxable year beginning after December 31, 1963) of each property included in such aggregation shall be the adjusted basis of such property at the time it was first included in the aggregation by the taxpayer, adjusted for that portion of those adjustments to the basis of the aggregation which are reasonably attributable to such property. If, under the preceding sentence, the total of the adjusted bases of the interests included in the aggregation exceeds the adjusted basis of the aggregation (as of the day preceding the first day of the first taxable year which begins after December 31, 1963), the adjusted bases of the properties which include such interests shall be adjusted, under regulations prescribed by the Secretary of the Treasury or his delegate, so that the total of the adjusted bases of such interests equals the adjusted basis of the aggregation. An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe.

(3) *Definitions.* For purposes of this subsection—

(A) *Section 614(b) aggregation.* The term "section 614(b) aggregation" means any aggregation to which section 614(b)(1)(A) of the Internal Revenue Code of 1954 (as in effect before the amendments made by subsection (a) of this section) applied for the day preceding the first day of the first taxable year beginning after December 31, 1963.

(B) *Property.* The term "property" has the same meaning as is applicable, under section 614 of the Internal Revenue Code of 1954, to the taxpayer for the first taxable year beginning after December 31, 1963.

* * * * *

[Sec. 226(c), Revenue Act 1964]

PAR. 2. Section 1.614–0 is amended to read as follows:

**§ 1.614–0 Introduction.**

Section 614 relates to the definition of property and to the various special rules by means of which taxpayers are permitted to aggregate or combine separate properties or to treat such properties as separate. These rules are set forth in detail in §§ 1.614–1 through 1.614–8. Section 1.614–1 sets forth rules under section 614(a) relating to the definition of the term "property." Section 1.614–2 contains the rules relating to the election under section 614(b), as it existed prior to its amendment by section 226(a) of the Revenue Act of 1964, to aggregate operating mineral interests. In the case of mines, the rules contained in § 1.614–2 are applicable only to taxable years beginning before January 1, 1958, to which the Internal Revenue Code of 1954 applies. In the case of oil and gas wells, the rules contained in § 1.614–2 are applicable only to taxable years beginning before January 1, 1964, to which the Internal Revenue Code of 1954 applies. In the case of oil and gas wells, the taxpayer may, however, for taxable years beginning before January 1, 1964, treat any operating mineral interests as if section 614 (a) and (b) (as it existed prior to its amendment by section 226(a) of the Revenue Act of 1964) had not been enacted. If any operating mineral interests are so treated, the rules contained in § 1.614–2 are not applicable to such interests and such interests are, in respect of taxable years beginning before January 1, 1964, subject to the rules set forth in § 1.614–4 relating to the Internal Revenue Code of 1939 treatment of separate operating mineral interests in the case of oil and gas wells. Section 1.614–3 prescribes the rules relating to the election under section 614(c)(1) permitting the aggregation of operating mineral interests in the cases of mines for taxable years beginning after December 31, 1957. Section 1.614–3 also sets forth rules relating to the election under section 614 (c)(2) in the case of mines by means of which a taxpayer is permitted to treat a single operating mineral interest as more than one such interest for taxable years beginning after December 31, 1957. At the election of the taxpayer with respect to an operating unit, the rules contained in § 1.614–3 are also applicable to taxable years beginning before January 1, 1958, to which the Internal Revenue Code of 1954 applies. If the taxpayer makes such an election, the rules contained in § 1.614–2 are not applicable to any of the operating mineral interests which are part of the operating unit with respect to which the election described in § 1.614–3 is made. Section 1.614–5 sets forth the rules relating to the aggregation of nonoperating mineral interests. Section 1.614–6 contains the rules relating to basis, holding period, and abandonment and casualty losses where properties have been aggregated or combined. Section 1.614–7 relates to the extension of time for performing certain acts. Section 1.614–8 contains the rules relating to the elections under section 614(b) as amended by section 226(a) of the Revenue Act of 1964 to treat separate operating mineral interests in the case of oil and gas wells as separate properties or in combination for taxable years beginning after December 31, 1963.

PAR. 3. Paragraphs (a)(4) and (b) of § 1.614–1 are amended to read as follows:

**§ 1.614–1 Definition of property.**

(a) *General rule.* * * *

(4) Upon the transfer of a "property" in any transaction in which the basis of such property in the hands of the transferee is determined by reference to the basis of such property in the hands of the transferor, such property shall, notwithstanding the provisions of subparagraph (3) of this paragraph, retain the same status and identity in the hands of the transferee as it had in the hands of the transferor. See paragraph (c) of § 1.614–6 if the transferor has made a binding election to treat a separate mineral interest as a separate property, to treat a seperate mineral interest as more than one property under section 614(c), or to treat two or more separate mineral interests as an aggregated or combined property under section 614 (b) (as it existed either before or after its amendment by section 226(a) of the Revenue Act of 1964), (c), or (e).

* * * * *

(b) *Separation of interests treated as "single property" under prior regulations.* Each separate mineral interest which, in accordance with paragraph (a) of this section, is a separate property shall be so treated, notwithstanding the fact that the taxpayer under paragraph (i) of § 39.23(m)–1 of this chapter (Regulations 118) and corresponding provisions of prior regulations may have treated more than one of such interests as a "single property." The basis of each such separate property must be established by a reasonable method. See,

however, section 614 (b) and (d) (as they existed prior to amendment by section 226 of the Revenue Act of 1964), section 614 (c) and (e), and §§ 1.614–2, 1.614–3, 1.614–4, and 1.614–5 for special rules relating to the treatment of two or more separate mineral interests as a single property.

* * * * *

PAR. 4. Section 1.614–2 is amended by revising the heading; by revising paragraph (a); and by revising paragraph (e) by redesignating subparagraphs (1), (2), and (3) as subparagraphs (2), (3), and (4), by revising the headings of redesignated subparagraphs (2) and (3), by revising redesignated subparagraph (4), and by adding a new subparagraph (1). These revised and added provisions read as follows:

**§ 1.614–2 Election to aggregate separate operating mineral interests under section 614(b) prior to its amendment by Revenue Act of 1964.**

(a) *General rule.* (1) The provisions of this section relate to the election, under section 614(b) prior to its amendment by section 226(a) of the Revenue Act of 1964, to aggregate separate operating mineral interests, and, unless otherwise indicated, all references in this section to section 614(b) or any paragraph or subparagraph thereof are references to section 614(b) or a paragraph or subparagraph thereof as it existed prior to such amendment. Notwithstanding the preceding sentence, the definitions contained in paragraphs (b) and (c) of this section shall apply both before and after such amendment. All references in this section to section 614 (d) are references to section 614(d) as it existed prior to its amendment by section 226(b)(3) of the Revenue Act of 1964.

(2) A taxpayer who owns two or more separate operating mineral interests, which constitute part or all of an operating unit, may elect under section 614(b) and this section to form one aggregation of any two or more of such operating mineral interests and to treat such aggregation as one property. Any operating mineral interest which the taxpayer does not elect to include within the aggregation within the time prescribed in paragraph (d) of this section shall be treated as a separate property. The aggregation of separate properties which results from exercising the election shall be considered as one property for all purposes of subtitle A of the Code. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate properties aggregated may be continued in accordance with section 167 and the regulations thereunder. Operating interests in different minerals which comprise part or all of the same operating unit may be included in the aggregation. It is not necessary for purposes of the aggregation that the separate operating mineral interests be included in a single tract or parcel of land or in contiguous tracts or parcels of land so long as such interests are a part of the same operating unit. Under section 614 (b), a taxpayer cannot elect to form more than one aggregation of separate operating mineral interests within one operating unit. For definitions of "operating mineral interest" and "operating unit" see respectively paragraphs (b) and (c) of this section.

* * * * *

(e) *Termination of election*—(1) *Taxable years beginning after December 31, 1963, in the case of oil and gas wells.* In the case of oil and gas wells, the election provided for under section 614(b) and paragraph (a) of this section to form an aggregation of separate operating mineral interests shall not apply with respect to any taxable year beginning after December 31, 1963. In addition, if a taxpayer treated certain separate operating mineral interests in a single tract or parcel of land as separate rather than as an aggregation and decides to continue such treatment for taxable years beginning after December 31, 1963, he must make an appropriate election under section 614(b) as amended by the Revenue Act of 1964. See § 1.614–8.

(2) *Taxable years beginning after December 31, 1957, in the case of mines.* * * *

(3) *Taxable years beginning before January 1, 1958, in the case of mines.* * * *

(4) *Bases of separate operating mineral interests.* If an aggregation formed under section 614(b) is terminated by reason of the provisions of section 614(b)(4)(A), is terminated under section 614(b)(4)(B) for any taxable year after the first taxable year to which the election under section 614(b) applies, or is terminated by reason of the provisions of section 614(b) as amended by the Revenue Act of 1964, the bases of the separate operating mineral interests (and combinations thereof) included in such aggregation shall be determined in accordance with the rules contained in paragraph (a)(2) of § 1.614–6 as of the first day of the first taxable year for which the termination is effective. However, if by reason of the provisions of section 614(b)(4)(B), an election to aggregate under section 614(b) does not apply for any taxable year for which such election was made, the bases of the separate operating mineral interests included in the aggregation formed under section 614(b) shall be determined without regard to the election under section 614(b).

* * * * *

PAR. 5. Section 1.614–4 is amended by revising the heading and by revising paragraph (a). These revised provisions read as follows:

**§ 1.614–4 Treatment under the Internal Revenue Code of 1939 with respect to separate operating mineral interests for taxable years beginning before January 1, 1964, in the case of oil and gas wells.**

(a) *General rule.* (1) All references in this section to section 614(b) or any paragraph or subparagraph thereof are references to section 614(b) or a paragraph or subparagraph thereof as it existed prior to its amendment by section 226(a) of the Revenue Act of 1964. All references in this section to section 614(d) are references to section 614(d) as it existed prior to its amendment by section 226(b)(3) of the Revenue Act of 1964.

(2) For taxable years beginning before January 1, 1964, in the case of oil and gas wells, a taxpayer may treat under section 614(d) and this section any property as if section 614 (a) and (b) had not been enacted. For purposes of this section, the term "property" means each separate operating mineral interest owned by the taxpayer in each mineral deposit in each separate tract or parcel of land. Separate tracts or parcels of land exist not only when areas of land are separated geographically, but also when areas of land are separated by means of the execution of conveyances or leases. If the taxpayer treats any property or properties under this section, the taxpayer must treat each such property as a separate property except that the taxpayer may treat any two or more properties that are included within the same tract or parcel of land as a single property provided such treatment is consistently followed. If the taxpayer treats two or more properties as a single property under this section, such properties shall be considered as a single property for all purposes of subtitle A of the Internal Revenue Code of 1954. The taxpayer may not make more than one combination of properties within the same tract or parcel of land. Thus, if the taxpayer treats two or more properties that are included within the same tract or parcel of land as a single property, each of the remaining properties included within such tract or parcel of land shall be treated as a separate property. If the taxpayer has treated two or more properties that are included within the same tract or parcel of land as a single property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may include his interest in such deposit with the two or more properties which are being treated as a single property or he may treat his interest in such deposit as a separate property. If the taxpayer has treated each property included within a tract or parcel of land as a separate property and subsequently discovers or acquires an additional mineral deposit within the same tract or parcel of land, he may combine his interest in such deposit with any one of the separate properties included within the tract or parcel of land, but not with more than one of them since they cannot be validly combined with each other. The taxpayer may not combine properties which are included within different tracts or parcels of land under this section irrespective of whether such tracts or parcels of land are contiguous. The treatment of a property as a separate property or the treatment of two or more properties included within a single tract or parcel of land as a single property

under this section shall be binding upon the taxpayer for the first taxable year for which such treatment is effective and for all subsequent taxable years beginning before January 1, 1964. For the continuation of such treatment under § 1.614–8 for taxable years beginning after December 31, 1963, see paragraph (d) of § 1.614–8. For provisions relating to the first taxable year for which treatment under this secion becomes effective, see paragraph (d) of this section.

PAR. 6. Section 1.614–6 is amended by revising the heading; by revising paragraph (a) by revising the heading, by revising subparagraphs (1) and (2), by adding examples (5) and (6) at the end of subparagraph (3), and by adding a new subparagraph (5); by revising so much of paragraph (b) as precedes the example; and by revising paragraphs (c) and (d). These revised and added provisions read as follows:

**§ 1.614–6 Rules applicable to basis, holding period, and abandonment losses where mineral interests have been aggregated or combined.**

(a) *Basis of property resulting from aggregation or combination*—(1) *General rule.* (i) When a taxpayer has aggregated as one property two or more interests under section 614(b) (prior to its amendment by section 226(a) of the Revenue Act of 1964), (c), or (e), the unadjusted basis of such aggregated property shall be the sum of the unadjusted bases of the various mineral interests aggregated. The adjusted basis of the aggregated property on the effective date of the aggregation shall be the unadjusted basis of the aggregated property, adjusted by the total of all adjustments to the bases of the several mineral interests aggregated as required by section 1016 to the effective date of aggregation. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the aggregated property for all purposes of subtitle A of the Code.

(ii) When a taxpayer has combined as one property two or more interests under section 614(b) (as amended by section 226(a) of the Revenue Act of 1964), the adjusted basis of such combined property shall be the sum of—

(*a*) The unadjusted bases of all such interests which have never been included in an aggregation; and

(*b*) The adjusted bases of all such interests which at some time have been included in an aggregation, as of the date on which they ceased to participate in an aggregation;

adjusted by the total of all adjustments to the bases of the several mineral interests combined, as required by section 1016.

(c) In the case of interests described in (*a*), for the entire period of the taxpayer's ownership of such interest; and

(*d*) In the case of interests described in (*b*), for the period, if any, between the time of deaggregation and the time of combination.

Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the combined property for all purposes of subtitle A of the Code.

(2) *Bases upon disposition of part of, or termination of, or change in, an aggregated or combined property*—(i) *In general.* (*a*) When a taxpayer has aggregated or combined two or more separate mineral interests as one property under section 614(b) (either before or after its amendment by section 226(a) of the Revenue Act of 1964), (c), or (e) and thereafter sells, exchanges, or otherwise disposes of part of such property, the total adjusted basis of the property as of the date of sale, exchange, or other disposition shall be apportioned to determine the adjusted basis of the part disposed of and the part retained for purposes of computing gain or loss, depletion and for all other purposes of subtitle A of the Code. Such adjusted basis shall be determined by apportioning the total adjusted basis of the property between the part of the property disposed of and the part retained in the same proportion as the fair market value of each part (as of the date of sale, exchange, or other disposition) bears to the total fair market value of the property as of such date. For determining gain or loss on the sale or exchange of any part of the aggregated or combined property, the adjusted basis of the aggregated or combined property (from which the adjusted basis of the part is determined) shall not be reduced below zero.

(*b*) If, for any taxable year after the first taxable year for which an aggregation under section 614(b) (prior to its amendment by section 226(a) of the Revenue Act of 1964), (c), or (e) is effective—

(*1*) Any such aggregation is terminated for any reason other than the expiration of an aggregation by reason of section 614(b) as amended by section 226(a) of the Revenue Act of 1964 (see subdivision (ii) of this subparagraph), or

(2) The treatment of any mineral interests in any such aggregation is changed after obtaining the consent of the Commissioner,

then the adjusted basis of the aggregated property as of the first day of the first taxable year for which such termination or change is effective shall be apportioned to determine the adjusted bases of the resultant separate mineral interests, as of such first day, for purposes of computing gain or loss, depletion, and for all other purposes of subtitle A of the Code. The adjusted bases of such separate mineral interests shall be determined by apportioning the adjusted basis of the aggregated property (as of the first day of the first taxable year for which such termination or change is effective) between or among such interests in the same proportion as the fair market value of each such interest (as of such first day) bears to the total fair market value of the aggregated property as of such first day. For the purpose of determining the adjusted bases of the separate mineral interests, the adjusted basis of the aggregated property (from which the adjusted basis of each separate mineral interest is determined) shall not be reduced below zero.

(ii) *Allocation of basis of aggregation of operating mineral interests in oil and gas wells as of the first day of the first taxable year beginning after December 31, 1963*—(*a*) *Fair market value method.* Unless the taxpayer elects to use the allocation of adjustments method of determining basis provided in (*b*) of this subdivision (ii), the adjusted basis as of the first day of the first taxable year beginning after December 31, 1963, of each interest which was participating in an aggregation of operating mineral interests on the day preceding such first day shall be determined by multiplying the adjusted basis of the aggregation by a fraction the numerator of which is the fair market value of such interest and the denominator of which is the fair market value of such aggregation. For purposes of this subdivision (*a*), the adjusted basis and the fair market value of the aggregation, and the fair market value of such interest, shall be determined as of the day preceding the first day of the first taxable year which begins after December 31, 1963. Unless the taxpayer elects to use the allocation of adjustments method, he shall obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computation prescribed in this subdivision (*a*). See example (5) of subparagraph (3) of this paragraph.

(*b*) *Allocation of adjustments method.* (*1*) The taxpayer may elect to determine basis by an allocation of adjustments in lieu of the fair market value method prescribed in (*a*) of this subdivision (ii). In such a case, the adjusted basis (as of the first day of the first taxable year beginning after December 31, 1963) of each interest which was participating in an aggregation of operating mineral interests on the day preceding such first day is the unadjusted basis of such interest immediately after its acquisition by the taxpayer, adjusted by the total of all adjustments to its basis as required by section 1016 to the effective date of aggregation, and by that portion of those section 1016 adjustments to the basis of the aggregation which is reasonably attributable to such interest. For this purpose, two or more interests which are being combined upon deaggregation shall be treated as one interest. An adjustment to the basis of the aggregation is reasonably attributable to such interest to the extent that the adjustment thereto resulted from inclusion of the interest in the aggregation, even though such interest would not have been entitled to the adjustment to the same extent if such interest had been treated separately because of the 50 percent of taxable income limitation or for any other reason. In a case in which the amount of a percentage depletion deduction which was allowed with respect to an aggregation was limited by

the 50 percent of taxable income limitation of section 613(a), the portion of such amount which is attributable to each of the interests in the aggregation shall be determined by multiplying such amount by a fraction, the numerator of which is the gross income from such interest and the denominator of which is the gross income from the aggregation. The determination as to which property a particular adjustment is attributable may be based upon records of production or any other facts which establish the reasonableness of the determination. See example (6) of subparagraph (3) of this paragraph.

*(ii)* If, under the adjustment described in *(i)* of this subdivision (b), the total of the adjusted bases of the interests which were included in the aggregation exceeds the adjusted basis of the aggregation, the adjusted bases of the interests shall be further adjusted so that the total of the adjusted bases of the interests equals the adjusted basis of the aggregation. This further adjustment shall be made by reducing the basis of each interest (other than an interest having a basis of zero) by an amount which is determined by multiplying such excess by a fraction, the numerator of which is the adjusted basis of such interest after making the adjustment described in *(i)* of this subdivision (b) and the denominator of which is the total of the adjusted bases of all such interests after making the adjustment described in *(i)* of this subdivision (b). See example (6) of subparagraph (3) of this paragraph.

*(iii)* The election provided for in this subdivision (b) shall be made not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for the first taxable year beginning after December 31, 1963, and shall be made in a statement attached to such return.

(3) * * *

*Example (5).* A taxpayer owns two operating mineral interests in oil wells, designated Nos. 1 and 2, in tract A, and another such interest, designated No. 3, in tract B. All three interests are in the same operating unit (as defined in paragraph (c) of § 1.614–2). The taxpayer, who is on a calendar year basis, has properly elected under § 1.614–2 to aggregate such interests for the calendar years 1954 through 1963. The unadjusted bases and adjustments under section 1016 for depletion through December 31, 1953, in respect of such interests are as follows:

| | Unadjusted basis | Adjustments under section 1016 |
|---|---|---|
| No. 1 | $42,000 | $11,000 |
| No. 2 | 37,000 | 4,000 |
| No. 3 | 19,000 | 23,000 |
| Total | 98,000 | 38,000 |

The adjusted basis of the aggregated property as of January 1, 1954, is therefore $60,000 ($98,000 minus $38,000). The taxpayer properly elects under section 614(b) and § 1.614–8 to treat Nos. 1 and 2 as separate properties for the calendar year 1964 and thereafter and does not elect to use the allocation of adjustments method of determining basis provided in subparagraph (2)(ii)(b) of this paragraph. No. 3 will be treated as a separate property, also, because it is in a different tract than the taxpayer's other interests. From January 1, 1954, through December 31, 1963, $50,000 of depletion has been allowed with respect to the aggregated property, leaving an adjusted basis of $10,000 ($60,000 minus $50,000) on January 1, 1964. On December 31, 1963, the aggregated property has a fair market value of $40,000. Nos. 1, 2, and 3 have fair market values of $16,000, $22,000, and $2,000, respectively. Accordingly, the adjusted bases of Nos. 1, 2, and 3 on January 1, 1964, are $4,000 $\left(\$10{,}000 \text{ (adjusted basis of aggregated property)} \times \frac{16{,}000}{40{,}000}\right)$, $5,500 $\left(\$10{,}000 \times \frac{22{,}000}{40{,}000}\right)$, and $500 $\left(\$10{,}000 \times \frac{2{,}000}{40{,}000}\right)$, respectively.

*Example (6).* A taxpayer owns four operating mineral interests in oil wells, designated Nos. 1, 2, 3, and 4. All four interests are in the same operating unit and the same tract or parcel of land. The taxpayer, who is on a calendar year basis, has properly elected under § 1.614–2 to aggregate such interests for the calendar years 1954 through 1963. The taxpayer properly elects under section 614(b) and paragraph (a) of § 1.614–8 to treat Nos. 1 and 2 as separate properties for the calendar year 1964 and thereafter. The taxpayer also properly elects to use the allocation of adjustments method of determining basis as provided in subparagraph (2)(ii)(b) of this paragraph. The unadjusted bases of Nos. 1, 2, and combined 3 and 4, the adjustments attributable to each, and the deaggregated basis of each (prior to further adjustment as provided in subparagraph (2)(ii)(b)(*ii*) of this paragraph) are as follows:

| | Basis upon acquisition | Adjustments to time of aggregation | Attributable adjustments during aggregation | Basis upon deaggregation after first adjustment |
|---|---|---|---|---|
| No. 1 | $35,000 | $1,000 | $16,000 | $18,000 |
| No. 2 | 30,000 | 11,000 | 23,000 | 6 |
| No. 3 | 25,000 | 3,000 | 5,000 | 6,000 |
| No. 4 | 10,000 | 12,000 | 9,000 | |
| Total | 100,000 | 27,000 | 53,000 | 24,000 |

The total of the adjusted bases (prior to further adjustment) of the interests which were included in the aggregation is $24,000 while the adjusted basis of the aggregation is $20,000 ($100,000 minus the sum of $27,000 and $53,000). Therefore, the adjusted bases of the interests are further reduced by $4,000 ($24,000 minus $20,000). The adjusted basis of No. 1 of $18,000 is further reduced by $3,000 $\left(\$4{,}000 \times \frac{18{,}000}{24{,}000}\right)$ to $15,000. Similarly, the adjusted basis of combined Nos. 3 and 4 of $6,000 is further reduced by $1,000 $\left(\$4{,}000 \times \frac{6{,}000}{24{,}000}\right)$ to $5,000. Assume further that the taxpayer also owns interest No. 5 in the same tract or parcel of land, that such interest was not a part of any aggregation, that such interest had a basis of $15,000 upon acquisition and had subsequent adjustments in reduction of basis totalling $17,000, and that the taxpayer does not elect to treat such interest as a separate property. In such case, Nos. 3, 4, and 5 will be combined. The combination will have an adjusted basis of $3,000, determined by adding the unadjusted basis of No. 5 ($15,000) and the adjusted bases of combined Nos. 3 and 4 upon deaggregation ($5,000), and subtracting from the total thereof ($20,000) the adjustments to No. 5 ($17,000).

* * * * *

(5) *Basis for gain and loss where mineral interests acquired before March 1, 1913, are included in a combination and one or more of such interests have not previously been included in an aggregation.* Where mineral interests acquired before March 1, 1913, are included in a combination under section 614(b) and § 1.614–8 and one or more of such interests have not previously been included in an aggregation, the combined property has two bases, one for the determination of gain and another for the determination of loss upon the disposition of the whole or a part of the combined property. For the purpose of determining gain, the adjusted basis of the combined property on the effective date of combination shall be the sum of—

(i) The adjusted bases at the time of deaggregation, as determined under subparagraph (2) of this paragraph, of all interests which have previously been included in an aggregation,

(ii) The unadjusted bases of other mineral interests acquired on or after March 1, 1913, and

(iii) The cost of each other interest acquired before March 1, 1913 (adjusted for the period before March 1, 1913), or the fair market value of such interest as of March 1, 1913, whichever is greater,

and such sum shall be adjusted by the total of all adjustments to the bases of the mineral interests as required by section 1016 to the effective date of combination. For the purpose of determining loss, the adjusted basis of the combined property on the effective date of combination shall be the sum of—

(iv) The adjusted bases at the time of deaggregation, as determined under subparagraph (2) of this paragraph, of all interests which have previously been included in an aggregation,

(v) The unadjusted bases of other mineral interests acquired on or after March 1, 1913, and

(vi) The cost of other mineral interests acquired before March 1, 1913, adjusted for the period before March 1, 1913,

and such sum shall be adjusted by the total of all adjustments to the bases of the mineral interests as required by section 1016 to the effective date of combination. Thereafter, the adjustments to basis required by section 1016 shall apply to the total adjusted basis of the combined property for all purposes of the Code. Upon disposition of a part of the combined property, the adjusted basis for determining gain and the adjusted basis for determining loss with respect to each resultant part of the combined property

shall be determined in accordance with subparagraph (2) of this paragraph.

(b) *Holding period of aggregated or combined properties.* Where a taxpayer sells or exchanges either a part or all of an aggregated or combined property which includes part or all of a mineral interest which the taxpayer has held for 6 months or less, the sales price and adjusted basis attributable to the interest sold must be apportioned in proportion to the relative fair market values as of the date of sale to determine the amount of income represented by the sale of property held for 6 months or less. The application of this rule may be illustrated by the following example:

* * * * *

(c) *Acquisition of property with transferor's basis.* If a separate property or an aggregated or combined property is acquired in a transaction in which the basis of such property in the hands of the taxpayer is determined by reference to the basis of such property in the hands of a transferor, then the election of such transferor as to the treatment of such separate, aggregated, or combined property shall be binding upon the taxpayer for all taxable years ending after the transfer unless, in the case of an aggregation, the aggregation terminates or consent to make a change is obtained under paragraph (d)(4) of § 1.614–2, paragraph (f)(7) of § 1.614–3, or paragraph (b)(3) or (e)(5) of § 1.614–5, whichever is applicable.

(d) *Abandonment and casualty losses.* In the case of mineral interests which are aggregated or combined as one property, no losses resulting from worthlessness or abandonment are allowable until all the mineral rights in the entire aggregated or combined property are proven to be worthless or until the entire aggregated or combined property is disposed of or abandoned. Casualty losses are allowable in accordance with the rules applicable to casualty losses in general. For rules applicable to losses in general, see section 165 and the regulations thereunder.

PAR. 7. Immediately following § 1.614–7 a new section 1.614–8 is added, to read as follows:

**§ 1.614–8 Elections with respect to separate operating mineral interests for taxable years beginning after December 31, 1963, in the case of oil and gas wells.**

(a) *Election to treat separate operating mineral interests as separate properties—*(1) *General rule.* If a taxpayer has more than one operating mineral interest in oil and gas wells in one tract or parcel of land, he may elect to treat one or more of such interests as separate properties for taxable years beginning after December 31, 1963. Any such interests with respect to which the taxpayer does not so elect shall be combined and treated as one property. Nonoperating mineral interests may not be included in such combination. There may be only one such combination in one tract or parcel. Any such combination of interests shall be considered as one property for all purposes of subtitle A of the Code for the period to which the election applies. The preceding sentence does not preclude the use of more than one account under a single method of computing depreciation or the use of more than one method of computing depreciation under section 167, if otherwise proper. Any reasonable and consistently applied method or methods of computing depreciation of the improvements made with respect to the separate interests which are combined may be continued in accordance with section 167 and the regulations thereunder. Except as provided in paragraph (b) of this section, such an interest in one tract or parcel may not be combined with such an interest in another tract or parcel. For rules with respect to the allocation of the basis of an aggregation of separate operating mineral interests under this section among such interests as of the first day of the first taxable year beginning after December 31, 1963, see paragraph (a)(2)(ii) of § 1.614–6. For the definition of "operating mineral interest" see paragraph (b) of § 1.614–2.

(2) *Election in respect of newly discovered or acquired interest or interest ceasing to participate in cooperative or unit plant of operation.* (i) If the taxpayer makes an election under this paragraph in respect of an operating mineral interest in a tract or parcel of land and, after the taxable year for which such election is made, an additional operating mineral interest in the same tract or parcel is discovered or acquired by the taxpayer or is the subject of an election under this paragraph because it ceases to participate in a cooperative or unit plant of operation to which paragraph (b) of this section applies, the additional operating mineral interest shall be treated—

(*a*) If there is no combination of interests in such tract or parcel, as a separate property unless the taxpayer elects to combine it with another interest, or

(*b*) If there is a combination of interests in such tract or parcel, as part of such combination unless the taxpayer elects to treat it as a separate property.

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

*Example.* Prior to 1964 a taxpayer acquired, and incurred development expenditures with respect to, three operating mineral interests in oil, designated Nos. 1, 2, and 3. All three interests are in the same tract or parcel of land. For the taxable year 1964, the taxpayer elects to treat such interests as three separate properties. During the taxable year 1965, the taxpayer discovers and incurs development costs with respect to a fourth operating mineral interest, No. 4, in the same tract of land. During the taxable year 1966, the taxpayer discovers and incurs development costs with respect to a fifth operating mineral interest, No. 5, in the same tract of land. If the taxpayer makes no election relative to No. 4 for 1965, such interest will thereafter be treated as a separate property. Alternatively, the taxpayer may make an election for 1965 to combine No. 4 with any one (and only one) of the three other interests and to treat such combination as one property. If, for example, he elects to combine No. 4 with No. 3, then in 1966, No. 5 will automatically become part of the combination of Nos. 3 and 4 if no election is made to treat it as a separate property. After the combination of Nos. 3 and 4 is formed, Nos. 1 and 2, which were acquired or discovered prior to the formation of the combination and which were not included in such combination within the time prescribed, may not be included in that or any other combination. However, see subparagraph (3)(iv) of this paragraph.

(3) *Manner and scope of election—*(i) *Election; when made.* Except as provided hereafter in this subdivision (i), any election under subparagraph (1) or (2) of this paragraph shall be made for each operating mineral interest not later than the time prescribed by law for filing the income tax return (including extensions thereof) for whichever of the following taxable years is later:

(*a*) The first taxable year beginning after December 31, 1963; or

(*b*) The first taxable year in which any expenditure for development or operation in respect of such operating mineral interest is made by the taxpayer after his acquisition of such interest.

Notwithstanding the provisions of (*a*) and (*b*), if it is determined that the operating mineral interest in respect of which the election is to be made was, during what would otherwise be the entire effective period of the election insofar as it would apply to the appropriate taxable year determined under (*a*) and (*b*), participating in a cooperative or unit plan of operation to which section 614(b)(3) applies, the election shall be made not later than the time prescribed by law for filing the income tax return (including extensions thereof) for the taxable year in which the interest ceases to participate in the cooperative or unit plan. See subdivision (iii) of this subparagraph for provisions relating to the effective date of an election and paragraph (b) of this section for provisions relating to certain unitization or pooling arrangements. For purposes of this subparagraph, expenditures for development include any intangible drilling or development costs within the purview of section 263(c). Delay rentals are not considered as expenditures for development. For purposes of this subparagraph, the acquisition of an option to acquire an economic interest in minerals in place does not constitute the acquisiton of a mineral interest.

(ii) *Election; how made.* Any election under this paragraph shall be made by a statement attached to the income tax return of the taxpayer for the first taxable year for which the election is made. This statement shall identify by name, code number, or other means the operating mineral interests within the same tract or parcel of land which the taxpayer is electing to treat as separate properties or in combination, as the case may be. The statement shall also identify by name, code number, or other means the tract or parcel and shall set forth the facts upon which its treatment as a single and entire tract or parcel is based. See paragraph (a)(3) of § 1.614–1. However, if the taxpayer is electing to treat all of his operating mineral interests in a tract or parcel as separate properties, a blanket election with

respect to all of such interests in that tract or parcel which are owned by the taxpayer at the time the election is made will suffice and only the tract or parcel itself need be so identified. The taxpayer shall maintain and have available records and maps sufficient to clearly define the tract or parcel and all of the taxpayer's operating mineral interests therein.

(iii) *Election; when combination effective.* (*a*) If, by reason of the exercise or nonexercise of an election under this paragraph, a combination is formed of two or more operating mineral interests, all of which are owned and operated by a taxpayer on the first day of the first taxable year beginning after December 31, 1963, and are not participating in a cooperative or unit plan of operation to which paragraph (b) of this section applies on such first day, the combination is effective on such first day.

(*b*) If, by reason of the exercise or nonexercise of an election under this paragraph, a combination of operating mineral interests not described in (*a*) of this subdivision (including a combination described in (*a*) to which another operating mineral interest is added) is formed, the date on which each operating mineral interest which is being combined by the taxpayer for the first time enters into the combination is the later of (*1*) the earliest date within the taxable year affected on which the taxpayer incurred any expenditure for development or operation of such interest at a time when such interest was not participating in a cooperative or unit plan of operation to which paragraph (b) of this section applies, or (*2*) the earliest date on which the taxpayer incurred any expenditure for development or operation of any other interest with which such interest is to be combined at a time when such other interest was not participating in a cooperative or unit plan of operation to which paragraph (b) of this section applies.

(*c*) The application of these provisions may be illustrated by the following examples:

*Example* (*1*). In 1963, a taxpayer owned and operated mineral interests Nos. 1 and 2, both of which are in the same tract or parcel of land. Neither No. 1 nor No. 2 participates in a cooperative or unit plan of operation. The taxpayer, who is on a calendar year basis, continued to own and operate these interests during the year 1964, and made no election with respect to such interests in his income tax return for that year. As a result, Nos. 1 and 2 are combined as of January 1, 1964.

*Example* (*2*). Assume that the taxpayer described in example (1) discovered operating mineral interests Nos. 3 and 4 in the same tract or parcel of land as Nos. 1 and 2, that he made his first expenditures for the development of No. 3 on June 1, 1964, and of No. 4 on September 1, 1964, and that, in a timely return for 1964, he elected to treat No. 3 as a separate property and made no election with respect to No. 4. As a result, No. 3 is treated as a separate property and No. 4 joins the combination of Nos. 1 and 2 as of September 1, 1964.

*Example* (*3*). On March 1, 1964, a taxpayer acquired a tract or parcel of land containing operating mineral interests Nos. 1 and 2. The taxpayer made his first operating expenditures on No. 1 on April 1, 1964. On October 1, 1964, the taxpayer made his first development expenditures with respect to operating mineral interest No. 2. The taxpayer made no election with respect to these interests. As a result, Nos. 1 and 2 enter into a combination as of October 1, 1964.

(iv) *Election; binding effect.* A valid election made under section 614(b) and this subparagraph shall be binding upon the taxpayer for the first taxable year for which made and for all subsequent taxable years. However, notwithstanding the preceding sentence, an election to treat one or more operating mineral interests as separate properties shall not prevent the making of a later election to combine a newly discovered or acquired operating mineral interest with one of such interests, if no other combination exists in the tract or parcel of land on the date when the later election would become effective under subdivision (iii) of this subparagraph. Nor will an election to treat an operating mineral interest as a separate property prevent its treatment with another interest as a single property under paragraph (b) of this section if such interest later participates in a cooperative or unit plan of operation to which paragraph (b) applies. For rules relating to the binding effect of an election in certain cases in which the basis of a separate or combined property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, see paragraph (c) of § 1.614–6.

(b) *Certain unitization or pooling arrangements.* (1) Except as provided in this paragraph, if one or more of the taxpayer's operating mineral interests, or a part or parts thereof, participate, under a voluntary or compulsory unitization or pooling agreement as defined in subparagraph (6) of this paragraph, in a single cooperative or unit plan of operation, then for the period of such participation in taxable years beginning after December 31, 1963, such interest or interests, and part or parts thereof, included in such unit, shall be treated for purposes of subtitle A of the Code as one property, separate from the interest or interests, or part or parts thereof, not included in such unit.

(2) Subparagraph (1) of this paragraph shall apply to a voluntary agreement only if all the operating mineral interests covered by the agreement are in the same deposit or are in two or more deposits, the joint development or production of which is logical, without taking tax benefits into account, from the standpoint of geology, convenience, economy, or conservation, and which are in tracts or parcels of land which are contiguous or in close proximity. Operating mineral interests under a voluntary agreement to which subparagraph (1) does not apply are subject to the rules contained in paragraph (a) of this section. For purposes of this paragraph an agreement is voluntary unless required by the laws or rulings of any State or any agency of any State.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, if the taxpayer, for the last taxable year beginning before January 1, 1964, treated as separate properties two or more operating mineral interests which participate, under a voluntary or compulsory unitization or pooling agreement entered into in any taxable year beginning before January 1, 1964, in a single cooperative or unit plan of operation, and if it is determined that such treatment was proper under the law applicable to such taxable year, the taxpayer may continue to treat all such interests in a consistent manner for the period of such participation. If it is determined that such treatment was not proper under the law applicable to such taxable year, or if the taxpayer does not continue to treat all such interests in a manner consistent with the treatment of them for the last taxable year beginning before January 1, 1964, the treatment of the interests shall be in accordance with the provisions of subparagraph (1).

(4) If only a part of an operating mineral interest, which interest is not being treated under paragraph (a) of this section as part of a combination of interests, participates in a unit or pool, such part shall, for the period of its participation in the unit or pool, be treated for purposes of this section as being separate from the nonparticipating portion of the operating mineral interest of which it is a part. A portion of the adjusted basis and of the units of mineral of such operating mineral interest remaining at the beginning of the period described in the preceding sentence shall be allocated to the participating part in accordance with the principles contained in paragraph (a)(2)(i)(*a*) of § 1.614–6 as if such participating part had been sold. If participation in the unit or pool ends, the separate status of the participating part shall immediately terminate. At such time the adjusted basis of such part and the units of mineral with respect to such part remaining at the time of termination shall be added to the adjusted basis and to the remaining units of mineral of the nonparticipating portion of the operating mineral interest. During the period of participation in the unit or pool such participating part shall not be treated separately from the nonparticipating portion of the operating mineral interest in applying section 165.

(5) Where an operating mineral interest which is being treated under paragraph (a) of this section as part of a combination of interests begins participation in a unit or pool, the combination shall remain in force but the treatment of such participating interest as a part of the combination shall be suspended for the period of its participation in the unit or pool. If, for example, a taxpayer owns operating mineral interests Nos. 1, 2, and 3 in a single tract or parcel of land, elects to treat No. 1 as a separate property (with mineral interests Nos. 2 and 3 thus being combined), is later required by an agency of a State to place No. 2 in a unit, and subsequently discovers operating mineral interest No. 4 in the same tract or parcel of land, then under paragraph

(a)(2)(i)(b) of this section No. 4 will automatically be combined with No. 3 unless the taxpayer elects to treat it as a separate property. Under this subparagraph, an interest may be treated as part of a combination for a portion of a taxable year and as part of a unit or pool for a portion of a taxable year. At the commencement of participation in the unit or pool, a portion of the adjusted basis of the combination and a portion of the units of mineral with respect to the combination remaining at that time shall be allocated to such participating interest in accordance with the principles contained in paragraph (a)(2)(i)(a) of § 1.614–6 as if such interest had been sold. During the period of participation in the unit or pool such participating interest is nevertheless treated as a part of the combination for purposes of paragraph (d) of § 1.614–6. If participation in the unit or pool ends, the treatment of such interest as participating in the unit or pool shall immediately terminate. At such time, the adjusted basis of the participating interest and the units of mineral with respect to such interest remaining at the time of termination shall be added to the adjusted basis and to the remaining units of mineral of the nonparticipating portion of the combination. In determining the adjusted basis of the participating interest at the time of termination there shall be taken into account any section 1016 adjustments attributable to such interest for the period of its participation in the unit or pool. If two or more operating mineral interests of the taxpayer participate in a unit or pool and are treated as one property under subparagraph (1) of this paragraph, and if participation by such interests in the unit or pool terminates, the adjusted basis of each such interest at the time of termination shall be separately determined. If the total of the adjusted bases of such interests upon termination of their participation in the unit or pool exceeds the adjusted basis of such one property, then the adjusted bases of such interests shall be further adjusted by applying the principles contained in paragraph (a)(2)(ii)(b)(*ii*) of § 1.614–6 so that the total of the adjusted bases of such interests equals the adjusted basis of such one property. In addition, the units of oil and gas estimated to be attributable to a participating interest at the time of termination of participation shall be restored to the units of oil and gas of the combination of which it is a part. The rules stated in this subparagraph with respect to an operating mineral interest which is being treated under paragraph (a) of this section as part of a combination and which begins participation in a unit or pool shall also apply to a portion of an operating mineral interest which is being treated under paragraph (a) as part of a combination if such portion begins participation in a unit or pool.

(6) As used in this paragraph, the term "unitization or pooling agreement" means an agreement under which two or more persons owning operating mineral interests agree to have the interests operated on a unified basis and further agree to share in production on a stipulated percentage or fractional basis regardless of from which interest or interests the oil or gas is produced. In addition, in a situation in which one person owns operating mineral interests in several leases, an agreement of such person with his several royalty owners to determine the royalties payable to each on a stipulated percentage basis regardless of from which lease or leases oil or gas is obtained is also considered to be a unitization or pooling agreement. No formal cross-conveyance of properties is necessary. An agreement between co-owners of a tract or parcel of land or a part thereof for the development of the property by one of such co-owners for the account of all is not a unitization or pooling agreement, provided that the agreement does not affect ownership of minerals or entitle any such co-owner to share in production from any operating mineral interests other than his own.

(c) *Operating mineral interest defined.* For the definition of the term "operating mineral interest" as used in this section, see paragraph (b) of § 1.614–2.

(d) *Alternative treatment under Internal Revenue Code of 1939.* If, on the day preceding the first day of the first taxable year beginning after December 31, 1963, the taxpayer has any operating mineral interests which he treats under section 614(d) (as in effect before the amendments made by the Revenue Act of 1964) and § 1.614–4, such treatment shall be continued and shall be deemed to have been adopted pursuant to the provisions of section 614(b) and paragraph (a) of this section. Accordingly, a taxpayer, who has four operating mineral interests in a single tract or parcel of land, and who has treated two of such interests as one property and two of such interests as separate properties under section 614(d) prior to the first day of the first taxable year beginning after December 31, 1963, is deemed to have adopted such treatment pursuant to the provisions of section 614(b) and paragraph (a) of this section. Hence, in the absence of an election to the contrary, a fifth operating mineral interest in the same tract or parcel acquired by the taxpayer in a taxable year beginning after December 31, 1963, will, after an expenditure for development or operation, be combined with the combination of two interests made under section 614(d). Furthermore, an election which was made for a taxable year beginning before January 1, 1964, under section 614(d) as then in effect will be binding for all taxable years beginning after December 31, 1963, even though the time for making an election under section 614(b) and paragraph (a) of this section has not elapsed.

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

[F.R. Doc. 65–11597; Filed, Oct. 27, 1965; 8:51 a.m.]

# Title 31—MONEY AND FINANCE: TREASURY

## Subtitle A—Office of the Secretary of the Treasury

[CGFR 65–46]

## PART 3—CLAIMS REGULATIONS

### Subpart H—Claims for General Average Contributions in Connection With the Shipment of Household Goods

Public Law 388, 83d Congress, approved June 4, 1954 (68 Stat. 176; 5 U.S.C. 73–b–5), and Executive Order 10614 have made general average contributions in connection with the shipment of household goods a part of the cost of transportation borne by the Government. These regulations will implement the authority so granted.

Sec.
3.125 Purpose.
3.126 Definitions.
3.127 Delegation of authority.
3.128 Action.
3.129 Exclusions.
3.130 Claims or shipments which exceed authorized limitations.
3.131 Payment of claims.

AUTHORITY: The provisions of this Subpart H issued under Pub. Law 388, 83d Cong., approved June 4, 1954 (68 Stat. 176; 5 U.S.C. 73–b–5), E.O. 10614.

**§ 3.125 Purpose.**

The purpose of this subpart is to implement Executive Order 10614, dated May 25, 1955, which was issued pursuant to Section 4, Public Law 388, 83d Congress, approved June 4, 1954 (68 Stat. 176; 5 U.S.C. 73–b–5).

**§ 3.126 Definitions.**

As used in this part, the following terms will have the meanings here indicated:

(a) "General-average contribution" means the contribution by all parties to a sea venture (1) to make good the loss sustained by any one of their number on account of voluntary sacrifices made of part of the ship or cargo to save the residue or the lives of those on board from impending peril, or (2) for extraordinary expenses necessarily incurred for the common benefit and safety of all.

(b) "Personnel" means (1) civilian officers and employees of the Treasury Department, including the Coast Guard, and former and deceased civilian officers and employees; (2) Coast Guard personnel and former and deceased members thereof; and (3) a "person" as defined in section 1 of the Missing Persons Act, as amended (50 U.S.C. App. 1001).

(c) "Household goods" means such baggage, household goods, and effects, including privately owned automobiles and professional books, papers, and equipment of personnel as are authorized to be transported at Government expense by law or regulation pursuant to law.

§ 3.127 Delegation of authority.

Responsibility within the Department for the investigation, determination of liability, and payment of claims for general average contributions arising from all department-sponsored shipments of household goods is placed in the Commandant, U.S. Coast Guard.

§ 3.128 Action.

(a) Shipments of household goods sponsored by the Department shall be treated as Government-owned cargo for general average contributions purposes, and settlement of general average contributions thereon.

(b) When a general average situation arises involving any such shipment, the Coast Guard shall obtain the release of the household goods without any bond or other security being furnished by either the Department or the person owning the household goods.

(c) Claims for general average contributions by or against household goods shall be determined and settled by the Coast Guard.

(d) Except as provided in § 3.129, the Department shall make disbursements as authorized herein from appropriations chargeable for the transportation of baggage and household goods and effects in the following instances:

(1) For the payment as authorized herein of the general average contribution for which personnel are liable; or,

(2) For the reimbursement as authorized herein of personnel in the amounts of their general average liability paid by them and for which receipts are furnished.

§ 3.129 Exclusions.

The following claims are not cognizable under Executive Order 10614, dated May 25, 1955, which was issued pursuant to section 4, Public Law 388, 83d Congress, approved June 4, 1954 (68 Stat. 176; 5 U.S.C. 73–b–5):

(a) Where the shipment of household goods is made under law or regulation pursuant to law which provides for reimbursement to personnel concerned on a commuted basis in lieu of payment by the Government of the actual cost of shipment.

(b) Where personnel concerned have selected the means of shipment.

(c) When the quantities of household goods shipped are in excess of quantities authorized to be transported by law or regulation pursuant to law. In any case of such excess shipment, the liability of the Government for payment of general average contribution shall not exceed the proportion that the applicable limitation, by weight or volume, bears to the total quantity, by weight or volume, of the household goods shipped.

(d) Claims for general average contribution in connection with the shipment of household goods, will not be considered for payment if the loss involved occurred before 4 June 1954.

§ 3.130 Claims or shipments which exceed authorized limitations.

If the shipment of household goods (excluding automobiles) exceeds the weight or volume limitations authorized to be shipped at Government expense, the employee is responsible for that portion of the general-average contribution which applies (and is computed on a percentage basis) to that portion of the shipment which is in excess of the employee's weight or volume limitations.

The employee is also responsible for claims which are assessed against privately owned automobiles, unless the employee was authorized to transport the automobile at Government expense. The employee's portion of the contribution for which the employee is personally liable, shall be attached to the claim submitted, unless he has previously paid such amount.

§ 3.131 Payment of claims.

Claims cognizable under this subpart are forwarded by the appropriate Coast Guard certifying officer or the finance officer of the Treasury Bureau or activity receiving such claim to the Commandant (F), U.S. Coast Guard, Washington, D.C. Claims for general average contributions will be settled by the Coast Guard, or will be reviewed by the Coast Guard and referred to the General Accounting Office for settlement.

Dated: October 22, 1965.

[SEAL] A. E. WEATHERBEE,
*Assistant Secretary for Administration.*

[F.R. Doc. 65–11596; Filed, Oct. 27, 1965; 8:51 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 16148; FCC 65–942]

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

## PART 87—AVIATION SERVICES

### Certain Civil Air Patrol VHF Frequencies

*Report and order.* 1. The Commission, on July 28, 1965, adopted a notice of proposed rule making in the above entitled matter which was published in the FEDERAL REGISTER on August 4, 1965 (FCC 65–697, 30 FR 9695). Interested persons were invited to file comments on or before September 7, 1965, and reply comments on or before September 17, 1965. The time for filing comments and reply comments has now expired and no comments or reply comments have been received by the Commission.

2. The notice was issued in response to a letter dated February 15, 1965, from the Department of the Air Force requesting the Commission to amend appropriate rules and regulations with respect to certain frequencies available for use by the Civil Air Patrol. The proposed rule change appears necessitated by the development of new and more reliable two-way radio equipment which is capable of being tuned in increments of 50 kc/s only.

3. Specifically, the proposal involves amendment of Parts 2 and 87 of the Commission's rules by changing the frequencies 143.91 Mc/s and 148.14 Mc/s to 143.90 Mc/s and 148.15 Mc/s, respectively. The subject frequencies are in the bands 138–144 Mc/s and 148–149.9 Mc/s, both of which are allocated exclusively to Government services. Affected Government services have concurred in the proposal.

4. In view of the foregoing, it is the Commission's opinion that the public interest will be served by adoption, without change, of the proposal as set forth in the notice.

5. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective December 1, 1965, Parts 2 and 87 of the Commission's rules are amended as set forth in the Appendix. *It is further ordered,* 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: October 20, 1965.

Released: October 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

I. Part 2 is amended as follows:

§ 2.106 [Amended]

In § 2.106, the frequencies 143.91 and 148.14 Mc/s in column 10, opposite the frequency bands 138–144 Mc/s and 148–149.9 Mc/s in column 5, are amended to read 143.90 and 148.15, respectively; and footnote US10 is amended to read as follows:

US10 The use of frequencies 26.62 Mc/s (in all areas), 143.90 Mc/s (in the continental United States excluding Alaska), and 148.15 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

II. Part 87 is amended as follows:

In § 87.513, paragraphs (h) and (i) are amended to read as follows:

§ 87.513 Frequencies available.

* * * * *

(h) 143.90 Mc/s, A1, A2, A3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States (excluding Alaska).

(i) 148.15 Mc/s, A2, A3 emission, 50 watts maximum power.

[F.R. Doc. 65–11587; Filed, Oct. 27, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Lee 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, Minnesota

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 13 through November 17, 1965, inclusive, only on the area designated by signs as open to hunting. This open area comprising 58,700 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., 56737, 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 17, 1965.

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

OCTOBER 12, 1965.

[F.R. Doc. 65-11537; Filed, Oct. 27, 1965; 8:45 a.m.]

## PART 32—HUNTING

### Rice Lake National Wildlife Refuge, Minnesota

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

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 13 through November 21, 1965, and with bow and arrow only from sunrise December 4, 1965, to sunset December 19, 1965, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, 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 governing the hunting of deer subject to the following special conditions:

(1) Hunters may not enter the refuge before 6 a.m. daily and must leave the refuge before 6 p.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 19, 1965.

CARL E. POSPICHAL,
*Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn., 55760.*

OCTOBER 21, 1965.

[F.R. Doc. 65-11538; Filed, Oct. 27, 1965; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-354]

### CELERY GROWN IN FLORIDA

### Decision With Respect to Proposed Marketing Agreement and Order and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Orlando, Fla., on July 28–30, 1965, pursuant to notice thereof which was published in the FEDERAL REGISTER on July 9, 1965 (30 F.R. 8684) upon a proposed marketing agreement and order regulating the handling of celery grown in Florida.

On the basis of evidence introduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on September 27, 1965, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exception thereto, was published in the FEDERAL REGISTER September 30, 1965 (30 F.R. 12474).

*Rulings on exceptions.* Exceptions to the recommended decision were filed within the prescribed time by Gressinger and Sons, William Gressinger, Charles D. Wilkinson; by Harold H. Kastner, and Harold H. Kastner Co., and by Joseph C. Jacobs, of Ervin, Pennington, Varn and Jacobs, and Kenneth M. Leffler, of Hutchison and Leffler, on behalf of opponents R. E. Watson, Lauren R. Johnson, Jack Taylor, Daniel Debruyne, and Harold H. Kastner.

Each of these exceptions has been considered carefully and fully in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied.

The "exception" filed by Gressinger and Sons sets forth their position within the industry and their proposals for production and sales but does not object to the proposed marketing agreement and order. These matters may be presented for consideration by the appropriate agencies in application for Base Quantities if and when the proposed marketing order should become effective.

Certain exceptions filed by Joseph C. Jacobs and Kenneth M. Leffler, attorneys acting on behalf of opponents named above, may warrant further discussion. In their Exception No. 2 they assert, in substance, that the proposed order allegedly is unlawful because of similarity to the preceding Florida State program which was declared to be unlawful in Rabin v. Conner, 174 So. 2d 721, at page 725. The lawfulness of the Federal program, authority for which flows from the Agricultural Marketing Agreement Act of 1937, as amended, and from the Interstate Commerce powers of the Federal Constitution is, of course, unaffected by such State court ruling. The proposed Federal marketing order is authorized by the act and is supported by the hearing record. The exception, therefore, is denied.

Exception No. 3 of the Jacobs-Leffler exceptions asserts, in substance, that the proposed marketing order is not authorized by section 8c(6)(B) of the act in that allegedly it does not provide for allotting the amount of celery or any grade, size, or quality thereof which each handler may purchase from or handle on behalf of the producers thereof. It is further asserted that the order is unlawful under section 8c(13)(B) of the act which precludes regulation of any producer in his capacity as a producer. The exception is denied. Section ____.36(b) of the proposed marketing order prohibits regulated handlers from handling celery which is not within the marketing allotment of a producer. This means that the handler may not purchase celery from a producer or otherwise handle it on his behalf unless it is within such marketing allotment. Although the order provides allotments to producers so that the total quantity which may be purchased by handlers shall be equitably apportioned among producers, it does not regulate such producers, but rather regulates the acquisition of the celery by handlers from producers. Also, the restriction is not upon the amount of celery which each producer may produce but is, instead, a restriction upon what any handler may acquire from producers.

Exception No. 4 of the Jacobs-Leffler exceptions asserts that the proposed marketing agreement and order regulates the production of celery grown in the production area and, therefore, is unlawful. As previously shown in connection with Exception No. 3, this marketing order program will not regulate production but will, if effective, authorize regulation of marketing only. This is made clear elsewhere in this decision. This exception, therefore, is denied.

Exception No. 5 of the Jacobs-Leffler exceptions asserts that Base Quantities under the order are to be established on the basis of production of celery for the last 7 years. The marketing order deals only with marketings—not with production of celery by producers. The exception further contends that certain of the opponents will be injured unlawfully by allegedly having been precluded from producing celery in the 4 years covered by the State marketing order unless they qualified for a Base Quantity certificate under that marketing order. Section 8c(6)(B) of the act authorizes, inter alia, limitation of the total quantity of celery to be purchased from or handled on behalf of producers by handlers on the basis of actual quantities disposed of by producers in the base period. This is the primary basis for establishing Base Quantities under the proposed order. However, for reasons stated more fully elsewhere in this decision, Section ____.37(b) of the proposed marketing order also makes provision for the assignment of Base Quantities to bona fide producers who provide proper proof that they made certain commitments prior to September 30, 1965, but did not have a history of marketing representative of such commitments. Such exception, therefore, is denied.

Exception No. 6 of the Jacobs-Leffler exceptions objects to the imposition of marketing limitations for the current crop year 1965–66. The exception contends that imposition of restrictions in the 1965–66 crop season would be against public policy, would cause financial hardship to producers and would amount to a deprivation of property without due process of law. As stated elsewhere in this decision, there are compelling reasons to make the order effective for the 1965–66 marketing season, if at all practicable. To deny the benefits of a practicable program for the 1965–66 marketing season would be contrary to public policy as expressed by the act and contrary to the interests of producers generally. It is recognized, of course, that the procedures which must be followed subsequent to the publication of this final decision, including, but not limited to, the holding of a referendum, may result in a conclusion not to initiate volume regulation in this year. However, the possible issuance of regulations, under the order, for the 1965–66 marketing season is a matter for subsequent evaluation by the committee and the Secretary following the effective date of the order and the order has, therefore, been drafted to allow for such regulation in the 1965–66 season. The contention that this would be a deprivation of property without due process of law is without merit inasmuch as such regulation is expressly authorized under the statute. Furthermore, all interested parties have been on notice at least since September 30, and prior thereto, of the proposed program. This exception, therefore, is denied.

*Material issues.* Material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The specific terms and provisions of the marketing order including:

(a) The commodity, the persons, and the marketing transactions to be regulated, and all other proposed definitions;

(b) Provisions relating to the establishment and operations of an agency or committee for local administration of the marketing program;

(c) Terms and provisions relating to volume regulations;

(d) The authority to incur expenses and to levy assessments on handlers to obtain revenue for paying such expenses;

(e) The need for records and reports on marketing transactions and procedures for reporting requirements;

(f) Determinations on need for provisions relating to compliance and other miscellaneous provisions published as §§ ——.51 through ——.63 (30 F.R. 8687).

*Findings and conclusions.* The findings and conclusions on the material issues in these proceedings are based on record evidence of the hearing and are as follows:

(1) Celery is one of the more important Florida vegetable crops, ranking high among them in acreage and farm value. Practically all Florida celery is marketed in crates of approximately 60 pounds each. In the 1963–64 season, 7.37 million crates were sold for a total farm value of $20,861,000.

Florida celery is usually marketed from November through the following June. Marketings pick up to seasonal volume the latter part of November and tail off the latter part of June. Three-fourths, or more, of the crop is marketed in the January–May period. For the 1963–64 season, 48 percent of shipments were made during March, April, and May, and 30 percent in January and February.

Experienced salesmen and salesmanagers estimate that 90 or more percent of Florida celery is distributed ultimately beyond the State boundaries. Also, sales are made on the same trading basis—offer, quote, acceptance—whether to outlets within or without the State.

Unloads of Florida celery are shown for each of the 35 major cities in "Fresh Fruit and Vegetable Unloads . . ." (USDA-C&MS) in Eastern (12), Midwestern (12), and Southern (11) cities during calendar year 1964. Florida celery is marketed mostly in the Eastern, Midwestern, and Southern parts of the United States. Shipments also move into some western regions as far as Denver. In addition, Winnipeg, Montreal, Ottawa, and Toronto, Canada, show unloads.

Offers of Florida celery are made in numerous terminal markets, as above indicated. Similarly, prevailing celery prices in various terminal markets are relayed to sellers in Florida. Based on both sellers and buyers respective daily offerings at shipping point and from receiving markets, bargaining goes on among them, sales are made, and daily market levels are established. These transactions are an integral and indissoluble part of the marketing structure and marketing processes for Florida celery. Florida celery is so harvested, packed, and crated that any given shipment or lot may be sold or transported to any market within or outside the State. Although most sales are made for delivery outside the State, a sizable amount of celery is first sold locally, with title passed to the local buyer, but a considerable portion of such lots end up ultimately outside the State.

The sale of harvested celery by a handler on behalf of a producer is a prevailing, common practice in Florida. In such cases, handlers act as agents for the producer and sell or transport such celery as part of the regular marketing processes in the current of commerce. Handlers also sell harvested celery to other local handlers who resell, also to other regular buyers, either wholesalers or retailers, or to other purchasers.

The transportation of all such harvested celery by any person, whether on his own or others' behalf to meet location requirements of respective parties to sale and purchase, places or continues such commodity in the current of commerce.

Florida celery is an agricultural commodity within the group of vegetables named in the act to which its marketing authority may be applied.

Therefore, it is concluded, the marketing of harvested celery produced in Florida is handling which is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity.

It is determined from substantial evidence in the record of hearing on which these findings and conclusions are based that the right to exercise Federal jurisdiction in the marketing of Florida celery is determined as proper and appropriate under the act and the marketing order hereinafter set forth.

(2) Season average farm prices for celery were less than the Florida parity equivalent price in 7 of the past 10 seasons.

Daily and weekly celery prices, both within and for a season, react to supply estimates by sellers and buyers. Monthly average prices rise and fall inversely with the total supply changes during such periods. From year to year there tends to be an inverse relation between production of celery in Florida and prices received by farmers. If production increases, prices decline and if production decreases, prices increase.

Celery, as one of Florida's more important vegetable crops, has been a source of agricultural income ranging from 9.2 to 24.6 million dollars in annual farm value during the 10-year period 1955–56 through 1964–65.

Such wide variation in farm values for this commodity reflects directly on growers' returns. As shown in Exhibit No. 23 Everglades growers, during the 1950–51 through the 1956–57 seasons, had net returns ranging from 2 cents per crate in 1955–56 to 57 cents per crate in 1954–55. Sarasota growers had net returns ranging from 67 cents per crate in 1954–55 to a minus 66 cents per crate in 1952–53, with losses in four of the seven seasons—1950–51 through 1956–57.

Sanford celery growers also suffered losses in four of the above seven seasons. Oviedo growers had losses in two and profits in five of these seven seasons. Of the five seasons for which Zellwood data were available (1951–52 through 1953–54, and 1956–57) celery growers showed a loss in three and profits in two.

Labor requirements for producing, harvesting, and marketing celery are substantial. For example, harvesters, commonly referred to as a "mule train" employ from about 18 to 60 persons, according to size and capacity. Costs of harvesting range from $0.46 to $0.60 per packed out crate. Harvesting costs based on a Florida Agricultural Experiment Station study of "Costs and Returns from Vegetable Crops in Florida" (Exhibit No. 23), ranged from $619 to $822 per acre, with 32 to 40 percent of this amount being paid to labor.

Total growing costs ranged from $489 to $770 per acre, with 29 to 31 percent representing production labor costs. Fertilizer costs, within the above figure, ranged from $98 to $143 per acre in the 1960–63 period. Similarly, insecticides and spray program ranged from $54 to $64 per acre in the same period. Harvesters (mule train) in that period were estimated at $15,000 to $18,000 each, and now higher costs are reported.

It is customary for farmers to finance such production and harvesting costs with borrowed capital. Farmers' assets are affected by the returns received from celery, as also are the local and national credit structures related to the production and marketing structure related to this commodity. Labor is directly affected by the marketing conditions associated with Florida celery. Associated industries, such as credit agencies, manufacturers and dealers in fertilizer, insecticide, machinery, packaging, etc., are directly affected by marketing conditions for this commodity.

Growers' motivations for increasing or decreasing celery supplies during any given season or portion thereof are influenced by prices received. Prior to 1961, producers tended to plant more in response to previous years' prices and, when doing so, to increase more during some parts of the season than others. It is a common occurrence among many farmers to so estimate their share of an indefinite or unknown annual supply as to frequently plant in excess of the amount necessary to provide the market with a supply that avoids losses to producers.

The need for stabilizing annual marketings of Florida celery through allotments to producers is attested to and persuasively demonstrated by numerous producer and handler witnesses, with long experience in Florida celery production. They record the effects of unlimited purchases and sales of Florida

celery during the decade of the 1950's. Variations in annual supply were accompanied by inverse price variations, with returns during a number of such years being less than production costs. Grower losses in the decade prior to 1961 forced a relatively large proportion of celery growers out of the industry. Some celery growers became insolvent. The orderly exchange of celery was disrupted and the purchasing power of Florida celery growers was impaired.

A number of witnesses pointed on the hearing record to the economic results of approximately 4 years operation under producer allotments established by the State celery marketing order. They found marketing conditions were improved by annual marketable allotments on which growers could, and did plant within limits deemed reasonable by industry committee consensus, later formally approved by the Commissioner of Agriculture, State of Florida. These producers and handlers, some with decades of experience in producing and marketing celery, attested to the manner in which this type of allotment program promoted orderly marketing of the crop by stabilizing supply. Supplies were stabilized by growers planting on more uniform schedules throughout normal seasons than they would in the absence of such a program. Most important the total amount of celery available for marketing, although ample, was better held within limits. However, such program was no guarantee against loss to individual producers, or groups thereof during some portions of the year when supplies temporarily may have become excessive in terms of acceptable grower price levels.

The substantial evidence offered by these experienced producers and handlers is supported by the additional findings that planted and harvested celery acreage, with subsequent production, shows greater stability during the 1961–62—1964–65 seasons than during similar seasonal groupings in the prior decade and a half since the end of World War II.

The need exists for stabilizing annual supplies of Florida celery in the interest of promoting orderly marketing that will tend to establish parity prices for such commodity. Such stability in supplies will assist in promoting consumer interests by providing for gradual correction of such supplies deemed to be in the public interest and feasible in view of the current consumptive demand for Florida celery in domestic and foreign markets.

The need for stabilizing marketing of Florida celery through annual allotments, as accomplished along lines of the marketing program under State authority, exists each season. From record evidence, past experience on producers' reactions to farm prices for celery in previous seasons indicates the obvious statistical probability and the informed opinions of experienced growers show that, in the absence of marketable quantity limitations, marketings will increase substantially. Statistically probable farm price responses to substantial increases in supply would also bring about substantial declines in farm prices, under assumption of otherwise average conditions. Under these circumstances proponents established the probability of supply increases in the forthcoming and later seasons with resulting farm price declines to levels which would cause substantial grower losses. The need was demonstrated by substantial representation of a majority of Florida celery farmers for urgency in developing a marketing order with seasonal quantity limitation and producer allotments so that it could be presented to them for referendum, in accordance with applicable statutory requirements, to help promote and protect orderly marketing conditions for the 1965–66 and succeeding crops.

The need for the marketing order, hereinafter set forth, is determined to exist in fact. Further, the terms and provisions of such order are authorized by the act as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) (a) "Secretary" is defined to identify, within the terms and provisions of the marketing order, the persons or officials who may act in an official capacity thereunder and to expedite its drafting. The definition as published herein is deemed appropriate for such purposes.

"Act" is defined to cite statutory authority for the marketing order and to expedite its drafting.

"Person" is defined, as it is in the act, to assure its meaning in the marketing order. The term person includes an individual, partnership, corporation, association, or any other business unit.

"Celery" is the commonly recognized vegetable sold in markets throughout the United States under this name, which has the botanical name, *apium graveolens*. Both Pascal type and Golden type celery have been and can be grown in Florida. Pascal now predominates, to the exclusion almost of Golden. All varieties of celery grown in Florida, including the above types, constitute a regional classification of this commodity. The definition herein refers to celery grown in Florida, except as the term may be specifically modified in context.

"Production area" means the terms applicable to the locale within which celery grown therein may be made subject to the terms and provisions of the marketing order. The State of Florida is a commonly recognized and customarily accepted area of production and has been for half a century or more. Producing sections have shifted within the State during that time. Some shifts in production have occurred among sections and may occur in the future, as it is also possible to produce celery in other sections of the State. Its boundaries encompass all of the presently commercially feasible producing sections in the Southeastern part of the United States which market during the late fall, winter, or spring seasons. Therefore it is determined that the State of Florida constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

The production area should be defined, therefore, as hereinafter set forth.

"Producer" means any person who grew or grows celery in the production area in a proprietary capacity. The person with the right to sell celery so that handlers may purchase from such person or may handle on such person's behalf is in fact a producer. In share cropping arrangements, such person receiving a share of the crop with authority to pass title thereon is a producer of the celery he owns. A renter with full right to dispose of a celery crop by passing clear title is a producer.

The term producer here includes such persons who in prior periods grew celery for market and who passed title to purchasers of such celery. It will include also, those for whom Base Quantities may be established in the future.

"Handler" means any person who, on behalf of a producer or on his own behalf, places celery in the current of commerce within the production area or between the production area and any point outside thereof. Any person so placing celery in interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce becomes a handler under the marketing order. Obligations are placed on such persons for meeting regulatory, assessment, and reporting requirements of the order.

Common or contract carriers transporting celery owned by another person are excluded from this definition for their function is to supply freight or other services on an agency basis for other persons who are handlers.

Handler means, therefore, any person who handles harvested celery.

"Handle" means the act or function, or both, whereby any person places harvested celery in the current of commerce within the production area or between the production area and any point outside thereof.

These acts or functions include the purchase of harvested celery from a producer. Some handlers purchase harvested celery from producers. These marketing activities are commonly recognized as celery handling and they are found to be properly within the definition of handle.

Such acts or functions also include the sale or transportation, or both, of harvested celery on behalf of a producer or, at other times, on his own behalf by either a producer or a handler. The most common and usual methods of marketing Florida celery fall within this general category. A considerable portion, over half, the Florida celery crop is marketed through producer cooperatives which handle harvested celery on behalf of their members. Additional handlers also take over from producers on an agency basis and manage the sale or transportation, or both, of harvested celery for the producer.

A common practice among handlers is to buy harvested celery, already packed and crated, from one another to get particular sizes or quality needed to make up specific orders. This common practice of selling to other local handlers or

dealers who distribute loads of mixed fruits and vegetables occurs in the current of commerce that is an integral part of Florida celery marketing. Local dealers often sell some portions of their purchases to truckers distributing within the State and to other truckers distributing outside the State. Although a large proportion of sales between handlers are convenience transactions, to accommodate one another in meeting specific size or other buyer requirements, more than one local sale at shipping point is made on quite a number of specific lots. Both first and subsequent sales, and hauling in connection therewith are involved in the current of commerce and each transaction should therefore be required to comply with marketing order requirements.

The purchase of harvested celery from a producer by a handler identifies it, brings it into the visible supply on which trading takes place, and such purchase is a marketing transaction in the usual, normal current of commerce in this commodity.

"Handle" also includes the sale of harvested celery by a producer to any person, including any trucker, who may take such celery into the current of commerce. Although the producer-trucker type of transaction is not common in marketing Florida celery, it is essential that these types of transactions should be included within "handle" to assure that all handling of harvested celery conforms to marketing order requirements.

Celery harvesting is usually considered a single, continuous "mule train" operation, involving cutting, washing, packing in crates, and hauling to the cooler. These are commonly regarded as usual grower functions.

Handlers usually take over management of harvested celery at the precoolers where field temperature of celery is reduced to manageable levels for more efficient marketing. At this point in the processes and functions of marketing, handlers usually take over management of marketing processes. Sales are then made, or attempted, and transportation ensues. Sales involve transfer of title and when purchase is made by a handler or a handler sells on behalf of a grower, an act of handling has been performed within the definition. When management is taken over by a handler on behalf of a producer, such person (handler) then is responsible for its effect upon commerce and performs an act of handling.

The purchase or sale of unharvested celery, i.e., celery still standing as a growing crop in the field, is excluded from the definition of handle.

Therefore, any act by any person whereby he purchases harvested celery from a producer, or he sells or transports harvested celery within the production area or between the production area and any point outside thereof, is handling and within the definition of handle.

"Marketing year," "fiscal year," or "season" means the 12 month period from August 1 to the following July 31, inclusive. This division between each market year or season is in line with marketings and comes at a time when one marketing season has been closed out and before another begins. It is an acceptable date for dividing seasons because of marketing facts and long standing custom. Also, it is a logical dividing line between fiscal years, based on the above facts.

"Committee" means the agency authorized by the act, called the Florida Celery Committee and established for local administration of the marketing order.

"Crate" means the commonly recognized container used throughout the industry as a container for shipping celery. It is identified as celery crate No. 3601. It is also used as a common unit of measurement for calculating yields and for marketing, trading, or selling. When crate is used in the marketing order it refers to this unit, or its equivalent, as a unit of measurement.

"Base quantity" means the total number of crates of harvested celery to which a producer's right in the market is attached, as determined in § ——.37 of the marketing order. It is defined to expedite drafting the marketing order.

"Marketable quantity" means the term applicable to the total amount of harvested celery which is allowed to be marketed by all handlers thereof during any marketing year. The Marketable Quantity is that amount of marketable celery to be determined pursuant to § ——.36.

"Marketable allotment" means the term applicable to the amount of harvested celery which each producer may market in any manner, including purchases from him by a handler or handled on such producer's behalf by a handler, or handled on his own behalf. The term is used and the amounts thereunder are calculated pursuant to § ——.38.

"Uniform Percentage" means the term applicable to the ratio or percentage derived for a season by dividing as provided in § ——.38 the Marketable Quantity for such season by the total Base Quantities. This term facilitates drafting the marketing order and provides a readily understood expression of ratio of allowable marketings to Base Quantities.

(b) The Secretary is authorized under section 8c(7)(C) of the act to establish an administrative agency for effective operation of the order.

Four years ago the Florida celery industry was faced with the problem of determining the most appropriate number and distribution of committee members to effectively carry out a celery marketing order program under State legislation. After thorough consideration they agreed upon the following: five members from Group 1—South Florida District, three members from Group 2—Central Florida District, two members from Group 3—West Coast-North Florida District, two members from Group 4—producers marketing through the second largest volume celery handler, and three members from Group 5—producers marketing through the largest volume celery handler. The industry has found through four years of operation under the State order that this fifteen-member committee is workable, equitable, and representative of producers. Also, it has been adequate to handle the various committee duties and responsibilities satisfactorily. The record shows that the industry desires to utilize this proven committee arrangement.

Thus, provision should be made for a committee of 15 members and representation thereon in accordance with the foregoing groupings.

A procedure for the election of nominees for subsequent membership on the committee is necessary. It is customary in the Florida celery industry for producers to conduct public meetings in their respective Groups to establish their preference for members and alternates. These nominations provide a practical method of providing the Secretary with names of persons which the industry desires to have serve on the committee.

Since a primary purpose of the act is to raise producers' income, all persons participating in nomination meetings should be persons who have produced celery for market during the current or previous season, whichever is applicable depending upon the timing of the nomination meetings, and who have a Base Quantity so that persons nominated will be representative of their Group and reflect that sentiment in committee decisions. Record evidence shows each committee member and alternate should, at the time of selection and during his term of office, be either a producer or an employee of a producer, a handler or an employee of a handler, in the Group for which selected in order that they have a direct interest in the celery industry. Officers or directors of producing or growing firms for purposes of the marketing order should be considered employees, as in most instances they are part owners or perform duties of employees. Since nominations for committeemen are made only by producers, they can adequately protect their interests.

A producer may qualify to vote in more than one Group. If so, he may select the one Group in which he wishes to participate in electing nominees except if he is a producer in Group 4 or 5 he may participate only in that Group. If a producer in one of these Groups elected to participate in another Group, it could change the relative position of the two largest handlers within the industry, thereby disrupting proceedings and confusing the nominations. In this way each producer would have the same equitable voice in the nomination of committee members.

If this marketing order becomes effective, the time schedule specified for holding nomination meetings will have passed for the 1965–66 season. The marketing order should provide for nominations to the initial committee so the marketing order can commence to function as soon as possible after its issuance for the reasons already given.

The provision whereby nominations could come from any agency or Group, with a report on the time and manner of nominations and the respective group-

ing of the nominees, is a practical and efficient way to proceed with operations under the marketing order. The present administrative agency under the State order is a logical agency for this purpose. As aforementioned, it is representative of the industry and has proven workable and equitable. The membership of the State agency, as currently composed, meets the same qualifications for membership, composition, and representation as would the committee under the marketing order. Therefore, this agency could and should be authorized to speak for the industry in nominating the initial committee.

Regardless of the number of Groups in which a person produces celery, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and representatives for each position to be filled in his Group. This provision is deemed necessary as an appropriate safeguard for the protection of all producers participating in their respective meetings regardless of the size of an individual's operations.

Since the recommended term of office begins August 1, nomination meetings should be held prior to July 1 and nominations and related information sent to the Secretary by July 1. This will insure sufficient time for him to consider the nominations so that selection can be made prior to the beginning of each term of office.

As an additional safeguard to insure continuity should the Committee be unable to act, if the Committee does not submit nominees to the Secretary by that date, he should have authority to select Committee members and alternates without regard to nominations.

Each person selected by the Secretary should qualify by the positive action of filing with the Secretary a written acceptance of his willingness and intention to serve in his respective position. By doing so the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

If, for any reason, a member cannot attend a Committee meeting the order should provide for an alternate to act in the place and stead of the member during the member's temporary absence or in the event of the death, removal, resignation, or disqualification of the member. This will insure that all groups are adequately represented at Committee meetings and that the continuity of operation is not interrupted.

A one-year term seems reasonable and will allow the celery industry to express its approval or disapproval of the Committee membership at the end of any season and prior to the opening of a new season. So it is recommended that each Committee member and his respective alternate serve a one-year term of office beginning August 1 and ending the following July 31 or until their respective successors are selected and have qualified. August 1 is an appropriate beginning date because it is between the close of the spring season when shipments end and the beginning of shipments again in the fall.

The proponents testified a quorum of at least 12 members should be required for the transaction of business at an assembled meeting. This insures at least 80 percent of the eligible Committee voters being represented. They also felt that a decision of the Committee should require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote in order to reflect a representative and accurate cross section of industry thought and attitudes.

The proponents request authority for a procedure which will assure the proper and efficient operation of the Committee under any unusual circumstances where if neither the member nor the alternate for a particular Committee position is present the members attending should be empowered to designate by unanimous vote one of the other alternates from the same Group who is present to act in the place of the absent member.

In order to facilitate the transaction of routine, noncontroversial business where it would be expensive and unreasonable to call an assembled meeting at a central location, or in other instances, if rapid action is necessary because of an emergency the committee should be authorized to conduct meetings by telephone, telegraph or any other means of communication. Any votes cast by these methods should be recorded in the minutes of the meeting to provide a written record of how each member or his alternate voted.

The act provides (section 8c(7)(c)) for the selection by the Secretary of an agency and defines its specific powers. These powers should be delegated to the administrative agency, the Florida Celery Committee, because they are specified in the act for such an administrative agency and they are necessary for it to function properly under the marketing order.

The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the order. It should be recognized that these duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, its specified duties or the marketing order.

The Committee will incur necessary expenses such as travel, meals and hotel accommodations for which they should be reimbursed and the order should provide.

(c) Celery has been marketed from Florida production since the turn of the century. Several basic elements in the structure of the Florida celery industry show variations over a wide range during the past several decades.

Farmers' responses to prices received are significant. Numerous and varied supply and price considerations are related to the marketing of Florida celery. Supply estimates on any given day or period during a marketing season, when related to existing demand, work out to market prices at which the commodity is exchanged. These prices have a direct effect on growers' returns, their income, assets and credit.

Following the relatively attractive farm price for the 1957–58 season ($3.19 per crate), the following year planted acreage increased 14 percent, harvested acreage increased 17 percent, production of value, i.e. marketings, increased 20 percent, and season average price for 1958–59 dropped over 50 percent to $1.42 per crate.

The next season 1959–60, farmers responded with a decrease of 14 percent in planted acreage, a 15 percent decline in harvested acreage, but, with larger yields, an increase of 7 percent in marketings, which returned a relatively low season average price of $1.69 per crate.

Following two years of relatively unattractive farm price, growers responded with another decrease from the previous season, with planted acreage dropping 13 percent, harvested acreage declined 10 percent, but, with yields up again, marketings increased over the year before by 2 percent and farm price continued at the unattractive level of $1.71 per crate.

The United States Census of Agriculture statistics for Florida counties show 351 farms reporting 1,225 acres of celery in 1920. In 1930, 553 farms reported 5,420 acres, and in 1940, 281 farms reported 6,930 acres. During the World War II years, when farm prices for celery were relatively high, plantings increased. The 1945 agricultural census shows 320 Florida celery farms reporting 10,474 acres. By 1950, celery farms dropped to 165 with 9,589 acres. The post war decline continued, with the 1954 census showing 77 farms reporting 7,604 acres. The 1959 census shows 54 Florida celery farms reporting 13,419 acres in this crop.

By 1961–62 economic mortality among Florida celery growers left only 41 producers who qualified originally for base quantities under the State producer allotment program.

The hearing record shows that during the decade or more prior to adoption of the State marketing order, Florida celery growers met on numerous occasions, discussed and considered their economic plight. From these industry-wide discussions and searches into the causes of their marketing problems, the celery growers developed a marketing program. One important feature of this program was the development of annual allotments, attached to base quantities as related to prior marketings, which would determine the total amount of Florida celery which could be marketed in any season and the portion thereof to which each celery farmer has a right.

Florida celery growers' efforts to promote orderly marketing by establishing annual allotments in each of the past four seasons shows that the stabilization of marketable supplies which followed was accompanied also by more stable farm prices, at levels more attractive to growers, than in the preceding decade.

Florida celery producers, many with decades of experience in marketing their

commodity, have found that one of the most effective means of establishing and maintaining orderly marketing conditions for their commodity is to stabilize annual supplies. They also have found from experience that stabilization of annual supplies is one manner of regulation under a marketing order on which a majority consensus is feasible.

A number of knowledgable, experienced celery producers indicated that, in their judgment, marketable supplies, in the absence of annual allotments, would cause the return of unstable conditions similar to those prior to adoption of the State marketing order, with dire results, such as wide fluctuations in acreage, slumps in farm prices, increases in grower losses, continuing economic mortality among farmers, and a general disruption of marketing conditions in celery producing sections.

The industry's experience of the past quarter century or more, as shown in the hearing record, indicates these judgments by experienced celery producers are reasonable.

As Florida celery producers have lost authority for continuing annual allotments to producers under the State program, proponents now support development of an annual allotment to producer type of program under Federal authority, i.e., the act.

Hearing record evidence indicates proponents have pursued appropriate objectives, within the declared policies of the act, and the marketing order terms and provisions they support are within prescribed standards of the act.

Instability of annual supplies for marketing has had direct effect upon prices to celery farmers. Such direct effects disrupt orderly marketing and impair farmers' purchasing power and tend to destroy the value of agricultural assets in the Florida celery industry which support the national credit structure.

The objectives of the marketing order are appropriate and the authorization of annual allotments is a proper means, under the act, for establishing more orderly marketing conditions by stabilizing annual marketable supplies of Florida celery.

In administration of the marketing order, the Committee is given direct responsibility for making recommendations to the Secretary on the number of crates of celery which should be marketed during an ensuing season. To carry out such responsibilities effectively and equitably, and with due regard for the public interest, certain standards of operation and administration are prescribed in the marketing order. Such standards, which are deemed essential in the exercise of Federal authority authorized by the act and by the terms and conditions of the marketing order, relate to all the various elements which prudent, reasonable persons, such as experienced celery farmers, take into consideration in planning and managing their marketings of Florida celery. These standards relate, among other things, to time, season, supplies, demand, levels of consumer income, land, labor, capital, credit, past performance, productive capacity, marketing capabilities, and economic conditions affecting celery producers and the rest of the industry.

Celery farmers usually begin planning their operations for a subsequent season before completion of marketing in a current season. Seed bed requirements are related to prospective plantings, which in turn, are related to prospective marketings. Under annual allotments, producers first look to how much they can market, then plan seed beds and other production needs accordingly. Uncontrollable contingencies, such as weather, are recognized, with experience indicating to producers the prudent margins necessary to cover risks of this type.

Seed bed preparation usually begins in June. A committee meeting by no later than June 15 to consider marketing policy for the ensuing season should therefore coordinate in time with producers management and planning. The standards for committee consideration, as set forth in the marketing order, are related to economic considerations directly affecting the marketing outlook for Florida celery. They are deemed relative, prudent, reasonable, and adequate for developing industry consensus and a sound basis for committee recommendations.

Celery producers and handlers review their plans and management considerations as the season progresses and as it approaches the opening of the marketing period. Proponents have found from experience such a review of plans is prudent not only for individual producers, but also for an industry committee. The standard of administration which requires the committee to review its recommendations by November 1 of each year is determined to be proper and reasonable and such requirement should be set forth in the terms and conditions of the marketing order.

Although the above-described time schedule will be appropriate for each succeeding season, it must be modified for the first year of operation for the order to be made effective for the crop year 1965–66. Therefore, the order should provide that the marketing policy for the initial 1965–66 marketing season, together with the committee's recommendation as to a Marketable Quantity for that season, should be recommended and acted upon as soon as practicable after the committee has been organized.

As shown in other findings and conclusions set forth in this decision, there is a pressing need for volume control as outlined in this decision and marketing order. Witnesses representing a substantial majority of Florida celery farmers testified, and it is so found, as to the immediate need for such a marketing order to promote and maintain orderly marketing conditions for the 1965–66 season as well as the succeeding seasons. The record also shows that orderly marketing of celery during the past four years has been aided by State regulation which is no longer available. Continuity of appropriate quantity regulations should be provided to establish and maintain such orderly marketing conditions which will help effectuate the declared policies of the act and which affect the national public interest. Unlimited marketings of celery during the 1965–66 marketing season would contribute to a surplus celery situation with resulting low returns to producers contrary to the declared policy of the act. Accordingly, it is desirable and necessary for the marketing order to provide for appropriate and effective regulation in the 1965–66 marketing season as well as subsequent seasons.

As previously found, farm prices of Florida celery react to quantities marketed during any period and such responses tend to vary inversely with amounts offered.

The Florida celery industry has shown by experience that total quantity limitations for a season provide an effective and an acceptable means of establishing and maintaining a more reasonable balance between supplies and acceptable prices than the industry can maintain without such limitations.

The standards for committee considerations and recommendations on marketing policy for any season, or portion thereof, have been determined to be reasonable. The committee's recommendations, with reasons therefor, based on such standards, will be made available to the Secretary.

In addition, the Secretary will have available other information, such as up-to-date crop, shipping point, terminal, shipments, arrivals, track holdings, unloads, prices, weather, and other related market information to provide guidelines for determining the reasonableness of such recommendations and their prospects for establishing and maintaining orderly marketing conditions as will tend to establish parity prices for Florida celery. Protection of the interest of the consumer, in accordance with requirements of the act, is an additional guideline which the Secretary is obligated to follow.

These standards and guidelines are well known to the industry and to persons to whom authority is delegated by the marketing order. Administration of such marketing order can be accomplished within such standards, which are determined to be reasonable.

It is concluded that the authority of the Secretary, to establish the Marketable Quantity which handlers may handle as first handlers thereof during a season, is proper exercise of authority granted by the act. Further, the terms and conditions of the marketing order, as hereinafter set forth, are an appropriate means of exercising such authority. Such authority to establish such total Marketable Quantity of celery should necessarily include authority to revise a previously established Marketable Quantity.

Whenever the total amount of harvested celery which may be purchased from producers or otherwise handled during any period has been established, by the Secretary, such total quantity must then be apportioned equitably among producers in accordance with methods and standards authorized by the act. It authorizes more than one method of allotting the amount of a commodity

which each handler may market. The equitable apportionment among producers of the total Marketable Quantity may be based, under the act, upon the amounts sold by such producers of the commodity in a representative prior period.

The Florida celery industry developed stability of supplies and improved marketing conditions for their crop during the past several seasons under their State marketing order for this commodity. Producers' and handlers' testimony at the hearing gave much credit to their organized program for the resulting stability and improved marketing. Most of these producers were engaged in production and marketing of Florida celery for several years or more. Their attitudes on celery marketing and their judgments on the effects of organized efforts reflect marketing conditions both preceding their State marketing order and during its operation. It is found from the record that apportionment of each producer's equity in the total Marketable Allotment on the basis of each such person's sales of celery in a prior period was an important feature in helping to bring about stability in supplies and in marketing conditions.

The considerations involved in determining a producer's Base Quantity are particularly important both to the individual producer and to all other producers. Vagaries of weather and difficult management problems may and often do result in growers selling less celery in some years than in others from approximately the same production setup. These variations may affect some growers more than others in a particular season. Proponents testified that it was in the best interest of all producers, and it was the best method of promoting and preserving equitable apportionment among them, to provide for choice of the highest production during alternative portions of the representative period.

The plan was supported as both simple and practical. By granting a producer who had produced the past four seasons the highest production during these years, such producer would thereby obtain his most advantageous position during the period of stable operations. By allowing an alternative, the granting of Base Quantities on the average of the two best out of the seven years, growers who may have operated in the earlier period rather than later also would be given the most advantageous position in relation to other producers. The data for such producers are generally available and examples of the relative positions among producers which would thereby result were presented in evidence. From these facts it is found that the alternatives allowed are both practical and reasonable.

Record evidence shows sales by all known producers for each of the past seven seasons constituting the representative period. The grower list on which this is based represents extensive, thorough efforts by the State marketing order personnel to obtain full and complete records during the several years of State program operations and for the earlier base period used for that program. Officials for the State program attested the list as the most complete that could be made under the favorable circumstances of concerted efforts by administrative personnel and attractive reasons for interested producers to make their records available. Although two or three persons may have produced celery during this representative period who have not responded to inquiries or invitations to submit data, they would represent at most only a fraction of a percent of Base Quantities. Also, evidence shows that any such persons have not sold celery during the past four seasons and there is no evidence that they are known to be celery producers.

A preponderant majority of Florida celery producers and handlers, as shown by hearing record evidence, subscribes to the method that producers' sales in a prior representative period is the most equitable basis for apportionment of the total quantity of celery which may be purchased from or handled on behalf of any or all such producers. Their position on the most appropriate method for allotting the amount of celery which each handler may purchase from or handle on behalf of any or all producers thereof is the result of a number of years' considerations, discussions, and settled judgments by these men whose livelihood is tied in directly and intimately with marketing the crop and the industry's welfare.

The same method in principle was used under the State marketing program for apportioning producer and handler equities in the total Marketable Quantity for each of the past four seasons. This method of establishing a uniform rule for the amounts sold by such producers in a prior period as set forth in the marketing order is determined to be acceptable, reasonable, and within authorization of the act.

The act also authorizes allotments to handlers on the basis of the amounts sold by producers thereof during a prior representative period or upon the current quantities available for sale by producers, or by both standards. Either or both standards may be used under the terms and provisions of the marketing order for establishing rules for a reserve and distribution of such reserve for adjustment of existing Base Quantities or for new Base Quantities.

A Base Quantity establishes a producer's basis for apportionment to him of his share in the Marketable Quantity for a season. Some producers may wish to transfer Base Quantities. If land, equipment, or other factors involved in producing celery for market may be shifted by loan, sale, bequest, or in any other manner, provisions are essential in the terms and provisions of the marketing order for transferring Base Quantities along the same general lines. In the same category, if any person has a Base Quantity, but does not use his equitable apportionment of the Marketable Quantity for one or more seasons, when other present or potential producers for market wish to and are capable of doing so, their Base Quantity should be reviewed with a view to determining that, in consideration of equity to all producers, such Base Quantity is no longer valid due to lack of use. Upon consideration of pertinent factors affecting equitable considerations to all producers, such unused Base Quantities may be canceled.

The record also shows that there may be producers presently operating who have no history of production or sales in the base period or who may have made firm commitments for additional production since the close of the base period thus making their base history not reasonably representative of current operations. It is concluded that, as a matter of equity, provision should be made for the assignment or adjustment of Base Quantities to persons who, prior to the issuance of the recommended decision, had made firm commitments of a substantial nature, including actual transplanting of celery, to recognize such equities. It would, however, be inequitable and inappropriate to recognize any further expansion made after the date of such decision. To do so would encourage expansion and production of additional surplus solely because of the imminence of this regulatory program, contrary to the objectives of the order and the policy of the act. Accordingly, provisions should be made in the order for the establishment or adjustment of bases in such circumstances, in accordance with rules and regulations to be issued as soon as practicable. Such rules should recognize factors pertinent to the establishment or adjustment of equitable Base Quantities for persons so situated, including quantities of celery actually in the field at the date of the recommended decision, the possible marketable yield thereof, and other standards relating to land, operating capital, equipment, labor, management ability, sales outlets, and other criteria which experienced, reasonable celery producers would follow in setting up their plans for production, limited, however, to reflect firm and substantial commitments for actual celery production as of the date of the recommended decision.

It is further determined to be reasonable and essential to administration of the marketing order to provide for a Base Quantity reserve as a policy matter to help take care of necessary adjustments among existing producers or to establish new Base Quantities.

Producers who may have uneconomic production units or, who by reason of special circumstances have been adversely affected in their past marketing operations, may not have an equitable apportionment of the Marketable Quantity. The hearing record supports inclusion of this equitable provision. It is determined to be a proper method for establishing equitable apportionment of Base Quantities for new producers and of adjustments in existing Base Quantities. It is also determined to be reasonable and essential to administration of the marketing order. The reserve may be made up of unused or canceled Base Quantities, of deductions from all

Base Quantities, or of additions thereto based upon demand conditions.* If demand for celery should increase sufficiently in later seasons so that current producers then were unable to produce adequate celery to meet recommended Marketable Quantities without excessive increases in Marketable Allotments above Base Quantities, the rules should provide for consideration of apportionment of such Marketable Allotments among new producers.

The standards and guidelines set forth in the marketing order for obtaining, retaining, and transferring of Base Quantities and Marketing Allotments, and for administration of the Base Quantity reserve were covered in depth at the hearing. Open informal hearings by the committee would help insure equitable treatment both for an applicant and for other producers. The factors enumerated in the terms of the marketing order are directly related to each producer's capacity to produce celery for market. On the evidence thereon, such standards are determined to be proper and adequate for administration of the marketing order.

The requirement that the committee should notify each applicant for a Base Quantity, or adjustment therein of its determinations thereon is reasonable and proper for marketing order administration. The review of committee determinations by the Secretary is essential to assure protection of rights of individual producers, the interest of the consumer, and the public interest.

Administrative procedures and standards for establishing volume operations in any seasons under the marketing order are (1) committee recommendations for and establishment by the Secretary of the total Marketable Quantity of celery; (2) determination of a Base Quantity for each producer and of total Base Quantities for all producers; (3) computation of a Uniform Percentage which the Marketable Quantity is of total Base Quantities, and (4) application of such Uniform Percentage to each producer's Base Quantity to determine in crates his Marketable Allotment for the season.

Administration of the marketing order is facilitated by computation of the Uniform Percentage. This provides a readily available and easily understood expression of the ratio of total Marketable Allotment to total Base Quantities. Each producer thereby has a ratio or percentage figure for use in planning his production for market. Each producer's Marketable Allotment becomes readily ascertainable by multiplying his Base Quantity by the Uniform Percentage, the resulting number of crates thereby becomes his Marketable Allotment.

Each producer's celery marketings may then be apportioned within his Marketable Allotment by limiting for the season the first handling of his celery to such an amount. Each producer is thereby provided with an equitable apportionment of the Marketable Quantity under a uniform rule.

The method determined appropriate for establishing each producer's equitable apportionment of total allotments is through each such producer's Marketable Allotment.

A base quantity of 37,500 crates is considered to be a practical minimum for developing or maintaining an acceptable farming unit in this commodity. As an equitable consideration for relatively small producers, those persons with Base Quantities of 37,500 crates or less are to be exempted from calculations of the Uniform Percentage. This provision not only meets with approval of the larger growers (those with more than this amount), but also it is actively supported by them. They consider it is an appropriate, equitable consideration for smaller growers. The terms and provisions of the marketing order providing for the exception of Base Quantities of 37,500 crates or less in calculation of Uniform Percentages, and the establishment in the order that Uniform Percentages for such small growers may not be less than 100 percent during any season are found to be reasonable and equitable in administration of the marketing order.

Each handler is responsible for putting celery in channels of commerce within the production area or between the production area and any point outside thereof. The responsibility for and burden of compliance is on handlers.

The requirement that no handler may first handle harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity provides an appropriate, an administratively feasible, and an effective method for allotting the amount of celery which each handler may purchase from or handle on behalf of any or all producers thereof.

To assist in the administration and effective enforcement of the marketing order each producer who is given a Marketable Allotment must determine which handler or handlers will handle all or portions of his marketable celery. The requirement that each such producer shall notify the committee of the handler or handlers who will handle it for him and that the committee advise such handlers of the applicable quantities involved is found from hearing record evidence to be both a necessary and a reasonable administrative requirement.

In the same manner, the administrative requirement is both reasonable and necessary that no handler may handle any harvested celery unless (in addition to it being within a Marketable Allotment of a producer) the producer thereof authorized the first handler to purchase it or handle it on his behalf. Only through such evidence and identification of harvested celery could the committee determine if the handling of the commodity is in compliance with regulatory requirements.

If and when marketing conditions arise which make it appropriate that the Marketable Quantity should have no limitations, it is determined fit and proper that each producer's Marketable Allotment should also be without limitations.

(d) In order to properly carry out its duties under the order, the committee must necessarily have some outlays such as expenses for postage, office rent, professional and clerical help.

The act specifically authorizes the Secretary to approve the incurring of such expenses by the committee and also requires that the order contains provisions requiring handlers to pay their pro rata shares of the necessary expenses because they are the ones being regulated. It is necessary that responsibility for the payment of the assessment on each lot of celery be fixed and since it is not uncommon in Florida for several handlers to be involved in the shipment of a single load of harvested celery it is logical to impose such liability on the first handler to avoid multiple assessments on a lot of celery and so that there will be no doubt as to who must pay the assessment. A first handler for this purpose should be the one who first performs a handling function with respect to a particular quantity of harvested celery. In practice, it would apply to the handler who makes the first sale of harvested celery or loads celery on board a vehicle for transportation placing it in the current of commerce. It also includes the producer who performs the function of a handler. In order to assure continuance of the committee and its functions, this payment of assessments should be permitted to be required irrespective of whether particular provisions of the order are suspended or become inoperative.

Assessment rates for a fiscal period should be recommended by the Committee and applied on a uniform basis by the Secretary to a specific shipping unit such as a crate.

The Committee, in order to operate in an efficient, prudent and businesslike manner, needs to anticipate reasonably necessary expenses. They must then estimate the total assessable shipments for that fiscal period. From this the assessment rate can be figured so that each handler is paying his fair share and there is enough income to cover necessary expenses. They should prepare this budget at the beginning of each fiscal period and present it to the Secretary with an analysis and explanation of its components.

Common and prudent business practices call for maintenance of books and records clearly reflecting true up-to-date operations, so that Committee administration might be subject to inspection by appropriate parties during regular hours of business.

Good business management dictates providing for unforeseen contingencies. A severe freeze or other factors affecting production might result in total or partial crop failure and greatly reduced revenue during a fiscal period. It will be appropriate that funds remaining at the end of a fiscal period be carried over into subsequent fiscal periods as a reserve. Such a reserve would be used to pay liquidation expenses in the event the order was terminated. It might also be used at the beginning of a fiscal period to meet the need for operating funds

when there will be little, if any, revenues from assessments. This reserve should be limited to no more than the budgeted expenses of the Committee for one fiscal year. Any additional funds should be credited to contributing handlers respectively against the operations for the following fiscal period, unless payment is demanded, in which event proportionate refunds should be paid. Any funds remaining after liquidation should be refunded to handlers on a pro rata basis.

(e) The committee should have information and data necessary for calculating Base Quantities, Marketable Quantity, Marketable Allotments, modifications thereof, and for checking on compliance with regulations by producers and handlers. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have authority, with approval of the Secretary, to obtain such reports and information from producers and handlers as necessary to enable it to exercise its powers and perform its duties. Such information may include, but not be limited to, that requested on reports included in Exhibit 25, which the producers and handlers are now customarily submitting under the State order. For these reasons reports requested by the committee should be submitted in such manner and at such times as it may designate. Such reporting procedures should accord with the needs and requirements of the committee because changing conditions may warrant revision in the forms, methods of reporting and timing of such reports.

Harvested celery may be marketed in crates or in cartons. It is common practice to market celery hearts in cartons or in other acceptable containers. Celery hearts, as the name implies, refers to celery stalks from which the outer limbs have been stripped leaving the inner center limbs or hearts. Reports on sales of celery under Marketable Allotments have been reported in terms of standard crates, or in crates of hearts, or in cartons. Standard conversion factors are used by the industry to convert reports of sales of these units to standard crates. Similar methods of reporting should be provided for in the terms and provisions of the marketing order.

Since it is possible that questions may arise with respect to compliance with the order, each handler and producer should maintain complete records of his celery transactions for a period of not less than one year after the end of that marketing season.

Also provisions should be made to permit audits by the Secretary or committee management of each handler's and producer's pertinent records during reasonable business hours to resolve questions of program compliance, and to determine the accuracy of reports submitted.

To protect each handler or producer against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that any reports containing such information shall be treated as confidential, held under appropriate protective custody and disclosed to no person other than the Secretary. Reports on such data may be compiled as long as they do not disclose an individual handler's or producer's operations.

(f) The provisions of § ____.50 through § ____.63, as published in the FEDERAL REGISTER of July 9, 1965 (30 F.R. 8687), are common to marketing agreements and orders now operating. Such sections set forth certain rights, obligations, privileges or procedures which are necessary and appropriate for the effective operation of the order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order and the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing order.

*Rulings on briefs of interested parties.* At the conclusion of the hearing the Presiding Officer fixed midnight of September 5, 1965, as the deadline for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom.

Briefs were filed by the following: M. W. Wells on behalf of Florida Fresh Produce Exchange; and Joseph C. Jacobs and Kenneth M. Leffler on behalf of R. E. Watson, Lauren R. Johnson, Jack Taylor, Daniel Debruyne and Harold H. Kastner.

Every point in the briefs was carefully considered along with record evidence in making the findings and reaching the conclusions set forth. To the extent that the findings and conclusions proposed in the briefs were inconsistent with the findings and conclusions, requests to make such findings or to reach such conclusions were denied on the basis of facts found and stated in connection with the recommended decision.

*General findings.* Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of celery grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of celery grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Celery Grown in Florida" and "Order Regulating the Handling of Celery Grown in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Referendum order.* Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1964, through July 31, 1965 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in Florida in the production of celery for market to ascertain whether such producers favor the issuance of the said annexed order regulating the handling of celery.

M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the annexed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agent.

*It is hereby ordered,* That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: October 25, 1965.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order*[1] *Regulating the Handling of Celery Grown in Florida*

§ ____.0 **Findings and determinations.**

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., July 28–30, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of celery grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of celery grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of celery grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of celery grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is therefore ordered*, That, on and after the effective date hereof, all handling of celery grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ ____.1 **Secretary.**

"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.

§ ____.2 **Act.**

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, as amended, 7 U.S.C. 601–674).

§ ____.3 **Person.**

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

§ ____.4 **Celery.**

"Celery" means all varieties and types of celery, *apium graveolens*, grown in the production area.

§ ____.5 **Production area.**

"Production area" means all territory in the State of Florida.

§ ____.6 **Producer.**

"Producer" means any person engaged in a proprietary capacity in the production of celery.

§ ____.7 **Handler.**

"Handler" means any person (except a common or contract carrier of celery owned by another person) who handles harvested celery on behalf of a producer or on his own behalf.

§ ____.8 **Handle.**

"Handle" means to purchase harvested celery from a producer or to sell or transport harvested celery within the production area or between the production area and any point outside thereof.

§ ____.9 **Marketing year, fiscal year or season.**

"Marketing year," "fiscal year" or "season" means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

§ ____.10 **Committee.**

"Committee" means the Florida Celery Committee established pursuant to § ____.25 of this part.

§ ____.11 **Crate.**

"Crate" means celery crate No. 3601 or its equivalent.

§ ____.12 **Base Quantity.**

"Base Quantity" means the number of crates of harvested celery determined by the committee pursuant to § ____.37 for a producer.

§ ____.13 **Marketable Quantity.**

"Marketable Quantity" means the total amount of celery which should be handled in a current season.

§ ____.14 **Marketable Allotment.**

"Marketable Allotment" means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

§ ____.15 **Uniform Percentage.**

"Uniform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities as provided in § ____.38.

FLORIDA CELERY COMMITTEE

§ ____.25 **Establishment and membership.**

A Florida Celery Committee consisting of 15 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part.

§ ____.26 **Eligibility.**

Each member and alternate of the committee shall be, at the time of his selection and during his term of office, a producer, or an employee of a producer, a handler, or an employee of a handler, in the group for which selected.

§ ____.27 **Nominations.**

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each group, as provided in paragraph (d) of this section, may nominate persons for each member and alternate position in their respective group.

(b) (1) Nominations for the initial committee may be presented to the Secretary by any agency or group. Such nominations shall be accompanied by information on the manner and time of nominations, and the respective group from which each nominee is to be selected.

(2) For succeeding committees, a meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

*Group 1—South Florida District:* Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach Counties—five (5) members and their alternates.

*Group 2—Central Florida District:* Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.

*Group 3—West Coast-North Florida District:* All the counties not embraced in Groups 1 and 2—two (2) members and their alternates.

*Group 4*—The producer or producers whose celery was handled by the handler who handled in the previous or current season, whichever is applicable, the second largest volume of celery—two (2) members and their alternates.

*Group 5*—The producer or producers whose celery was handled by the handler who han-

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

died in the previous or current season, whichever is applicable, the largest volume of celery—three (3) members and their alternates.

(e) Each producer is entitled to cast only one vote for each position in the group wherein he produced celery for market in the current season and possesses a Base Quantity. If a producer has so qualified in more than one group, he may elect the group in which he shall vote but he can vote for nominees in only one group. Any producer in Group 4 or Group 5 shall not be entitled to vote for nominees in other groups.

§ ____.28 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ ____.29 Procedure.

(a) At an assembled meeting all votes shall be cast in person and twelve (12) members (including alternates acting for absent members) of the committee shall constitute a quorum. Decision of the committee shall require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote.

(b) If both a member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate present from the same group to serve in the place of the member.

(c) The committee may provide for meeting by telephone, telegraph, or any other means of communication. All votes shall be recorded in the minutes of each meeting so as to reflect how each member or alternate voted.

§ ____.30 Powers.

The committee shall have the following powers:

(a) To administer this sub-part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this sub-part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this sub-part.

§ ____.31 Duties.

The committees shall have, among others, the following duties:

(a) To select from among its members and alternates such officers and subcommittees, and to adopt such rules or bylaws for the conduct of its business as it deems necessary;

(b) To employ necessary personnel, including professional and technical services, fix their compensation and terms of employment;

(c) To keep minutes, books and records which will reflect all the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the offices of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request; to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling, and marketing conditions with respect to celery;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members;

(k) To investigate compliance and use means available to prevent violations of the provisions of this part; and

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ ____.32 Selection and term of office.

(a) *Selection.* The committee shall be selected by the Secretary from nominees submitted by the committee, or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of each committee member and alternate shall be for a period of one year beginning August 1 and ending the following July 31. Committee members and alternates shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ ____.33 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee member or alternate shall be recognized by the committee by certifying to the Secretary a successor for the unexpired term unless a selection is deemed unnecessary by the Secretary.

§ ____.34 Expenses.

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

VOLUME LIMITATIONS

§ ____.35 Marketing policy.

(a) As soon as practical, but no later than June 15 of each year, the committee shall meet, consider, and adopt a marketing policy for the ensuing marketing season. Committee considerations shall include probable celery acreage, celery production within the production area and in competing areas, the quantity of celery which should be made available for market during the ensuing season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations, the committee may recommend to the Secretary a Marketable Quantity for the ensuing season.

(b) Prior to November 1 of each year, the committee shall review the marketing policy and as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity. Notice of the initial marketing policy for a marketing season and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

(c) For the season in which this marketing order becomes effective, the marketing policy may be adopted and the Marketable Quantity may be recommended for the current season as soon as practical after the organization of the committee.

§ ____.36 Marketable Quantity.

(a) Whenever the committee recommends and the Secretary finds on the basis of such recommendations or other information, that limiting the total quantity of celery to be handled during a marketing season, or revising a Marketable Quantity previously established, would tend to effectuate the declared policy of the act, he shall establish the Marketable Quantity which handlers may handle as first handlers for such season, or revise a previously established Marketable Quantity.

(b) When a Marketable Quantity is established for any season, no handler may handle any harvested celery during such season unless (1) it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § ____.38, and (2) such producer authorized the first handler thereof to purchase or otherwise handle it.

§ ____.37 Base Quantities.

(a) Upon the request of the committee, after the effective date of this marketing order, each producer of celery shall register with the committee and furnish to it a report of the number of crates of harvested celery sold by him or on his behalf, broken down by crates, handlers and seasons for the seven (7) seasons, 1958–59 through 1964–65.

(b) A Base Quantity for each registered producer shall be determined by selecting (1) the greatest number of crates of harvested celery sold by him or on his behalf during one of the four seasons, 1961–62 through 1964–65, or (2) the average of the greatest number of

crates of celery sold by him or on his behalf during any two of the seven seasons, 1958–59 through 1964–65. A Base Quantity shall be issued by the committee denoting this amount. In the case of producers who prior to September 30, 1965, had made firm and substantial commitments for the production of celery and were actually engaged in the production thereof but who have no Base Quantities as determined on base period sales or whose Base Quantities based on such sales clearly are not representative of such commitments, the committee shall, by rules approved by the Secretary, provide for the assignment or adjustment of Base Quantities to such producers consistent with such commitments and as will be equitable to all producers.

(c) The committee may recommend rules pertaining to producers who wish to obtain, hold, or transfer Base Quantities or Marketable Allotments. Such rules shall be subject to approval of the Secretary and may require producers to file reports and information with respect thereto, including but not limited to quantities marketed in the representative period, their qualifications as producers, as well as particulars on sale and handling of celery as a result of any Base Quantities or Marketable Allotments that may be issued to them.

(d) (1) Each marketing season the committee, with approval of the Secretary, may set aside a reserve for persons who request an increase in their Base Quantities or who have no Base Quantity.

(2) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent by the committee.

(3) Each person filing an application hereunder for adjustment in or a new Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § ____.38(c) shall then apply.

**§ ____.38 Marketable Allotments.**

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers. The result shall be the Uniform Percentage for any given season unless changed by a revised Marketable Quantity.

(b) The Marketable Allotment for each producer shall be established by the committee by multiplying his Base Quantity by the appropriate Uniform Percentage. The resulting amount shall be his Marketable Allotment for a season. The committee shall notify each producer of his allotment.

(c) After a producer has been notified of his Marketable Allotment, he shall, in turn, notify the committee, on forms furnished by it, the handler or handlers who will first handle all or a portion of his Marketable Allotment for the ensuing season, as well as the number of crates each such handler will so handle. This information shall be sent by the committee to the respective handlers.

(d) If the committee recommends and the Secretary approves, that no season's Marketable Quantity be established, the Marketable Allotment of each producer shall be unlimited.

(e) The Base Quantities of all producers whose Base Quantities are 37,500 crates or less shall be eliminated from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ ____.38(a)). The Uniform Percentage for such producers will always be 100 percent except when the Uniform Percentage calculated in this section (§ ____.38(a)) exceeds 100 percent in which event the higher percent shall be used.

**§ ____.39 Transfers.**

(a) Producers' Base Quantities or Marketable Allotments, or both, may be transferred upon appropriate requests therefor, pursuant to § ____.37 and upon approval of the committee.

(b) Any producer with a Base Quantity may request a transfer of all or a portion of his Base Quantity for a specified period of time.

(c) Any producer with a Marketable Allotment may request a transfer of all or a portion of his Marketable Allotment during a current season.

(d) Producers must advise the committee, prior to final approval of a transfer, that a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (c) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount they may handle as first handlers thereof for the current season, based upon the number of crates involved in the transfer, as well as issue revised Marketable Allotments to the producers involved.

EXPENSES AND ASSESSMENTS

**§ ____.40 Expenses.**

The commitee may incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning, and for such other purposes as the Secretary determines appropriate under this part. To assist the Secretary, the committee shall submit a budget of expenses and prospective revenue to him for each season, with explanations therefor, and recommendations as to the rate of assessment for such fiscal year.

**§ ____.41 Assessments and requirements for payment.**

Each first handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per unit fixed by the Secretary times the total assessable units of celery which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses and assessments for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

**§ ____.42 Accounting.**

At the end of a fiscal year, funds in excess of such year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § ____.40. Funds in excess of those necessary to pay expenses and those placed in the operating reserve shall be refunded pro rata to handlers from whom such funds were collected.

REPORTS AND RECORDS

**§ ____.45 Reports.**

Upon request of the committee, with the approval of the Secretary, each producer and handler shall furnish to the committee such reports and information as may be necessary to enable it to exercise its powers and perform its duties under this part. Such reports may include, but are not necessarily limited to the following:

(a) Reports by any or all handlers on the number of crates of harvested celery purchased from or handled on behalf of any or all producers during any prior or current season;

(b) Reports by any or all producers on the number of crates of harvested celery sold by such producers during any prior or current season or the current quantities available for sale by such producers;

(c) Reports by any or all producers on the number of crates of harvested celery sold to or through any or all handlers during any prior or current period.

**§ ____.46 Records.**

Each producer and handler shall maintain and make available upon request, such records pertaining to celery handled by him as will substantiate the reports required by the committee. All such records shall be maintained for not less than one year after the termination of the marketing season to which such records relate.

§ ____.47 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports of producers and handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where celery is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

§ ____.48 Confidential information.

All reports, data, or information obtained by the committee constituting a trade secret or disclosing the trade position, financial condition, or business operations of particular producers or handlers shall be kept in the custody and under the control of one or more committee employees and shall be treated as confidential. Compilations of general reports from data submitted by producers or handlers are authorized, subject to prohibition of disclosure of individual producers' or handlers' identities or operations.

MISCELLANEOUS PROVISIONS

§ ____.50 Compliance.

No person may handle celery except in conformity with the provisions of this part.

§ ____.51 Right of the Secretary.

The members and alternates of the committee and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ____.52 Derogation.

Nothing in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ____.53 Agents.

The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ ____.54 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § ____.55.

§ ____.55 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ ____.56 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in possession of, or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § ____.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ ____.57 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, 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 part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ ____.58 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

§ ____.59 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ ____.60 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

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

[F.R. Doc. 65-11598; Filed, Oct. 27, 1965; 8:51 a.m.]

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## [ 7 CFR Parts 1008, 1009 ]

[Docket No. AO-268-A8]

## MILK IN GREATER WHEELING AND CLARKSBURG, W. VA., MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wheeling, W. Va., on July 19, 1965, pursuant to notice thereof issued on July 8, 1965 (30 F.R. 8855).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on September 28, 1965 (30 F.R. 12539; F.R.

Doc. 65-10477), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 12539; F.R. Doc. 65-10477) are hereby approved and adopted and are set forth in full herein.

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

1. Revising the Class I price differentials;
2. The Class II price;
3. Providing a Class II classification for certain designated outlets;
4. Pooling requirements for supply plants;
5. Dates for announcing Class I prices and filing monthly reports; and
6. Clarifying order language.

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

1. *Revising the Class I price differential.* No change should be made in the annual level of the Greater Wheeling or Clarksburg Class I price differentials. However, the Class I price differential for each order, which is now 46 cents higher in August through March than in April through July, should be the same for each month of the year.

The annual average Class I differentials in the present Greater Wheeling and Clarksburg orders are $1.73 and $1.98, respectively. The Greater Wheeling differential is $1.88 for August through March and $1.42 in April through July. The Clarksburg monthly differential is $2.13 in the August-March period and $1.67 in other months.

Both producers and handlers made various proposals to revise the Class I differentials. The producer proposals would increase the present level of Class I differentials by 2 cents under both the orders. Handlers' proposals would reduce the Clarksburg Class I differential 25 cents. Both producers and handlers proposed replacing seasonal Class I differentials with uniform Class I differentials throughout the year. All testimony on Class I differentials favored this latter proposal.

With the advent of new and better highways, improved and larger transportation equipment, better refrigeration facilities for storing and moving milk, and the consolidation of processing and packaging operations in highly automated plants, Greater Wheeling and Clarksburg handlers are increasingly being subjected to competition for Class I sales by handlers under nearby Federal orders. The changes in transportation, refrigeration and processing also permit multiple plant handlers under the orders to consolidate their operations into one plant.

Handlers regulated by the Northeastern Ohio, Columbus, Greater Youngstown-Warren, Tri-State, and Clarksburg orders have Class I distribution in the Greater Wheeling marketing area. Tri-State and Greater Wheeling order handlers have distribution in the Clarksburg marketing area. In addition, Greater Wheeling and Clarksburg handlers compete with handlers regulated by these various orders outside their respective marketing areas.

The Greater Wheeling and Clarksburg Class I differentials in August through March are 46 cents more than in other months and 15 cents greater than the average for the year. In the nearby Columbus and Tri-State order markets, the monthly Class I differentials are unchanged throughout the year.

Producers claim that the wide seasonal price differentials under the Greater Wheeling and Clarksburg orders cause the loss of Class I sales by the producers to milk priced under other orders. Moreover, they claim that such sales once lost are too frequently never recovered. Both producers and handlers, in support of their position for a uniform Class I differential, contend that it will enable local handlers to compete more effectively throughout the year in their common sales areas with handlers regulated under other orders.

The supply of milk for the Clarksburg market relative to its Class I requirements does not warrant reducing the annual level of the Class I differentials at this time. (There was no proposal at the hearing to lower the Wheeling Class I differential.) Of the 154 million pounds of producer milk priced under the Clarksburg order in the 24 months ending June 30, 1965, 129 million pounds (84 percent) was Class I. The lowest monthly Class I utilization in this two-year period was 70 percent in May 1965 and the highest 91 percent in October 1964. However, if the present level of Class I prices obtains significantly increased supplies for the market, a reduction in the level of Class I prices would be obtained by action of the supply-demand provisions of the order.

Although producers requested a two-cent increase in the Class I price differentials under the Greater Wheeling and Clarksburg orders, it was not shown that such increase is justified by supply-demand conditions in the two markets or is otherwise warranted under current conditions. Moreover, as set forth above, Greater Wheeling and Clarksburg handlers are increasingly being subjected to competition for Class I sales by other order handlers. Increasing Class I differentials at this time could tend to disadvantage Greater Wheeling and Clarksburg handlers in competing with these other order handlers.

Presently, the Clarksburg Class I price may not exceed the Greater Wheeling Class I price for the same month by more than 35 cents or be less than such price plus 15 cents. In addition to competition from the Greater Wheeling market, there is also route distribution in the Clarksburg market from a Marietta, Ohio, plant regulated under the Tri-State order and subject to the Athens district Class I price of that order. Wheeling and Marietta are 90 and 75 miles, respectively, from Clarksburg. The Marietta handler recently expanded substantially his Class I outlets in the Clarksburg market.

The growing competition between Clarksburg and Tri-State handlers requires that unduly disparate monthly Class I prices in the two markets be avoided. A constructive step in this regard is to use the Tri-State Class I price for the Athens district with the Greater Wheeling Class I price in establishing limits for the Clarksburg Class I price. This would be accomplished by providing that the Clarksburg Class I price shall not be above the average of the Tri-State Athens district and the Greater Wheeling order Class I prices for the same month by more than 35 cents or be less than such average price plus 15 cents.

2. *The Class II price.* The Class II price should be established at the level of the basic formula price, but not in excess of the price resulting from a butter-nonfat dry milk formula plus 10 cents. For the year ending June 30, 1965, this would have obtained an average Class II price of $3.17; the actual Class II price under the Greater Wheeling and Clarksburg orders in the same twelve months averaged $3.15.

The basic formula price for the Greater Wheeling and Clarksburg orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the United States Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is the basic formula used in most Federal orders for determining Class I prices, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Greater Wheeling and Clarksburg orders is now the highest of: (1) A formula price based on the market prices of butter and nonfat dry milk, (2) the average reported paying prices of a limited number of milk manufacturing plants in Wisconsin and Michigan (Midwest condensery price), and (3) a formula price based on the market prices for butter and cheddar cheese.

In none of the 30 months from January 1963 through June 1965 was the Class II price the formula price based on butter and cheddar cheese prices. The butter-nonfat dry milk formula was the Class II price in 10 months and the Midwest condensery price was the Class II price in the remaining 20 months.

The Midwest condensery price is not now as representative a price of manufacturing grade milk as it was when first incorporated into the order. Originally, the Midwest condensery price was based on the reported paying prices of 18 plants in Wisconsin and Michigan. The number of such plants has now dwindled to six and these are operated by four firms. Because of the relatively few plants now included in the Midwest condensery series, it would not be practicable to continue to rely on this series as an accurate measure of manufacturing milk values.

Producers proposed that prices paid at manufacturing plants in Wisconsin and Minnesota be used in establishing the Class II prices under the Greater Wheel-

ing and Clarksburg orders. Several handlers, although supporting the use of the average price in the two-State area in determining Class II prices, proposed further that this price be limited to no more than 10 cents over a butter-nonfat dry milk price formula. This latter formula is used for the same purpose in a number of Federal orders, including the nearby Northeastern Ohio and Columbus orders. Utilizing it in the Greater Wheeling and Clarksburg orders will tend to insure a Class II price level consistent with that prevailing in the area.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both states. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The Class II price provisions recommended herein will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets.

The average of the prices paid farmers in the various states for manufacturing grade milk, as reported by the Statistical Reporting Service, U.S. Department of Agriculture, is at the weighted averaged butterfat test of such milk. Since the class prices of the orders are based on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the Chicago butter price for the month times 0.12. This factor is an appropriate and representative value of butterfat in the area covered by the Greater Wheeling and Clarksburg orders and should likewise be used in these orders for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent basis.

3. *Providing a Class II classification for certain designated outlets.* (a) Skim milk and butterfat in fluid milk products dumped or disposed of for livestock feed should be classified as Class II. Presently, only the skim milk portion of fluid milk products so disposed of may be so classified.

Clarksburg and Wheeling handlers have certain amounts of fluid milk products that they are unable to dispose of for Class I uses. Allowing a Class II classification for both the skim milk and butterfat contained in fluid milk products dumped or disposed of for livestock feed will recognize the impracticability of Clarksburg and Wheeling handlers' recovering the butterfat in route returns and other fluid milk products that are not salable as Class I.

The orders now provide as a condition for obtaining a Class II classification for fluid milk products dumped that the market administrator be notified prior to such disposition and afforded the opportunity for verification. Retaining this condition will insure the practical application of this provision.

(b) The proposal to classify as Class II sour cream mixtures to which cheese or any food substance other than a milk product has been added and which are not labeled Grade A should be adopted. Products that are blends of cultured sour cream with cheese and nondairy food ingredients are known as dip specialty products. These products are not labeled Grade A and compete with similar products distributed in the Clarksburg or Greater Wheeling marketing areas that are not subject to the orders.

Since Class I milk should include products which are required to be made from Grade A milk, sour cream mixtures which are labeled Grade A should remain in Class I. Sour cream mixtures sold in either marketing area as a Grade A product must be made from Grade A milk. However, if they are not labeled Grade A, they may be made from non-Grade A milk. Since such dip specialty products may be, and are, sold in these marketing areas as non-Grade A products, they should not be included in Class I unless labeled Grade A.

4. *Pooling requirements for supply plants.* A plant should be permitted to qualify for pooling as a supply plant in any month of February through August on the basis of its shipments to distributing plants during such month.

A plant now acquires pool status as a supply plant in any month of September through January by shipping 55 percent of its receipts from dairy farmers to distributing plants. A qualified supply plant in each of the five months of September through January is accorded pool plant status for the following seven months. However, the Greater Wheeling and Clarksburg orders do not now qualify for pooling as a supply plant in February through August a plant that was not a supply plant in each of the preceding months of September through January, irrespective of the quantity of milk shipped by such plant to distributing plants during the month.

A producer association proposed that a plant be permitted to qualify for pooling as a supply plant in any month of February through August on the same basis now provided for qualifying in September through January, by shipping at least 55 percent of its receipts from dairy farmers during the month to distributing plants. This proposal would leave unchanged the provision in the orders that accords pool plant status in February through August to those plants qualified as supply plants in the preceding months of September through January. There was no opposition at the hearing to enabling a plant to pool as a supply plant in February through September on the basis of its shipments to distributing plants during the month.

No supply plants now regularly serve the Greater Wheeling and Clarksburg order markets and it is not contemplated that there will be in the immediate future. However, provision should be made to enable a plant to participate in the pool as a supply plant in any month that a substantial portion of its receipts from dairy farmers are shipped to Greater Wheeling or Clarksburg order distributing plants. Such supply plant may reasonably be considered an integral part of the market supply during such month.

The basis on which a plant may now qualify for pooling as a supply plant in September through January is appropriate for determining pool plant status for the months of February through August; i.e., shipping 55 percent of a plant's receipts from dairy farmers during the month in the form of fluid milk products to distributing plants.

5. *Dates for announcing Class I prices and filing monthly reports.* (a) The proposal to change the date by which the Class I price and Class I butterfat differential must be announced from the 11th to the 5th day of the month should be denied.

Proponent handler stated that the earlier date for announcing the Class I price and Class I butterfat differential would be helpful to handlers since the month is one-third over before they know the cost of their Class I milk. He claimed further that a number of Federal orders provide for such announcements by the 5th day of the month.

The Greater Wheeling and Clarksburg orders use pool plants' receipts and utilization of milk in the first and second preceding months in determining the supply-demand adjustment applicable to the Class I price. Receipts and utilization data for the first preceding month are not available prior to the 11th day of the month. There was no proposal at the hearing to change the computation of the supply-demand adjustment under either order. Consequently, since supply-demand data for the previous month are not available prior to the 11th day of the month, it is impossible for the market administrator to announce the Class I prices prior to that date.

(b) The proposal to change the date by which handlers must file monthly reports from the 7th day of the following month to the 5th working day or 5th day excluding weekends should be denied. This proposal would extend the time for filing reports by one additional day when there is a legal holiday during the first 7 days of the month.

The proposal was supported at the hearing by only one handler witness. Nothing contained in the record would indicate that other handlers are having difficulty in submitting their reports to the market administrator when due.

The monthly reports of handlers are the basic data used by the market administrator to compute the monthly uniform price, which he is required to announce by the 11th day of the following month. Any delay in completing the uniform price computation would set back the date that producers would be paid for their deliveries. There was no proposal before the hearing to set back dates of payment to producers.

The orders now provide that payments to producers, if paid through a cooperative association, be made on or before the 13th day of the following month; if made directly to the producer by a handler, the payment date is the 15th. Any change in the time for filing reports would require changing the dates for announcing the uniform prices and for paying producers. Therefore, it is not possible to extend the time for filing monthly reports without giving consideration to providing a later date for announcing the uniform price and for paying producers. It would not be reasonable to delay producer payments on the basis of the limited nature of the problem involved in the proposed change.

6. *Clarifying order language.* (a) The classification of shrinkage on producer milk which is caused by a handler to be delivered to another handler's pool plant should be permitted only at the plant of physical receipt.

The Greater Wheeling and Clarksburg orders classify in Class II the shrinkage at a handler's plant that is not in excess of two percent of his receipts of milk from producers, cooperative associations, other order plants, unregulated supply plants and milk caused by the handler to be delivered to another handler's pool plant. This provision does not clearly indicate which handler may claim the Class II shrinkage allowance on producer milk diverted between pool plants. Producers proposed revising this provision to specify that only the handler operating the pool plant at which the milk is physically received is permitted to include this milk in his shrinkage computation.

The practice in the market has been to compute shrinkage on producer milk only at the plant of physical receipt. Proponents stated their proposal was made to insure that this practice would be continued.

(b) The phrase "if exempted pursuant to this paragraph" contained in the provisions (§§ 1008.61(a) and 1009.61(a)) which exempt a distributing plant from pool plant status when it is regulated under another Federal order should read "is exempted pursuant to this paragraph." The word "if" in the present provisions does not conform with the remaining language and should be replaced by the word "is".

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

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders 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 agreements and the orders, 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 areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, 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 agreements and orders.* Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreements Regulating the Handling of Milk in the Greater Wheeling, W. Va., Marketing Area," "Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling, W. Va., Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Clarksburg, W. Va., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Clarksburg, W. Va., 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 agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

*Determination of representative period.* The month of September 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Wheeling and Clarksburg, W. Va., marketing areas, is approved or favored by producers, as defined under the terms of the orders, 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 areas.

Signed at Washington, D.C., on October 25, 1965.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Greater Wheeling, W. Va., Marketing Area*

**§ 1008.0 Findings and determinations.**

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

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

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

[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.

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 Greater Wheeling, W. Va., 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 decision issued by the Deputy Administrator on September 28, 1965, and published in the FEDERAL REGISTER on October 1, 1965 (30 F.R. 12539; F.R. Doc. 65-10477), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1008.9 is revised to read as follows:

**§ 1008.9 Supply plant.**

"Supply plant" means an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1008.6 and from a cooperative association as a handler pursuant to § 1008.12(c) are shipped to distributing plants or plants described in § 1008.10(c) which during the month dispose of as Class I milk on routes described in § 1008.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1008.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1008.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

2. Section 1008.15 is revised to read as follows:

**§ 1008.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

3. In § 1008.41(b), subparagraphs (5) and (6) are revised to read as follows:

**§ 1008.41 Classes of utilization.**

* * * * *

(b) *Class II milk.* * * *

(5) Disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1008.42(b)(1), but not to exceed two percent of the total receipts of skim milk or butterfat in the following:

(i) Producer milk except that diverted pursuant to § 1008.6 or caused to be delivered to another handler's plant pursuant to § 10C8.63;

(ii) Milk received from a handler pursuant to § 1008.12(c);

(iii) Milk physically received at a pool plant that was caused to be delivered to such plant by another handler pursuant to § 1008.63;

(iv) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; and

(v) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

* * * * *

4. Section 1008.51 is revised to read as follows:

**§ 1008.51 Class prices.**

Subject to the provision of §§ 1008.52 and 1008.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.73, subject to the adjustment provided in subparagraph (1) of this paragraph:

(1) Add if the utilization percentage calculated pursuant to subparagraph (2) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph by 2 cents: *Provided*, That the result of the computation pursuant to this subparagraph shall be adjusted to an amount which does not differ by more than 15 cents from the "supply-demand adjustment" for the preceding month pursuant to Part 1036 (Northeastern Ohio) of this chapter;

(2) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the Act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(3) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

| Month for which price applies | Months for which average utilization is computed | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | November-December | 117 | 120 |
| February | December-January | 117 | 120 |
| March | January-February | 115 | 118 |
| April | February-March | 115 | 118 |
| May | March-April | 117 | 120 |
| June | April-May | 129 | 132 |
| July | May-June | 136 | 139 |
| August | June-July | 126 | 129 |
| September | July-August | 117 | 120 |
| October | August-September | 113 | 116 |
| November | September-October | 113 | 116 |
| December | October-November | 117 | 120 |

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

**§ 1008.61 [Amended]**

5. In § 1008.61(a), the language "if exempted pursuant to this paragraph" is revised to read "is exempted pursuant to this paragraph".

*Order[1] Amending the Order Regulating the Handling of Milk in the Clarksburg, W. Va., Marketing Area*

**§ 1009.0 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 or-

[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.

der and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, W. Va., 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 decision issued by the Deputy Administrator, on September 28, 1965, and published in the FEDERAL REGISTER on October 1, 1965 (30 F.R. 12539; F.R. Doc. 65-10477), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1009.9 is revised to read as follows:

**§ 1009.9 Supply plant.**

"Supply plant" means an approved plant from which, during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 1009.6 and from a cooperative association as a handler pursuant to § 1009.12(c) are shipped to distributing plants or plants described in § 1009.10(c) which during the month dispose of as Class I milk on routes described in § 1009.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 1009.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 1009.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided,* That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

2. Section 1009.15 is revised to read as follows:

**§ 1009.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix, aerated cream and sour cream mixtures to which cheese or any food substance other than a milk product has been added and which is not disposed of under a Grade A label).

3. In § 1009.41(b), subparagraphs (5) and (6) are revised to read as follows:

**§ 1009.41 Classes of utilization.**

* * * * *

(b) *Class II milk.* * * *

(5) Disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1009.42(b)(1), but not to exceed two percent of the total receipts of skim milk or butterfat in the following:

(i) Producer milk except that diverted pursuant to § 1009.6 or caused to be delivered to another handler's plant pursuant to § 1009.63;

(ii) Milk received from a handler pursuant to § 1009.12(c);

(iii) Milk physically received at a pool plant that was caused to be delivered to such plant by another handler pursuant to § 1009.63;

(iv) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; and

(v) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

* * * * *

4. Section 1009.51 is revised to read as follows:

**§ 1009.51 Class prices.**

Subject to the provisions of §§ 1009.52 and 1009.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall not be more than 35 cents in excess of, nor less than 15 cents in excess of, the average of the Class I prices for the same month pursuant to Part 1008 (Greater Wheeling) of this chapter and at Athens district plants pursuant to Part 1005 (Tri-State) of this chapter:

(1) Add if the utilization percentage calculated pursuant to subparagraph (2) of this paragraph is less than or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph by 2 cents;

(2) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of during the first and second preceding months from pool plants at which less than 50 percent of total receipts is milk from a plant(s) fully regulated pursuant to another order issued pursuant to the Act into the total hundredweight of producer milk received at such pool plants during the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(3) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

| Month for which price applies | Months for which average utilization is computed | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | November-December | 117 | 120 |
| February | December-January | 117 | 120 |
| March | January-February | 115 | 118 |
| April | February-March | 115 | 118 |
| May | March-April | 117 | 120 |
| June | April-May | 129 | 132 |
| July | May-June | 136 | 139 |
| August | June-July | 126 | 129 |
| September | July-August | 117 | 120 |
| October | August-September | 113 | 116 |
| November | September-October | 113 | 116 |
| December | October-November | 117 | 120 |

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human con-

sumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1009.61 [Amended]

5. In § 1009.61(a), the language "If exempted pursuant to this paragraph" is revised to read "is exempted pursuant to this paragraph".

[F.R. Doc. 65-11547; Filed, Oct. 27, 1965; 8:46 a.m.]

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## [ 7 CFR Part 1048 ]

[Docket No. AO-325-A4]

## MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

### Decision on Proposed Amendments to Tentative Marketing Agreement and 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), a public hearing was held at Youngstown, Ohio, on July 21, 1965, pursuant to notice thereof issued on July 8, 1965 (30 F.R. 8858).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on September 24, 1965 (30 F.R. 12486; F.R. Doc. 65-10397), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. The one response received indicated approval of the recommended decision.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 12486; F.R. Doc. 65-10397) are hereby approved and adopted and are set forth in full herein.

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

(1) Pooling requirements for distributing plants; and

(2) The Class II price.

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

1. *Pooling requirements for distributing plants.* The order should provide that in computing the percentage used to determine pool plant qualifications of distributing plants the receipts from supply plants should not be included during the months of April through July. Presently the receipts from supply plants are included each month in determining distributing plants pooling qualifications.

Producers claim this change is necessary to enable a distributing plant, which handles the excess milk of supply plants during the April-July period, to maintain its pool plant status. Each year since the Greater Youngstown-Warren order has been in effect, the requirement that receipts from supply plants be included in the percentage used to determine pool plant qualifications has been suspended during the flush production months.

A distributing plant located within the marketing area serves as an outlet for the market's excess supplies. During the flush production months each year the plant's pooling status has been in jeopardy because the receipts of surplus milk from other plants become considerably greater than normal causing the plant's utilization to fall near or below the 50 percent Class I required for pool status. This plant performs a significant service for the market by providing an outlet for the reserve milk supplies from other plants. The order change herein proposed will facilitate the continuation of this service for the market and thereby contribute to the maintenance of market stability.

2. *The Class II price.* The Class II price should be the average price per hundredweight paid for manufacturing grade milk in Minnesota-Wisconsin, adjusted to a 3.5 percent butterfat test, but not to exceed the price resulting from a butter-nonfat dry milk formula plus 10 cents. For the year ending June 30, 1965, this would have obtained an average Class II price of $3.17; the actual Class II price under the order in the same twelve months averaged $3.15.

In determining Class I prices, 68 of the 75 Federal orders now in effect use the average price received by farmers for milk of manufacturing grade in Minnesota and Wisconsin. Of these 68 orders, 30 also use this price series as a factor in determining the monthly manufacturing class prices.

The Class II price in the Greater Youngstown-Warren order is now the higher of (1) a formula price based on the market prices of butter and nonfat dry milk, and (2) the average reported paying prices of a limited number of milk manufacturing plants in Wisconsin and Michigan (Midwest condensery price). In the 30 months from January 1963 through June 1965 the butter-nonfat dry milk formula was the Class II price in 10 months and the Midwest condensery price was the Class II price in the remaining 20 months.

The Midwest condensery price is not now as representative a price of manufacturing grade milk as it was when first incorporated into the order. Originally, the Midwest condensery price was based on the reported paying prices of 18 plants in Wisconsin and Michigan. The number of such plants has now dwindled to six and these are operated by four firms. Because of the relatively few plants now included in the Midwest condensery series, it would not be practicable to continue to rely on this series as an accurate measure of manufacturing milk values.

Producers proposed that prices paid at manufacturing plants in Minnesota and Wisconsin be used in establishing Class II prices, but that this price be limited to no more than 10 cents over a butter-nonfat dry milk price formula. This formula is used for the same purpose in a number of Federal orders, including the nearby Northeastern Ohio and Columbus orders. Utilizing it in the Greater Youngstown-Warren order will tend to insure a Class II price level consistent with that prevailing in the area.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The Class II price provisions recommended herein will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets.

The average of the prices paid farmers in the various States for manufacturing grade milk, as reported by the Statistical Reporting Service, United States Department of Agriculture, is at the weighted averaged butterfat test of such milk. Since the class prices of the orders are based on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin price be adjusted to this basis. Official notice is here taken of the amendment to the Chicago order which became effective September 1, 1961 (26 F.R. 7957). This amendment provides for using the Minnesota-Wisconsin price as the Class III price and adjusting it to a 3.5 percent butterfat basis by a differential equal to the Chicago butter price for the month times 0.12. This factor is an appropriate and representative value of butterfat in the area covered by the Greater Youngstown-Warren order and should likewise be used in this order for adjusting the announced Minnesota-Wisconsin price to a 3.5 percent basis.

*Rulings on proposed findings and conclusions.* No briefs or proposed findings and conclusions were filed.

*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 wholesome 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.

*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 Greater Youngstown-Warren Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Youngstown-Warren 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 September 1965 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 Greater Youngstown-Warren 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 October 25, 1965.

GEORGE L. MEHREN,
*Assistant Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Greater Youngstown-Warren Marketing Area*

**§ 1048.0 Findings and determinations.**

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

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

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

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

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

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Youngstown-Warren 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 decision issued by the Administrator on September 24, 1965, and published in the FEDERAL REGISTER on September 30, 1965 (30 F.R. 12486; F.R. Doc. 65-10397), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. Section 1048.12(a)(1) is revised to read as follows:

**§ 1048.12 Pool plant.**

* * * * * *

(a) * * *

(1) From which during the month not less than 50 percent of total receipts of approved milk from dairy farmers, supply plants, and handlers pursuant to § 1048.8(c) is distributed as Class I milk on routes and from which not less than 10 percent of such Class I distribution is in the marketing area on routes: *Provided*, That during the months of April, May, June and July the receipts of approved milk from supply plants shall not be included in the total receipts of approved milk at a distributing plant for the purpose of this subparagraph; or

* * * * *

2. Section 1048.50 is revised to read as follows:

**§ 1048.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

3. Section 1048.51(b) is revised to read as follows:

**§ 1048.51 Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

[F.R. Doc. 65-11548; Filed, Oct. 27, 1965; 8:46 a.m.]

[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.

[ 7 CFR Part 1067 ]

[Docket No. AO 222-A17]

## MILK IN OZARKS MARKETING AREA

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and 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), notice is hereby given of a public hearing to be held in the Kentwood Arms Hotel, 700 St. Louis Street, Springfield, Mo., beginning at 9 a.m., local time, on Tuesday, November 16, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Ozarks marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Producers Creamery Co., Springfield, Mo.:

*Proposal No. 1.* Revise § 1067.17 to read as follows:

**§ 1067.17 Fluid milk product.**

Fluid milk product means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour), and mixes of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers and sour cream mixes to which cheese or other food substances other than a milk product have been added in the amount of 1.5 percent).

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo., 63139, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

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

CLARENCE H. GIRARD,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 65-11549; Filed, Oct. 27, 1965; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 1 ]

[Docket No. 16205]

## RULES OF BROADCAST PRACTICE AND PROCEDURE

### Responses to Inquiries and Making of Misrepresentations by Applicants, Permittees and Licensees; Extension of Time for Filing Comments

1. Comments in the above-entitled proceeding are now due by October 24, 1965. In a petition filed October 21, 1965, the Federal Communications Bar Association asks that the time for filing be extended to December 8, 1965, in order to permit that group to file comments which may be helpful to the Commission.

2. The Commission believes that good cause for the requested extension has been shown. Accordingly, Notice is hereby given that the time for filing comments in the above-entitled proceedings is extended to and including December 8, 1965.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: October 22, 1965.

Released: October 25, 1965.

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

[F.R. Doc. 65-11588; Filed, Oct. 27, 1965; 8:50 a.m.]

[ 47 CFR Part 95 ]

[Docket No. 16251; FCC 65-944]

## CITIZENS RADIO SERVICE

### Communication of Class A Stations With U.S. Government Stations When Necessary for Coordination of Activities

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Stations in all of the private land mobile radio services, other than the Citizens Radio Service, are permitted to routinely communicate with U.S. Government stations in those cases which require cooperation or coordination of activities (see Parts 89, 91, and 93 of the Commission's rules which govern the Public Safety, the Industrial, and the Land Transportation Radio Services, respectively). However, citizens radio stations are prohibited from communicating with U.S. Government stations except for emergency or civil defense communications.

3. The nature of communications and use of Class A stations in the Citizens Radio Service is in many respects similar to that in the other private land mobile radio services and it appears that there may often be a need for communication between Class A stations and United States Government stations for coordination of activities. Further, there appears to be no valid reason to prohibit such communications but, to the contrary, an amendment to permit such communications would be in the public interest. Accordingly, it is proposed to amend § 95.83(a)(5) as set forth below to permit Class A stations to communicate with United States Government stations when necessary for coordination of activities.

4. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 30, 1965, and reply comments on or before December 15, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 20, 1965.

Released: October 25, 1965.

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

Proposed amendment to Part 95, Citizens Radio Service:

Section 95.83(a)(5) is amended to read as follows:

**§ 95.83 Prohibited uses.**

(a) * * *

(5) To communicate with stations authorized or operated under the provisions of other parts of this chapter, with unlicensed stations, or with United States Government or foreign stations, except for communications pursuant to §§ 95.85 (b) and 95.121 and, in the case of Class A stations, for communications with United States Government stations in those cases which require cooperation or coordination of activities.

* * * * *

[F.R. Doc. 65-11589; Filed, Oct. 27, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Lee absent.

# Notices

## INTERSTATE COMMERCE COMMISSION

[Notice 833]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 22, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 339 (Sub-No. 9), filed October 8, 1965. Applicant: LINCOLN MOVING AND STORAGE COMPANY, INC., 801 South Holgate, Seattle, Wash. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in King, Pierce, and Thurston Counties, Wash., restricted to shipments having a prior or subsequent movement beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 906 (Sub-No. 47), filed October 11, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street, NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276 and *damaged* and *rejected shipments*, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Colorado, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 921 (Sub-No. 10), filed October 11, 1965. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 32, Corinth, Miss. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Iuka, Miss., and Holcut, Miss.; from Iuka over Mississippi Highway 25 to junction Mississippi Highway 364, thence over Mississippi Highway 364 to Holcut and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 1222 (Sub-No. 24), filed October 1, 1965. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded plastics, and plastic granules*, from points in Hamilton Township, Lawrence County, Ohio, to Buffalo, N.Y., and points in Michigan on and south of Michigan Highway 55, and (2) *chemicals, materials, and supplies*, used in the manufacture of expanded plastics and plastic granules, from Buffalo, N.Y., and points in Michigan on and south of Michigan Highway 55 to points in Hamilton Township, Lawrence County, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 1222 (Sub-No. 25), filed October 11, 1965. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's representative: Robert N. Krier, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 2202 (Sub-No. 281), filed October 8, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Albany and Columbus, Ga.; from Albany over U.S. Highway 82 to junction Georgia Highway 55, thence over Georgia Highway 55 to junction U.S. Highway 280, and thence over U.S. Highway 280 to Columbus, and return over the same route, serving no intermediate points, and (2) between Albany and Macon, Ga.; from Albany over U.S. Highway 82 to junction Georgia Highway 257, thence over Georgia Highway 257 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Macon, and return over the same route, serving no intermediate points. NOTE: Applicant states it presently is authorized to traverse the routes for which this application is made in MC 2202 (Sub-No. 265). The authority over these routes, however, is restricted to traffic moving from, to, or through Atlanta, Ga. The purpose of this application is to remove the restriction and to allow traffic to move directly north from Albany, Ga., through Columbus and Macon, Ga., and thus by-pass the city of Atlanta. If a

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 2202 (Sub-No. 282), filed October 8, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kernersville, N.C., and Harrisburg, Pa.; from Kernersville over North Carolina Highway 66 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to junction North Carolina Highway 68, thence over North Carolina Highway 68 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 15, thence over U.S. Highway 15 to Harrisburg and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10397 (Sub-No. 5), filed October 5, 1965. Applicant: FRED STOCK, INC., 327 Boyden Avenue, Maplewood, N.J. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated vehicles, from Newark, N.J., to points in Nassau and Suffolk Counties, N.Y., and *refused, rejected, or damaged shipments*, on return. NOTE: Applicant states the proposed operation will be under contract with John Morrell & Co., of Ottumwa, Iowa. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 16682 (Sub-No. 69), filed October 5, 1965. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated refrigerators*, from Fort Smith, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no duplicate authority is requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 121), filed October 6, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virgina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21170 (Sub-No. 122), filed October 11, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods, baby clothing, and baby supplies*, from Fremont, Mich., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 21170 (Sub-No. 123), filed October 12, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds*, and *cough drops*, from Elizabethville, Lititz, and Reading, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22195 (Sub-No. 114), filed October 11, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, from Creston, Iowa, and points within 10 miles thereof, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 25869 (Sub-No. 47), filed October 6, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Post Office Box 184, South Omaha, Nebr. Applicant's representative: Richard A. Peterson, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements, and parts*, from Grand Island, Nebr., to points in Colorado, Illinois, Missouri, Iowa, Kansas, Minnesota, North Dakota, South Dakota, Wisconsin, and Wyoming, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29566 (Sub-No. 112), filed October 7, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29660 (Sub-No. 13), filed October 7, 1965. Applicant: HERMAN LOZOWICK TRUCKING CO., a corporation, 1551 Park Avenue South, Linden, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum products* and in connection therewith, *materials* and *supplies* used in the manufacture of such products (except commodities in bulk, in tank vehicles) (1) between Bayway, N.J., and the plantsite of the Phelps Dodge Copper Products Corp., at or near South Brunswick Township, Middlesex County, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone; and (2) from Bayway, N.J., and the plantsite of the Phelps Dodge Copper Products Corp., at or near South Brunswick Township, Middlesex County, N.J., to points in Nassau, Suffolk, Westchester, Dutchess, Ulster, Sullivan, Rockland and Orange Counties, N.Y., Philadelphia, Pa., and points in Pennsylvania within 15 miles thereof and Bridgeport, New Haven, and Waterbury, Conn., and *salvaged, damaged* and *returned shipments* of the above described commodities, on return. NOTE: Applicant states that the above proposed operation will be conducted under continuing contract with the Phelps Dodge Copper Products Corp. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29886 (Sub-No. 217), filed October 8, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, granulated, ground, pulverized or lump, from Middletown, Conn., and points within six (6) miles thereof, to points in Connecticut, Massachusetts, Maine, New Hampshire, Vermont, New York, Rhode Island, New Jersey, and that part of Pennsylvania on and east of U.S. Highway 309 and north of U.S. Highway 22. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 218), filed October 8, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers* which, by reason of size or weight, require the use of special equipment and electrical transformers other than those described above when

transported in mixed loads with shipments of transformers requiring special equipment, from Canonsburg, Pa., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Massachusetts, Maine, New Hampshire, Vermont, Connecticut, and that part of Ohio on and north of U.S. Highway 6 and on and west of Ohio Highway 19. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Chicago, Ill.

No. MC 30844 (Sub-No. 197), filed October 7, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, and *potato products*, from points in Maine, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant does not specify a place of hearing, if one is deemed necessary.

No. MC 30844 (Sub-No. 198), filed October 8, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa, 50702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Westfield, N.Y., and North East, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 30844 (Sub-No. 199), filed October 15, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers* with or without caps, covers or stoppers and *paper cartons* used in the packing of glassware and glass containers, from Winchester, Ind., to points in Iowa (except Marshalltown), Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 40007 (Sub-No. 78), filed September 7, 1965. Applicant: RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles, Calif., 90023. Applicant's representative: John C. Allen, 1210 West Fourth Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk in tank vehicles, from the port of entry on the international boundary line between the United States and Mexico located at Calexico, Calif., to points in Imperial, San Diego, San Bernardino, Riverside, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Tulare, Monterey, San Benito, Fresno, Kings, Inyo, and Kern Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 42146 (Sub-No. 10), filed October 11, 1965. Applicant: A. G. BOONE COMPANY, a corporation, 1117 South Clarkson Street, Charlotte, N.C., 28208. Applicant's representative: Allen Post, First National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, between points in Fulton County, Ga., on the one hand, and, on the other, points in Escambia and Okaloosa Counties, Fla., restricted to transportation services performed under contract with the Great Atlantic & Pacific Tea Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 42487 (Sub-No. 638), filed October 8, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representative: Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between ports of entry on the international boundary line between the United States and Canada located in Idaho, Montana, and North Dakota, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 42487 (Sub-No. 639), filed October 11, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's representatives: V. R. Oldenburg (same address as above) and Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plantsite of Kelsey-Hayes Co. located at the junction North Line Road and Huron River Drive in Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular-route operations to and from Detroit, Mich. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 44605 (Sub-No. 28), filed October 13, 1965. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah. Applicant's representative: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum and petroleum products, in bulk, classes A and B explosives, baled cotton, household goods as defined by the Commission, heavy equipment requiring special rigging, liquid and dry acids and chemicals in bulk, and sand in bulk), serving points in Kane County, Utah, as off-route points in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 50069 (Sub-No. 332), filed October 1, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill., 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil additives*, in bulk, in tank vehicles, from Painesville and Wickliffe, Ohio, to St. Louis, Mo., East St. Louis and Monsanto, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 51146 (Sub-No. 29), filed October 1, 1965. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers, caps, covers, tops, stoppers and accessories for glass containers and paper cartons*, between Bremen, Canal Winchester, and Lancaster, Ohio, on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Minnesota, and Wisconsin; and (2) *damaged and rejected shipments* of the above commodities from points in Illinois, Iowa, Michigan, Minnesota, and Wisconsin to Bremen, Canal Winchester, and Lancaster, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52629 (Sub-No. 62), filed October 4, 1965. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., Post Office Box 1000, Staunton, Va. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment), between Huntington, W. Va., and Parkersburg, W. Va., over West Virginia Highway 2, serving Graham Station and Ravenswood (Ravenswood Works), W. Va., as intermediate and/or off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held

at Charleston, W. Va., or Washington, D.C.

No. MC 52953 (Sub-No. 34), filed October 14, 1965. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Knoxville and Memphis, Tenn., from Knoxville over Interstate Highway 40 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70, thence over U.S. Highway 70 to Crossville, thence over U.S. Highway 70N to junction Interstate Highway 40 near Monterey, thence over Interstate Highway 40 to Nashville, thence over Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, and (2) between Knoxville and Jackson, Tenn., from Knoxville over Interstate Highway 40 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70, thence over U.S. Highway 70 to Crossville, thence over U.S. Highway 70N to junction Interstate Highway 40 near Monterey, thence over Interstate Highway 40 to Nashville, thence over Interstate Highway 40 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 56667 (Sub-No. 3), filed October 5, 1965. Applicant: W. O. BOLTON, doing business as LEITCHFIELD TRANSFER, Leitchfield, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum products, in bulk, commodities of unusual value, dangerous explosives and household goods as defined by the Commission), in a circuitous manner, from Leitchfield, Ky., over Kentucky Highway 259 through Madrid and McDaniels, Ky., to junction Kentucky Highway 108, thence over Kentucky Highway 108 to junction Kentucky Highway 105 approximately 1½ miles west of Axtel, Ky., thence over Kentucky Highway 105 to junction Kentucky Highway 54 at Short Creek, Ky., thence over Kentucky Highway 54 to Leitchfield, Ky., the point of beginning, serving all intermediate points and off-route points within three miles of the above specified route. NOTE: Applicant states that it intends to tack the above proposed authority with its present authority wherein applicant is authorized to serve certain points in Kentucky and Indiana. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 58885 (Sub-No. 26), filed October 7, 1965. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), serving Trenton, Ga., as an off-route point in connection with the carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59150 (Sub-No. 20), filed October 8, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Horizontal and vertical steel shoring* (including telescopic steel beams), which do not require the use of special equipment because of size or weight; and (2) *accessories, attachments, and fittings for commodities* named in (1) above when moving in connection with such commodities and in the same vehicle therewith, between points in Florida, on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 61592 (Sub-No. 52), filed October 11, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery and parts*, from South Bend, Ind., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Chicago, Ill.

No. MC 64820 (Sub-No. 6), filed October 7, 1965. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 908 South Grape Street, Medford, Oreg. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg., 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe*, from White City, Oreg., to points in Del Norte, Humboldt, Siskiyou, Trinity, Shasta, and Tehama Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Medford, Oreg.

No. MC 64932 (Sub-No. 385), filed October 4, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and chemicals*, in bulk, in tank vehicles, from Metropolis, Ill., to points in Kentucky and Jeffersonville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 65697 (Sub-No. 35), filed October 6, 1965. Applicant: THEATRES SERVICE COMPANY, a corporation, 830 Willoughby Way NE., Atlanta, Ga. Applicant's representative: A. O. Buck, Suite 434, Stahlman Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and livestock), between Nashville, Tenn., and Atlanta, Ga., over U.S. Highway 41, serving the intermediate point of Chattanooga, Tenn., and those intermediate and off-route points located in the Chattanooga, Tenn., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 67234 (Sub-No. 12), filed October 8, 1965. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo., 63026. Applicant's representative: G. F. Gunn, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products*, expanded; namely, articles, billets, blocks, boards, plates, sheets, and slabs, from Peveley, Mo., to points in the United States (including Alaska, but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 71516 (Sub-No. 72), filed October 7, 1965. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, from points in Portage County, Ohio, to points in Florida and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 75320 (Sub-No. 113), filed October 15, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo., 65801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in George, Hinds, Rankin, Copiah, and Green Counties, Miss., to points in Louisiana, Texas,

Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 77016 (Sub-No. 7) (Correction), filed September 13, 1965, published FEDERAL REGISTER, issue of October 7, 1965, corrected October 13, 1965, and republished as corrected this issue. Applicant: BUDIG TRUCKING CO., a corporation, 1151 Harrison Avenue, Cincinnati, Ohio, 45214. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Georgetown and West Union, Ohio, over Ohio Highway 125, serving all intermediate points. NOTE: Applicant states that it intends to tack the above proposed route with its presently authorized authority between Cincinnati and Georgetown in MC 77016 Sub 6, to permit service between Cincinnati and West Union and all intermediate points on Ohio Highway 125. The purpose of this republication is to correct the above note of the previous publication. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 82063 (Sub-No. 12), filed October 11, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough Street, St. Louis 11, Mo. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins and latex*, in bulk, from East St. Louis, Ill., to points in Alabama, Mississippi, Louisiana, Texas, Tennessee, Arkansas, Oklahoma, Kentucky, Missouri, Kansas, Indiana, Illinois, Michigan, Iowa, Wisconsin, Nebraska, Minnesota, Colorado, Ohio, Pennsylvania, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 83539 (Sub-No. 160), filed October 11, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe*, including couplings, rings and fittings when moving in connection therewith, from the plantsite of Johns-Mansville Products Corp. located at or near Denison, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 161), filed October 15, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and those points in Texas on and east of U.S. Highway 81. NOTE: Applicant states it now holds no authority that will tack with the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 86913 (Sub-No. 15), filed October 7, 1965. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Maine and New Hampshire to points in Virginia, North Carolina, South Carolina, Georgia, and Tennessee (restricted against transportation from Biddeford, Fryeburg, Ellsworth, Augusta, Bangor, Portland, Brewer, Scarboro, Dixfield, Calais, Milbridge, and Hampden, Maine, and Rochester and Dover, N.H., and points within each of their respective commercial zones to points in Virginia). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89340 (Sub-No. 1), filed October 6, 1965. Applicant: HUGHES TRANSPORTATION, INC., 2038 Meeting Street Road, Post Office Box 851, Charleston, S.C. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stuctural steel* other than steel requiring special equipment because of size or weight and together therewith on the same vehicle at the same time, *steel nuts, bolts, plates, angles, and related articles* used in the erection of the structural steel, (1) from Florence, S.C., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Tennessee, Alabama, Mississippi, Kentucky, Maryland, Delaware, Pennsylvania, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Ohio, Michigan, Illinois, Indiana, Wisconsin, New Jersey, and the District of Columbia; and (2) from Charleston, S.C., to Florence, S.C. NOTE: Applicant states that the operation is to be performed under continuing contracts with Vulcraft Division of Nuclear Corp. of America, Florence, S.C., and Florence Iron and Steel Co., Florence, S.C. Applicant is also authorized to conduct operations as common carrier in Certificate MC 102682 and Subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92983 (Sub-No. 479), filed October 11, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, 531 Walnut Street, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and sugars*, including *blends thereof*, in bulk, from points in North Dakota, to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 656), filed October 5, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, director of operating rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products*, other than frozen in mixed truckloads *with frozen potatoes, frozen potato products, frozen onions, and frozen carrots*, from Corinna, Easton, Portland, Presque Isle, and Washburn, Maine, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *potato products*, other than frozen in mixed truckloads *with frozen potatoes and frozen potato products*, from Presque Isle and Easton, Maine, to points in Texas. NOTE: Applicant states no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97817 (Sub-No. 2), filed October 11, 1965. Applicant: HARRY J. KANE, doing business as COASTAL PLAINS DISTRIBUTING COMPANY, 112 South Railroad Street, Kinston, N.C. Applicant's representative: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, from the warehouses of Coastal Plains Distributing Co., Kinston, N.C., to points in that part of North Carolina and South Carolina on, east and north of a line beginning

at the Virginia-North Carolina State line and extending along U.S. Highway 220 to Rockingham, N.C., thence along U.S. Highway 1 to Camden, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence along the shores of Winyah Bay to the Atlantic Ocean and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 98614 (Sub-No. 3), filed October 4, 1965. Applicant: ARKANSAS TRANSPORT COMPANY, a corporation, 1005 North Street, Little Rock, Ark. Applicant's representative: James N. Clay III, 340 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Stephens, Ark., to points in that part of Arkansas bounded by a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to and including Pine Bluff, Ark., thence along the Arkansas River to the Mississippi River, thence along the Mississippi River to the Arkansas-Missouri State line and thence along the Arkansas-Missouri State line to U.S. Highway 65, the point of beginning; (2) between points in that part of Arkansas described immediately above; (3) serving points on U.S. Highway 65 between Marshall, Ark., and Little Rock, Ark., including said termini; (4) between Little Rock, Ark., and El Dorado, Ark.; (5) between Thornton, Ark., and Camden, Ark.; (6) between Camden, Ark., Smackover, Ark., and El Dorado, Ark.; (7) serving points on U.S. Highway 64 between Russellville, Ark., and Beebe, Ark., including said termini; (8) serving points on Arkansas Highway 25 between Heber Springs, Ark., and junction Arkansas Highway 25 and U.S. Highway 65, including said termini; (9) serving points on U.S. Highway 67 between Little Rock, Ark., and Pocahontas, Ark., including said termini; and (10) serving points on U.S. Highway 70 between Little Rock, Ark., and Forrest City, Ark., including said termini; (B) *petroleum* and *petroleum products*, in tank trucks, serving points on U.S. Highway 70 between West Memphis, Ark., and Hot Springs, Ark., including said termini. NOTE: Applicant states that it intends to tack all of the above proposed routes with each other. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 99745 (Sub-No. 3), filed September 29, 1965. Applicant: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles 32, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities*, restricted against the transportation of the commodities set forth in the note below, between the following described points and areas within the State of California: (1) Between the Los Angeles Basin Region, on the one hand, and, on the other, Coachella Valley Territory and Imperial Valley Territory including Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley Territory and points on U.S. Highway 99 and California Highway 111 between Imperial Valley and Coachella Valley Territories, (2) between points in the Imperial Valley Territory, (3) between points in the Coachella Valley Territory, (4) between points on U.S. Highway 80 between Winterhaven and Imperial Valley Territory, including Winterhaven, and points on U.S. Highway 99 and California Highway 111 between Imperial Valley Territory and the Coachella Valley Territory, (5) between points in Coachella Valley Territory, on the one hand, and, on the other, points on U.S. Highways 80 and 99 and California Highway 111 and points in Imperial Valley Territory, (6) between points in Imperial Valley Territory, on the one hand, and, on the other, points on U.S. Highways 80 and 99 and California Highway 111.

(7) Between the Los Angeles Basin Region, on the one hand, and, on the other, the San Diego Territory, and points on and within a distance of ten (10) miles laterally on either side of U.S. Highways 101 and 395 between the northerly boundary of San Diego County and the northerly boundary of the San Diego Territory, and (8) between the San Diego Territory and points on and within a distance of ten (10) miles laterally on either side of U.S. Highways 101 and 395, between the northerly boundary of San Diego County and the northerly boundary of the San Diego Territory, on the one hand, and, on the other, points in Coachella Valley Territory, and Imperial Valley Territory, including Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley Territory and points on U.S. Highway 99 and California Highway 111 between Imperial Valley Territory and Coachella Valley Territory, and (B) *vegetables*, fresh, not cold-pack or frozen, between Santa Maria, Guadalupe, Oceano, and Lompoc, Calif., on the one hand, and, on the other, Los Angeles, Calif. NOTE: The Los Angeles Basin Region includes that area embraced by the following boundary: Beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence northerly and easterly along the boundary of the city of Los Angeles to its point of first intersection with the boundary of the Angeles National Forest; thence along the southerly boundary of the Angeles National Forest, and southerly boundary of the San Bernardino National Forest to the point of first intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County Line, thence westerly along the San Bernardino-Riverside County Line to a point on said line distant 5 miles east from the junction of said county line and U.S. Highway 91, thence southwesterly along a line parallel to and distant 5 miles from U.S. Highway 91, California Highway 55, and the prolongation of California Highway 55 to its junction with the Pacific Ocean. Thence westerly and northerly along the coastline of the Pacific Ocean to the point of beginning.

The Coachella Valley Territory includes the area on and within 10 miles laterally on either side of U.S. Highway 99 and California Highway 111 between the junction of said highways approximately 5.6 miles east of Cabazon and the junction of each of said highways and the southerly boundary of Riverside County, but not including any points or places in Morongo Valley. The Imperial Valley Territory includes that area bounded on the south by the international boundary Line; on the east by the East High Line Canal to the point at which it intersects the main line of the Southern Pacific 4 miles east of Niland; on the north by the main line (transcontinental route) of Southern Pacific Co.; and on the west by a series of imaginary lines drawn from Southern Pacific station of Wister to Kane Springs on U.S. Highway 99; thence south to Plaster City on U.S. Highway 80; thence south to the international boundary Line. The San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101E and 101W (4 miles north of La Jolla); thence, easterly to Miramar on California Highway 305; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway 80; thence south-easterly to Jamul on California Highway 94; thence due south to the international boundary Line, west to the Pacific Ocean and north along the coast to point of beginning. Applicant states that no service shall be performed between any two points both of which are located within San Diego County, and no service shall be performed to or from any points located within the boundary of the U.S. Navy Ammunition Depot in the vicinity of Fallbrook, Calif., in (A) (1) through (8) above. Applicant further states no authority is sought to engage in the transportation of the following described commodities:

(1) Used household goods and personal effects, uncrated, (2) automobiles, trucks, and buses; namely, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, (3) livestock, (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (5) commodities when transported in bulk in dump trucks or in hopper type trucks, (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit, and (7) newspapers, newspaper supplements, sections or inserts (not waste or scrap). If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 103880 (Sub-No. 349), filed October 7, 1965. Applicant: PRODUC-

ERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio, 44306. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank or hopper type vehicles, from Chicago Heights, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104149 (Sub-No. 176), filed October 4, 1965. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products*, and *fittings, materials*, and *accessories*, for the installation or transportation thereof, from Ragland, Ala., to points in Alabama, North Carolina, South Carolina, Kentucky, Virginia, Missouri, Arkansas, Texas, Oklahoma, Kansas, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 105353 (Sub-No. 8), filed October 11, 1965. Applicant: KEITH S. MERRITT, doing business as MERRITT PACKING AND CRATING SERVICE, 4700 Ivy Street, Denver, Colo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, in specially designed containers, restricted to pick-up and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization (1) between points in Wyoming and (2) between points in Wyoming on one hand, and, on the other, points in Laramie and Weld Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 105424 (Sub-No. 7), filed October 6, 1965. Applicant: PLAGGE TRUCK LINE, INC., 251 18th Street SE., Mason City, Iowa. Applicant's representative: Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete beams*, for the account of A&M Prestress, Inc., from Clear Lake, Iowa, to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Mason City, Iowa.

No. MC 107002 (Sub-No. 267), filed October 8, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's representatives: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene pellets*, in bulk, in tank or hopper vehicles from Plaquemine, La., to Mount Clemens, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 107403 (Sub-No. 644), filed October 13, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum chemicals as defined in appendix XV to the description case above cited), in bulk in tank vehicles, from points in Butler, Venango, and McKean Counties, Pa., to points in Georgia and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 409), filed October 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water solutions of piperazine hydrochloride*, in bulk, in tank vehicles, from Denver, Colo., to Kansas City and St. Joseph, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107496 (Sub-No. 410), filed October 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate fertilizer and phosphate fertilizer materials (dry or liquid), anhydrous ammonia, sulfuric acid and gypsum*, in bulk, from points in Fremont County, Wyo., to points in Utah, Idaho, Montana, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, Arizona, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107496 (Sub-No. 412), filed October 14, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Mid America Pipeline Terminal at or near Cantril, Iowa, to points in Illinois and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 413), filed October 15, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within ten (10) miles thereof, to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107643 (Sub-No. 70), filed October 4, 1965. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 10145 North Portland Road, Portland, Oreg., 97203. Applicant's representative: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals*, and *chemical solutions*, in bulk, in tank vehicles, between points in Union County, Oreg., on the one hand, and, on the other, points in Idaho and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108207 (Sub-No. 169), filed October 4, 1965. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Texas, Louisiana, Mississippi, Arkansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 108248 (Sub-No. 10) (Clarification), filed September 23, 1965, published in FEDERAL REGISTER, issue October 14, 1965, and republished as clarified this issue. Applicant: SHAW TRUCKING INCORPORATED, Brockway, Pa. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard or pulpboard boxes and containers*, from points in that portion of Ohio bounded by and north of U.S. Highway 40 beginning at the Ohio-West Virginia State line, thence along U.S. Highway 40 to Columbus, thence along and east of U.S. Highway 23 to Delaware and thence along U.S. Highway 42 to Cleveland including all points and places on and along said highways specified to Brockway, Pa., and *refused, rejected* and *damaged material*, on return. NOTE: The purpose of this republication is to clarify the origin territory sought to be served by applicant. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 212), filed October 11, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Corn products* (including but not restricted to corn grits, cornmeal, and corn flour), in bulk, in tank or hopper type vehicles, from Milwaukee, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary applicant requests it be held at Milwaukee, Wis.

No. MC 109637 (Sub-No. 289), filed October 14, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from St. Louis, Mo., and Wood River, Ill., to points in Illinois, Indiana, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Chicago, Ill., or Washington, D.C.

No. MC 110193 (Sub-No. 117), filed October 6, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Iowa, Kansas, Nebraska, Missouri, and Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 118), filed October 6, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 120), filed October 1, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in New York, New Jersey, Maryland, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 110193 (Sub-No. 121), filed October 11, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products* (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to Indianapolis, Ind., Chicago, Ill., Milwaukee, Wis., St. Louis, Mo., Des Moines, Iowa, and Minneapolis, Minn. Restriction: The authority proposed herein is restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Topps Chewing Gum, Inc., at Duryea, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 487), filed October 11, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils*, and *shortening*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 747) (Correction), filed September 20, 1965, published FEDERAL REGISTER, issue October 14, 1965, corrected and republished this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from Washington, W. Va., to Kansas City, Mo. NOTE: The purpose of this republication is to show correctly the service desired by applicant as shown above, in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 749), filed October 7, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper vehicles, from Gales Ferry, Conn., to Federalsburg, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 149), filed October 12, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles from Cedar Rapids, Iowa, to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110988 (Sub-No. 150), filed October 11, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Burlington, Iowa, and points within five (5) miles thereof, to points in Illinois, Indiana, Michigan, Missouri, Minnesota, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 151), filed October 11, 1965. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Chicago, Ill., to points in Iowa, Minnesota, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 117), filed October 4, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media* (except cash letters), between Cincinnati, Ohio, and Erie, Pa. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750 and subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 112617 (Sub-No. 206), filed October 11, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: L. A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, from Montpelier, Iowa, and points within 10 miles thereof, to points in Arkansas, Illinois (except points in the East St. Louis commercial zone), Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri (except points in the St. Louis commercial zone), Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, appli-

cant requests it be held at Davenport, Iowa.

No. MC 112617 (Sub-No. 207), filed October 11, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior or subsequent movement by rail, water and/or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify any particular place.

No. MC 113325 (Sub-No. 62), filed October 6, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers and fertilizer ingredients, and acids and chemicals* (except cryogenic liquids) in bulk, in tank vehicles, from the plantsite of the Apple River Chemical Co., located at or near East Dubuque, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states "any grant of authority will be restricted against tacking with any presently held authority." If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 91), filed October 6, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings, chocolate puddings, and advertising materials and displays*, when moving in connection with confectionery, syrups, sauces, toppings, and chocolate puddings, from points in Derry Township (Dauphin County), Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 113362 (Sub-No. 92), filed October 6, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and nonfrozen coffee whitener, dessert topping, and pie filling*, from Buffalo, N.Y., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113388 (Sub-No. 65), filed October 11, 1965. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Bridgeport, Hartford, and Wethersfield, Conn., and Syosset, Long Island, N.Y., to points in Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113514 (Sub-No. 94), filed October 11, 1965. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Texas to points in Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 113528 (Sub-No. 14), filed September 3, 1965. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1624, 710 North Joachim Street, Mobile, Ala. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), (1) between Selma, Ala., and Greensboro, N.C.; from Selma over U.S. Highway 80 to junction Alabama Highway 14, thence over Alabama Highway 14 to junction U.S. highway 82, thence over U.S. Highway 82 to junction U.S. Highway 31, thence over U.S. Highway 31 to Montgomery, Ala. (also from Selma over U.S. Highway 80 to junction U.S. Highway 31, thence over U.S. Highway 31 to Montgomery), thence over U.S. Highway 80 to junction U.S. Highway 29, thence over U.S. Highway 29 to Greensboro (also from Montgomery, Ala., over Interstate Highway 85 to Greensboro), and return over the same route, serving the intermediate points of Montgomery, Ala., Atlanta, Ga., Greenville, S.C., and Charlotte and High Point, N.C., and the off-route points of Burlington, N.C., and those points within a 10-airline-mile radius of Montgomery, Ala., Atlanta, Ga., Greenville, S.C., Charlotte, High Point, and Greensboro, N.C.

(2) Between junction U.S. Highways 52 and 29 at or near Lexington, N.C., and Greensboro, N.C.; from junction U.S. Highways 52 and 29 at or near Lexington, N.C., over U.S. Highway 52 to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro (also from Winston-Salem, N.C., over Interstate Highway 40 to Greensboro), and return over the same route, serving the junction of U.S. Highways 29 and 52 as a point of joinder only, the intermediate point of Winston-Salem, N.C., and the off-route points of Burlington, N.C., and those points within a 10-airline-mile radius of Winston-Salem, N.C.; in connection with (1) and (2) above, service is restricted to the transportation of shipments having either origin or destination at a point south or west of Atlanta, Ga.; (3) between Birmingham, Ala., and Atlanta, Ga., over U.S. Highway 79 (also over Interstate Highway 20), serving no intermediate points and serving those off-route points within a 10-airline-mile radius of Atlanta, Ga., with authority to tack or join this route with (1) above at Atlanta, Ga., with service restricted against the transportation of shipments originating at Birmingham, Ala., and destined to Atlanta, Ga., or originating at Atlanta, Ga., and destined to Birmingham, Ala.; (4) between Pensacola, Fla., and Montgomery, Ala.; from Pensacola over U.S. Highway 29 to junction U.S. Highway 31 at or near Brewton, Ala., thence over U.S. Highway 31 to Montgomery (also from Pensacola over U.S. Highway 29 to junction Florida Highway 97, thence over Florida Highway 97 to junction Alabama Highway 21 at or near the Florida-Alabama State line, thence over Alabama Highway 21 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery), and return over the same route, serving no intermediate points and serving those off-route points within a 15-airline-mile radius of Pensacola, Fla., with authority to tack or join this route with (1) above at Montgomery, Ala., with service restricted against the transportation of shipments originating at Pensacola, Fla., and points within a 15-airline-mile radius thereof and destined to Montgomery, Ala., or originating at Montgomery and destined to Pensacola, Fla., and points within a 15-airline-mile radius thereof.

NOTE: Applicant states that it proposes to operate over all combinations of routes (1) through (4) inclusive and also proposes to tack or join the above proposed authority (subject to the restrictions with respect to routes (1) through (4) inclusive) with that authority previously granted in Certificate Nos. MC 113528 and (Sub-Nos. 4, 5, 8, 9, and 10) wherein applicant is authorized to serve certain points in the States of Alabama, Florida, and Texas. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Charlotte, N.C.

No. MC 113678 (Sub-No. 178), filed October 1, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Freeport, Tex., to points in Arizona, Arkansas, California, Idaho, Indiana, Louisiana,

Michigan, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary applicant does not specify location.

No. MC 113678 (Sub-No. 179), filed October 1, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen pies or turnovers, fruit, meat, poultry, or fish*, with or without vegetable ingredients, cooked or not cooked; *frozen cake or rolls, fruit cream, nut or custard*, cooked or not cooked; *frozen prepared dough; frozen poultry, and poultry parts*, precooked and breaded, (a) from the plantsite of J. D. Jewell, Inc., at Gainesville, Ga., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming, and (b) from the plantsite of Southern Frigid Dough Division of J. D. Jewell, Inc., at Florence, Ala., to the plantsite of J. D. Jewell, Inc., Gainesville, Ga., and to points in the States named in paragraph (a) above, (2) *agricultural products* and those *commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities named in paragraph (1) above, from the origins named in (a) and (b) above, to destinations in (a) and (b) above. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 113678 (Sub-No. 181), filed October 5, 1965. Applicant: CURTIS, INC, 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides and commodities in bulk in tank vehicles), from York, Nebr., to Council Bluffs, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 182), filed October 15, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *nonfrozen coffee whitener, dessert topping, and pie filling*, from Buffalo, N.Y., to points in Colorado, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, and Wisconsin, and *returned and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify particular place.

No. MC 113843 (Sub-No. 104), filed October 8, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, and the District of Columbia. Restriction: Applicant states that the above will be restricted to traffic originating at the storage facilities utilized by Armour & Co. at or near Worthington and/or Mankato, Minn. NOTE: If a hearing is deemed necessary, applicant does not specify particular place.

No. MC 113908 (Sub-No. 181), filed October 4, 1965. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers*, and *fertilizer ingredients*, in bulk, in tank vehicles, between points in Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 147), filed October 8, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill., 60629. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Adams County, Nebr., to points in New York, New Jersey, Maryland, Pennsylvania, Maine, New Hampshire, Vermont, Delaware, Virginia, West Virginia, Massachusetts, Connecticut, Rhode Island, and Washington, D.C. NOTE: Applicant states the proposed service to be restricted to traffic originating in Adams County, Nebr. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 188), filed October 6, 1965. Applicant: TRANS-COLD EXPRESS, INC., Belt Line & Finley Road, Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and frozen berries*, (1) from points in Oregon and Washington to Sanger, Calif., and (2) from Sanger, Calif., to points in Texas, Missouri, Kansas, Indiana, Ohio, Illinois, Kentucky, Louisiana, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 191), filed October 6, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Iowa, Kansas, Nebraska, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 114045 (Sub-No. 192), filed October 13, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate candy* and *confectionery*, from Chicago, Ill., to points in Oklahoma and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 193), filed October 13, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and advertising matter, display racks and premiums*, used in the sale and distribution of candy and confectionery from Chicago, Ill., to points in Idaho, Oregon, Montana, Washington, and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 194), filed October 13, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (other than frozen foods, meats, meat products, meat byproducts, dairy products, uncooked bakery products, yeast, and salad dressing), in vehicles equipped with mechanical refrigeration, from Muscatine, Iowa, to points in New Mexico, Texas, Arizona, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 90), filed October 8, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe-making machinery, parts of such machinery, and auxiliary equipment used in connection with such machinery*, from Nashua, Iowa, to points in the United States (except Hawaii and Alaska), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 43), filed October 7, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Albert Lea, Fairmont, Mankato, Winnebago, and Worthington, Minn., to points in Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 118), filed October 4, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2025 City Federal Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels), (2) *agricultural machinery and implements*, (3) *industrial and construction machinery, equipment and implements*, (4) *equipment* designed for use in connection with tractors, (5) *trailers* designed for the transportation of the commodities specified above (other than those designed to be drawn by passenger automobiles), (6) *attachments* for the commodities specified above, (7) *internal combustion engines*, and (8) *parts* of the commodities specified above in (1) through (7), when moving in mixed loads with such commodities, from the plant and warehouse sites, and experimental farms, of Deere & Co., located in Rock Island County, Ill., Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa, and Dodge County, Wis., to points in Alabama and points in Georgia on and south of U.S. Highway 280 and *damaged, rejected and returned shipments* of the commodities specified above, on return. NOTE: Applicant states the proposed service will be restricted to traffic originating at the plant and warehouse sites, and experimental farms specified above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115180 (Sub-No. 23), filed October 5, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 159), filed October 13, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fertilizers, fungicides, and herbicides*, from Council Bluffs, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri, Illinois, Wisconsin, Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 105), filed October 11, 1965. Applicant: W. J. DIGBY, INC., Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115826 (Sub-No. 106), filed October 11, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, 1960 31st Street, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jefferson County, Idaho, to points in Maryland, Pennsylvania, Massachusetts, New Jersey, New York, Michigan, Ohio, Illinois, Oregon, Washington, Montana, Utah, Arizona, California, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 115826 (Sub-No. 107), filed October 11, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, from points in Saunders County, Nebr., to points in Arizona, California, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 108), filed October 14, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends* and *ingredients*, to be used in further manufacturing processes; transportation of which does not require special equipment or bulk or tank vehicles, (5) *inedible meats, meat products, and meat byproducts, lard, tallow and oils*, (6) *agricultural products* and *those commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration and (9) *coffee*, condensed, *coffee extracts, coffee, green tea* and *tea dust and sugar*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115826 (Sub-No. 110), filed October 18, 1965. Applicant: W. J. DIGBY, INC., Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meat), from Kansas City, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 115826 (Sub-No. 111), filed October 18, 1965. Applicant: W. J. DIGBY, INC., Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *nonfrozen coffee whitener, dessert topping, and pie filling*, from Buffalo, N.Y., to points in Colorado, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, and Wisconsin, and *returned and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 116063 (Sub-No. 80), filed October 11, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Resins*, in bulk, from points in Angelina County, Tex., to points in Alabama, Arkansas, Georgia, Tennessee (except Kingsport), Florida, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116063 (Sub-No. 81), filed October 11, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flocculant*, in bulk, from Oklahoma City, Okla., to points in Lea and Eddy Counties, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 116063 (Sub-No. 82), filed October 7, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior or subsequent movement by rail, water, or pipeline, between points in Louisiana, Mississippi, and Texas. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116073 (Sub-No. 50), filed October 8, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Rapides Parish, La., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116073 (Sub-No. 51), filed October 8, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Blue Earth County, Minn., to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116077 (Sub-No. 185), filed October 15, 1965. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* and *petroleum and petroleum products*, in bulk from Beaumont, Orange, and Port Neches, Tex., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116099 (Sub-No. 5), filed October 11, 1965. Applicant: WOODWORTH & SONS, INC., Post Office Box 546, Tolono, Ill. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill., 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate, superphosphate* and *fertilizer ingredients*, in bulk, from Tolono, Ill., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill.

No. MC 116325 (Sub-No. 36), filed October 4, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers and parts thereof* when moving with such towers, from Glasgow, Mo., to points in California, Nevada, Oregon, Washington, Maryland, New Jersey, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC 116325 (Sub-No. 37), filed October 4, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo., 63762. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and roofing materials*, from Wilmington, Ill., to points in Iowa, Kansas, Nebraska, Missouri, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 116645 (Sub-No. 8), filed October 15, 1965. Applicant: DAVIS TRANSPORT CO., a corporation, Post Office Box 56, Gilcrest, Colo. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible syrup, including blends thereof*, in bulk, in tank vehicles, from points in Adams, Arapahoe, Jefferson, and Denver Counties, Colo., to points in Texas, Wyoming, Utah, Nebraska, and Kansas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117165 (Sub-No. 18), filed October 4, 1965. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich., 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and scrap pulpboard*, from Detroit, Mich., to points in Ohio, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117344 (Sub-No. 159), filed October 7, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and products thereof*, in bulk, in tank vehicles, from Columbia Park, Ohio, to Howell, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 117427 (Sub-No. 47), filed October 12, 1965. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C., 28659. Applicant's representative: Earl F. Rieger, 1366 National Press Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from Catawba, S.C., and points within five (5) miles thereof, to points in Nebraska. NOTE: Applicant holds contract carrier authority in MC 116145 and Sub 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117867 (Sub-No. 4), filed October 11, 1965. Applicant: SMITH BANANA TRANSPORT, INC., 4003 Valley Drive, Pueblo, Colo., 81002. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Colorado and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pueblo, Colo.

No. MC 118130 (Sub-No. 38), filed October 7, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Worthington and Mankato, Minn., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118142 (Sub-No. 23), filed October 8, 1965. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's representa-

tive: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, cocoanuts*, and *pineapples*, from Freeport, Tex., to points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118506 (Sub-No. 4), filed October 8, 1965. Applicant: ALASKA ORIENT VAN SERVICE, INC., 1049 Whitney Road, Anchorage, Alaska. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Haines, Alaska, on the one hand, and, on the other, points in Alaska west of an imaginary line constituting a southward extension of the United States-Canada boundary line (Alaska-Yukon Territory), restricted solely to the transportation of household goods received from or delivered to other carriers in interline service at Haines and against the transportation of shipments originating at or destined to Haines. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 118745 (Sub-No. 4), filed October 13, 1965. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, Pa. Applicant's representative: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and mixtures* and *products* of lime and limestone, from the plantsite of G. & W. H. Corson, Inc., at or near Plymouth Meeting, Pa., to points in New York and Connecticut. NOTE: The said transportation is to be performed under a continuing contract or contracts with G. & W. H. Corson, Inc., of Montgomery County, Pa., and no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 119089 (Sub-No. 2), filed October 13, 1965. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 344 East Florida Street, Milwaukee, Wis., 53204. Applicant's representative: Claude J. Jasper, 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *empty containers* used in transporting frozen foods, between the plantsites of the Wisconsin Cold Storage Co. and of the Badger Cold Storage Co. (division of the Wisconsin Cold Storage Co.) at Milwaukee, Wis., of the Mohawk Refrigerating Co. at Wauwatosa, Wis., and of the Marshfield Cold Storage Co. at Marshfield, Wis., on the one hand, and, on the other, points in that part of Minnesota on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 71 and on and east of a line beginning at the junction U.S. Highways 12 and 71 and extending along U.S. Highway 71 to the Minnesota-Iowa State line, including all points in the Minneapolis-St. Paul, Minn., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119315 (Sub-No. 6), filed October 13, 1965. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo 12, Ohio. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, expanded cellular plastic, from Defiance, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, Michigan, Arkansas, Minnesota, Tennessee, Iowa, and the District of Columbia, and *rejected, damaged or returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119422 (Sub-No. 33), filed October 13, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, Post Office Box 1037, East St. Louis, Ill. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Wood River, Ill., and points within 5 miles thereof, to points in Arkansas, Indiana, Iowa, Kansas, Nebraska, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 119531 (Sub-No. 47), filed October 12, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, between Massillon, Ohio, on the one hand, and, on the other, points in Kentucky, the Lower Peninsula of Michigan, New York, Pennsylvania, and West Virginia, and (2) *scrap paper*, from points in Illinois, Indiana, the Lower Peninsula of Michigan, New York, Pennsylvania, and West Virginia, to Massillon, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 48), filed October 14, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper articles*, from points in Canton Township, Wayne County, Mich., to points in Indiana and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119577 (Sub-No. 10), filed October 11, 1965. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Sheffield, Ill., to points in Indiana, Iowa, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 118) (Amendment), filed September 13, 1965, published in FEDERAL REGISTER, issue of September 30, 1965, republished as amended October 21, 1965, further amended October 22, 1965, and republished as further amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal* derived from the slaughter and processing of livestock, poultry and fish (except commodities in bulk and hides), from South Sioux City, Nebr., and Sioux City, Iowa, and points within 10 miles thereof, to points in Wisconsin. NOTE: The purpose of this republication is to more clearly set forth the commodity and territorial descriptions. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 131), filed October 14, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, in packages, from Delavan, Wis., to Momence, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 132), filed October 14, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, apple juice* and *sweet cider*, from Bailey, Mich., to points in Iowa and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 133), filed October 14, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal, meat scraps* and *meat bones* derived from the slaughter or processing of livestock, when transported in temperature controlled mechanically refrigerated vehicles, from

Milwaukee, Wis., to Napoleon, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119774 (Sub-No. 5), filed October 5, 1965. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex., 75662. Applicant's representative: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts and *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (2) *contractors' equipment, materials, machinery* and *supplies, commodities*, the transportation of which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging or handling, together with *parts and attachments thereto* when moving in connection therewith, and *commodities* weighing over 15,000 pounds and not requiring special equipment for loading, unloading or transportation, between points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 19 to Palestine, Tex., thence along U.S. Highway 84 to the Texas-Louisiana State line and points in that part of Louisiana on and north of U.S. Highway 84, on the one hand, and, on the other, points in Virginia and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 119829 (Sub-No. 16), filed October 8, 1965. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio, 44286. Applicant's representative: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt (asphaltum), natural, byproduct of petroleum, liquid* (other than paint, stain, or varnish), in bulk, in tank vehicles, and *asphalt pavement surface sealer, containing coal tar, inert fillers, and liquid vehicles*, in bulk in tank vehicles, from Columbus, Ohio, to points in Wisconsin, Illinois, Iowa, Missouri, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119864 (Sub-No. 15), filed October 12, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers, with and without caps, covers and stoppers*, from Marion, Ind., to points in Wisconsin, Illinois, Ohio, Michigan, Kentucky, and Missouri, *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123048 (Sub-No. 76), filed October 11, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and parts* of agricultural implements and farm machinery, from South Bend, Ind., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 123293 (Sub-No. 10), filed October 13, 1965. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Post Office Box 120, Mercersburg, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker*, in bulk, in dump vehicles, from the plantsite of Marquette Cement Co. in Security, Washington County, Md., to the plantsite of Marquette Cement Co. at Neville Island, Allegheny County, Pa. Restriction: The operations proposed in the paragraph next above are limited to a transportation service to be performed under a continuing contract or contracts with Marquette Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 85) (Amendment) filed September 13, 1965, published FEDERAL REGISTER, issue of September 22, 1965, amended October 11, 1965, and republished as amended this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from North Chicago, Ill., to points in Iowa, Missouri, Minnesota, Nebraska, Colorado, Kansas, Oklahoma, Texas, and Arkansas. NOTE: The purpose of this republication is to clearly set forth the origin point sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124078 (Sub-No. 160), filed October 8, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* from points in the Kansas City, Mo.-Kansas City, Kans. commercial zone to points in Kansas, Iowa, Nebraska, Illinois, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 124125 (Sub-No. 4), filed October 7, 1965. Applicant: A. & P. EQUIPMENT SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Kingston (Ulster County), N.Y., and Roseton (Orange County), N.Y., to points in New York, New Jersey, Pennsylvania, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, and *materials, supplies*, and *equipment* used in the manufacture and shipping of brick, and *returned, refused and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124174 (Sub-No. 36), filed October 15, 1965. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa, 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plantsite and/or storage facilities operated or utilized by Armour and Co., located at or near Worthington and Mankato, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124211 (Sub-No. 67), filed October 8, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln 1, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in Dallas County, Iowa, to points in Colorado (except Denver), Illinois, Iowa, Kansas, Minnesota, Missouri (except points north of U.S. Highway 40), Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states the authority sought herein is to be restricted to "traffic originating at points within Dallas County, Iowa." If a hearing is deemed necessary, applicant does not specify location.

No. MC 124669 (Sub-No. 13), filed October 11, 1965. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, including but not limited to anhydrous

ammonia, nitrogen fertilizer solutions, and aqua ammonia, in bulk, from the plantsite of Tuloma Gas Products Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125045 (Sub-No. 2), filed October 13, 1965. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11¼ Street SW., Rochester, Minn. Applicant's representative: Richard E. White, Room B District Building, 316 First Avenue SW., Rochester, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *ice cream*, from Rochester, Minn., to branch plants of Marigold Foods located at Reedsburg, Eau Claire, and La Crosse, Wis., and Storm Lake and Fort Dodge, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, Minn.

No. MC 126966 (Sub-No. 1), filed October 12, 1965. Applicant: GRADY A. LANNING, 2777 Jefferson Davis Highway, Arlington, Va. Applicant's representative: L. Agnew Meyers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from plantsite of Davis Sand & Gravel Co., near Clinton, Md., to Arlington, Va. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 127002 (Sub-No. 1), filed October 13, 1965. Applicant: CHARLES H. CRISMOND AND HENRY C. CRISMOND, a partnership, doing business as CHARLES H. CRISMOND & SON, Brooke, Va. Applicant's representative: George C. Rawlings, Jr., Law Building, Fredericksburg, Va., 22401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Creosote poles and cross arms*, from Brooke, Va., to points in Maryland, those in Salem, Ocean, Cape May, Atlantic, Burlington and Camden Counties, N.J., Bucks, Delaware, Philadelphia, Montgomery, and Chester Counties, Pa., and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fredericksburg, Va.

No. MC 127170 (Correction), filed April 15, 1965, published in FEDERAL REGISTER, issue of May 5, 1965, and republished as corrected this issue. Applicant: MYRL D. CROWE, doing business as TRUCK RENTAL COMPANY, Route 1, Argyle, Iowa. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. The purpose of this republication is to show applicant's name as MYRL D. CROWE, doing business as TRUCK RENTAL COMPANY, in lieu of TRUCK RENTAL COMPANY, a corporation, as shown in the previous publication.

No. MC 127429 (Sub-No. 1), filed October 8, 1965. Applicant: HENRY CAPDVILLE, doing business as HANKS TRUCKING, 231 West Loop Drive, Camarillo, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *building materials*, from Port Hueneme and points in the Los Angeles Harbor, Calif., commercial zone, to points in Santa Barbara and Ventura Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oxnard, Calif.

No. MC 127554 (Sub-No. 2), filed October 7, 1965. Applicant: STANLEY E. FOLTZ, Mathias, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured agricultural feed*, in vehicles equipped with bulk feed bodies, with auger unloading device from power takeoff, from Broadway, Va., and points within 2 miles thereof, to points in Hardy County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 127576 (Sub-No. 1), filed October 7, 1965. Applicant: JAMES VANCE GEREN, doing business as JIMMY GEREN TRUCKING, Star Route 1, Box 7, Coalinga, Calif. Applicant's representative: Marvin Handler, 625 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos shorts* and *waste*, from the site of Coalinga Asbestos Company, Inc. (approximately 21 miles northwest of Coalinga, Calif.), to Coalinga, Los Angeles Harbor (including Long Beach, Wilmington, and San Pedro), Port Hueneme, San Francisco, Oakland, Richmond, Stockton, and Sacramento, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 127586 (Sub-No. 3), filed October 13, 1965. Applicant: MASON HENRY DOLLAR AND JAMES PAUL ELLIOTT, a partnership, doing business as DOLLAR AND ELLIOTT TRUCKING COMPANY, West Jefferson, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stoker coal*, from points in Russell, Wise, Dickenson and Buchanan Counties, Va., to points in Ashe and Alleghany Counties, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 127625, filed October 5, 1965. Applicant: SANTEE PORTLAND CEMENT CARRIERS, INC., Holly Hill, S.C. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the plantsite of the Santee Portland Cement Co., Holly Hill, S.C., to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127; and (2) from railroad sidings in the destination territory named in (1) above to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127 restricted to traffic originating at the named plantsite and having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C., or Charleston, S.C.

No. MC 127627, filed October 6, 1965. Applicant: W L W TRANSPORTATION COMPANY, INC., 1201 South High Street, Columbia, Tenn. Applicant's representative: William B. Cain, Middle Tennessee Bank Building, Columbia, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk and *rejected shipments*, between Decatur, Ala., and points within the commercial zone thereof, on the one hand, and, on the other, Siglo, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127633, filed October 4, 1965. Applicant: ABSALON FOURNIER, doing business as A. FOURNIER TRANSPORT, 109 Church Street, Lacolle, Province of Quebec, Canada. Applicant's representative: R. G. Lougee, Post Office Box 1893, New Haven, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride, caustic soda*, and *lime* in bags, boxes, drums, and barrels, from Rouses Point, N.Y., to the ports of entry on the international boundary line between the United States and Canada located at or near Rouses Point, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.

No. MC 127634, filed October 4, 1965. Applicant: JAMES J. GAMBRELL, doing business as GAMBRELL MOBILE HOME TRAILER TOWING, 1820 Fairview Avenue, Augusta, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, in initial and secondary movements, between points in Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Ga.

No. MC 127635, filed October 4, 1965. Applicant: HIGHWAY TRANSPORTATION COMPANY, a corporation, Post Office Box 2188, Terminal Way, South Portland, Maine. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from South Portland, Maine, to points in New Hampshire on and north of a line beginning at Portsmouth, N.H., and extending along U.S. Highway 4 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire

Highway 25 to junction New Hampshire Highway 25A near Wentworth, N.H., thence along New Hampshire Highway 25A to the New Hampshire-Vermont State line near Orford, N.H., including points on the highways specified, under a continuing contract with Community Oil Co., Inc., 175 Front Street, South Portland, Maine. NOTE: Applicant holds common carrier authority in MC 30164, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 127636, filed September 29, 1965. Applicant: CHARLTON TRANSPORT (QUEBEC) LIMITED, 325 Norman Street, Ville St. Pierre, Quebec, Canada. Mailing address: Box 70, Oshawa, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, including *parts and accessories thereof* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in truckaway and driveaway service, in initial and secondary movements, between ports of entry on the international boundary line between the United States and Canada located in Maine, New York, New Hampshire, and Vermont, and points in Franklin and Clinton Counties, N.Y., Grand Isle, Franklin, Orleans, and Essex Counties, Vt., Coos County, N.H., and Oxford, Franklin, Somerset, and Aroostook Counties, Maine, restricted to the transportation of foreign commerce originating at or destined to points in Canada and interlined with connecting carriers in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 127637, filed October 11, 1965. Applicant: O BAR J TRAILERS, INC., 900 North 7th Avenue, Bozeman, Mont., 59715. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between Bozeman, Mont., on the one hand, and, on the other, points in the States west of the Mississippi River, namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127638, filed October 11, 1965. Applicant: RALPH BEYER, doing business as RALPH BEYER TRUCKING CO., Carman Road, Schenectady, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, in bulk, in dump vehicles, from points in Saratoga County, N.Y., to points in Massachusetts, Connecticut, New York, Vermont, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y.

No. MC 127639, filed October 11, 1965. Applicant: MIDWEST SCRAP TRANSPORT, INC., West Salem, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in New York, West Virginia, Kentucky, Virginia, Michigan, Indiana, and Pennsylvania to Coshocton, Zanesville, Portsmouth, Sidney, Fostoria, Mansfield, West Salem, Cincinnati, Ashland, and Sandusky, Ohio. NOTE: Applicant states that it will perform the above transportation service for M. Swack Iron & Steel Co., West Salem, Ohio, and Coshocton Iron & Metal, Coshocton, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127641, filed October 7, 1965. Applicant: PASQUALE CANTERINO, 23 Edgewood Drive, Newburgh, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Kingston, Ulster County, N.Y., and Roseton, Orange County, N.Y., to points in New York, New Jersey, Pennsylvania, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, and *materials, supplies*, and *equipment* used in the manufacture and shipping of brick, and *returned, refused, and rejected brick*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127643, filed October 7, 1965. Applicant: DANISI TRUCKING, INC., 911 Long Island Avenue, Deer Park, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to points in New Jersey and Pennsylvania, and *returned and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127645, filed October 13, 1965. Applicant: DEVORE BROKERAGE COMPANY, INC., Post Office Box 66, U.S. Highway 90, Loxley, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nursery stock accessories and empty containers or such other incidental facilities*, used in transporting nursery stock and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with nursery stock accessories, between points in Alabama, Georgia, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 127646, filed October 13, 1965. Applicant: DEVORE BROKERAGE COMPANY, INC., Post Office Box 66, U.S. Highway 90, Loxley, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, from Atlanta, Ga., and Memphis, Tenn., to points in Baldwin and Mobile Counties, Ala. NOTE: Applicant states the proposed operations will be under contract with A. Bertolla & Sons, Loxley, Ala., and A. A. Corte & Sons, Loxley, Ala. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 127651, filed October 13, 1965. Applicant: EVERETT G. ROEHL, 201 West Upham Street, Marshfield, Wis., 54449. Applicant's representative: Claude J. Jasper, 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Rough lumber*, (1) from Dorchester, Wis., to points in Minnesota, Illinois, those points in Indiana located in the Chicago, Ill., commercial zone and points in the Upper Peninsula of Michigan; and (2) from points in the Upper Peninsula of Michigan to Dorchester, Wis.; and (B) *beer* and *carbonated beverages*, from St. Louis, Mo., to Stratford, Wis., and *empty containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

MOTOR CARRIERS OF PASSENGERS

No. MC 8130 (Sub-No. 1), filed October 11, 1965. Applicant: HAMILTON MOTOR COACHES, a corporation, 549 West Third Street, Florence, N.J. Applicant's representative: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the Levittown Shopping Center, Levittown, Pa., and the Willingboro Plaza, Willingboro, N.J.; from the Levittown Shopping Center at the junction U.S. Highway 13 and Levittown Parkway, over U.S. Highway 13 to junction Bath Road in the Borough of Bristol, Pa., thence over Bath Road to junction Otter Street, thence over Otter Street to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to the Burlington-Bristol Bridge, thence over the Burlington-Bristol Bridge to Keim Boulevard, Burlington, N.J., thence over Keim Boulevard to junction U.S. Highway 130, thence over U.S. Highway 130 to junction Willingboro Parkway in Willingboro, N.J., thence south on Willingboro Parkway to Willingboro Plaza and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 123748 (Sub-No. 18), filed September 29, 1965. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060

State Street, New Haven, Conn. Applicant's representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, Conn., 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers. Regular routes: (1) Between New Haven, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y.; from New Haven over city streets and access roads to Interstate Highway 95 (Connecticut Turnpike), thence over Interstate Highway 95 to Exit No. 32 and Stratford, Conn., thence over Stratford city streets to Interstate Highway 95, Entrance No. 32, thence over Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets to Interstate Highway 95, thence over Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to New York, N.Y., and thence over city streets, highways and other passageways to La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y., and return over the same route, serving the intermediate points of Fairfield and Stratford, Conn., with service at Fairfield and Stratford limited to the transportation of passengers and their baggage to and from La Guardia Field Airport and New York International Airport, (2) between Waterbury, Conn., and La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y.; from Waterbury over city streets to Connecticut Highway 8, thence over Connecticut Highway 8 to Bridgeport, Conn., thence over Bridgeport city streets to Stratford, Conn., thence over Stratford city streets to Interstate Highway 95, thence over Interstate Highway 95 to Fairfield, Conn.

Thence over Fairfield city streets to Interstate Highway 95, thence over Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to New York, N.Y., and thence over city streets, highways and other passageways to La Guardia Field Airport, New York, N.Y., and New York International Airport, Idlewild, N.Y. and return over the same route, serving the intermediate points of Derby, Stratford, and Bridgeport, Conn., with service at Derby, Stratford and Bridgeport limited to the transportation of passengers and their baggage to and from La Guardia Field Airport and New York International Airport; (3) between Shelton, Conn., and Stratford, Conn.; from Shelton over Connecticut Highway 110 to junction Interstate Highway 95 at Stratford, and return over the same route, as an alternate route for operating convenience only, in connection with the route described immediately above, serving no intermediate points and service at Shelton, Conn., limited to joinder purposes only with carrier's otherwise proposed regular route limousine service; (4) between Stamford, Conn., and New York International Airport (Idlewild) and La Guardia Airport, New York, N.Y.; from Stamford over city streets to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., thence over New York city streets to New York International Airport (Idlewild) and La Guardia Airport, and return over the same route, serving no intermediate points; (5) between New Haven, Conn., and Newark Airport, Newark, N.J.; from New Haven over city streets and Interstate Highway 95 to Stratford, Conn., thence over city streets and Interstate Highway 95 to Bridgeport, Conn., thence over city streets and Interstate Highway 95 to Fairfield, Conn., thence over city streets and Interstate Highway 95 to Norwalk, Conn., thence over city streets and Interstate Highway 95 to Darien, Conn., thence over city streets and Interstate Highway 95 to Stamford, Conn., thence over city streets and Interstate Highway 95 to the Connecticut-New York State line, thence over Interstate Highway 95 to the New York City line.

Thence over New York City streets, boulevards, expressways, and avenues, to the Cross-Bronx Expressway, thence over the Cross-Bronx Expressway to the George Washington Bridge, thence over U.S. Highway 46 to the New Jersey Turnpike, thence over the New Jersey Turnpike to the Newark Airport Interchange, and thence to the Newark Airport, and return over the same route, serving the intermediate points of Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford, Conn.; with service at Stratford, Bridgeport, Fairfield, Norwalk, Darien, and Stamford, Conn., limited to the transportation of passengers and their baggage to and from Newark Airport; (6) between Bridgeport, Conn., and the Kennedy International Airport and La Guardia Airport at New York, N.Y.; from Bridgeport over city streets to Interstate Highway 95, thence over Interstate Highway 95 to the New York City line, thence over New York City streets, boulevards, expressways, and avenues, and Whitestone Bridge, Throgs Neck Bridge or Triborough Bridge to La Guardia Airport and Kennedy International Airport at New York City, and return over the same route, serving no intermediate points; (7) between Danbury, Conn., and La Guardia Airport, New York, N.Y., and John F. Kennedy International Airport, Idlewild, N.Y., from Danbury over U.S. Highway 7 to junction Connecticut Highway 35, thence over Connecticut Highway 35 to Ridgefield, Conn., thence over Connecticut Highway 33 to Wilton, Conn., thence over U.S. Highway 7 to Norwalk, Conn., thence over Interstate Highway 95 to the corporate limits of New York, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport, and return over the same route, serving the intermediate points of Ridgefield, Wilton, and Norwalk, Conn.; and irregular routes: Between Hamden and North Haven, Conn., on the one hand, and, on the other, New Haven, Conn., to be construed as an extension of and to be tacked to and combined with carrier's proposed operations as outlined in (1) through (4) inclusive, above, for the purpose of rendering service to and from the Kennedy International Airport and La Guardia Airport at New York, N.Y. NOTE: Applicant states that purpose of this application is to remove the restriction limiting the applicant to "the transportation of not more than eleven passengers in any one vehicle, not including the driver thereof," from its present authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 127597 (Sub-No. 1), filed October 15, 1965. Applicant: TRANSPORTATION UNLIMITED, INC., 5441 Paradise Road, Las Vegas, Nev. Applicant's representative: Thomas R. Kerr, 140 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, in sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within (5) five miles thereof and extending to (a) Grand Canyon National Park, Ariz., and (b) Death Valley National Monument, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 127642, filed October 7, 1965. Applicant: ANDREW T. JONES BUS SERVICE, 2714 Magnolia Street, Portsmouth, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Portsmouth and Norfolk, Va., and extending to Washington, D.C., Philadelphia, Pa., New York, N.Y., and points in New Jersey, Delaware, Maryland, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 127650, filed October 14, 1965. Applicant: JESS N. FOGLESONG, doing business as FOGLESONG STAGE LINE, 22d Street and A Avenue, Kearney, Nebr. Applicant's representative: J. C. Tye, 1419 Central Avenue, Post Office Box 636, Kearney, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Norton, Kans., and Kearney, Nebr.: From Norton over U.S. Highway 283 to junction Nebraska Highway 89, thence over Nebraska Highway 89 via Beaver City, Stamford and Orleans, Nebr., to junction U.S. Highway 183 at or near Alma, Nebr., thence over U.S. Highway 183 to Holdrege, Nebr., thence over U.S. Highway 6 via Funk and Axtell, Nebr., to junction Nebraska Highway 10 at Minden, Nebr., thence over Nebraska Highway 10 to Kearney, and return over the same route, serving the intermediate points of Beaver City, Stamford, Orleans, Alma, Holdrege, Funk, Axtell, and Minden, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kearney, Nebr.

### WATER CARRIER APPLICATIONS

No. W-1221, KGW TOWING COMPANY, INC., common carrier applica-

tion, filed October 11, 1965. Applicant: KGW TOWING COMPANY, INC., Post Office Box 339, Greenville, Miss. Applicant's representative: Douglas C. Wynn, 364–365 May Building, Greenville, Miss., 38701. Authority sought to operate as a common carrier by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year-round operation, in the transportation of *general commodities*, from New Orleans, La., on the Mississippi River, including the Port of New Orleans, via the Mississippi River, including the Port of New Orleans, via the Mississippi River and its navigable tributaries to Rosedale, Miss., on the Mississippi River, and thence to the Head of Navigation of the Arkansas River through the navigable mouths of the Arkansas and/or White Rivers, and return to New Orleans, La., via the Arkansas, White, and Mississippi Rivers, and their navigable tributaries, serving all ports, points and places on the Mississippi,, Arkansas, and White Rivers, and their navigable tributaries, between New Orelans, La., and the Head of Navigation of the Arkansas River four (4) times per month upstream and four (4) times per month downstream, including, but not limited to New Orleans and the Port of New Orleans, Harahan, Kenner, Donaldsonville, Plaquemine, Baton Rouge and the Port of Baton Rouge, Angola, Vidalia, and Lake Providence, La.; Natchez, Vicksburg and the Port of Vicksburg, Mayersville, Greenville, and the Port of Greenville, and Rosedale, Miss.; Arkansas City, Pine Bluff, Little Rock, Morrillton, Dardanelle, Russellville, Clarksville, Ozark, Van Buren, and Fort Smith, Ark.; and Sallison, Fort Gibson, and Tulsa, Okla.; with the right to interline and interchange at all points and places along said route.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 10928 (Sub-No. 50), filed October 11, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, livestock, and household goods as defined by the Commission), between Collinsville, Okla., and junction U.S. Highways 169 and 160, approximately four (4) miles south of Cherryvale, Kans., over U.S. Highway 169, serving no intermediate points, but serving the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. Common control may be involved.

No. MC 30073 (Sub-No. 17), filed October 11, 1965. Applicant: JOHNSON FREIGHT LINES COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga., 30316. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Chatsworth, Ga., and points within 5 miles thereof, as off-route points in connection with applicant's authorized regular route operations to, from and through Dalton, Ga.

No. MC 42487 (Sub-No. 636), filed October 4, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between junction Wisconsin Highway 29 and U.S. Highway 45 (approximately 2 miles east of Wittenberg, Wis.), and junction U.S. Highways 45 and 41 (approximately 4 miles north of Oshkosh, Wis.), over U.S. Highway 45 and (2) between junction Wisconsin Highway 76 and U.S. Highway 45 (at or near Greenville, Wis.), and junction Wisconsin Highway 76 and U.S. Highway 41 (approximately 3 miles west of Appleton, Wis.), over Wisconsin Highway 76, serving the junction Wisconsin Highway 76 and U.S. Highway 45 for purpose of joinder only with route described in (1) above, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's regular-route operations. NOTE: Common control may be involved.

No. MC 61403 (Sub-No. 140), filed October 8, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile softeners*, in bulk, in tank vehicles, from the plantsite of Pabst Brewing Co., located at Peoria, Ill., to points in North Carolina and South Carolina.

No. MC 84737 (Sub-No. 75), filed March 1, 1965. Applicant: NILSON MOTOR EXPRESS, a corporation, Post Office Box 3616, Charleston, S.C., 29407. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Charleston, S.C., and Charlotte, N.C.; from Charleston over South Carolina Highway 61 to junction South Carolina Highway 7 near Summerville, S.C., thence over South Carolina Highway 7 to junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia, S.C., thence over U.S. Highway 21 to junction U.S. Highway 321 near Columbia, S.C., thence over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to junction U.S. Highway 21 near Charlotte, N.C., thence over U.S. Highway 21 to Charlotte and return over the same route, serving no intermediate points; (2) between Charleston, S.C., and Norfolk, Va.; from Charleston over South Carolina Highway 61 to junction U.S. Highway 17, thence over U.S. Highway 17 to Windsor, N.C., thence over U.S. Highway 13 to Norfolk and return over the same route, serving no intermediate points; (3) between Charleston, S.C., and Atlanta, Ga.; from Charleston over South Carolina Highway 61 to Bamberg, S.C., thence over U.S. Highway 78 to Thomson, Ga.

Thence over U.S. Highway 278 to junction Interstate Highway 20, thence over Interstate Highway 20 to Atlanta and return over the same route, serving no intermediate points; (4) between Charleston, S.C., and Savannah, Ga.; (a) from Charleston over South Carolina Highway 61 to junction South Carolina Highway 7 at Charleston, S.C., thence over South Carolina Highway 7 to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah and return over the same route, serving no intermediate points; (b) from Charleston over South Carolina Highway 61 to junction South Carolina Highway 7 at Charleston, S.C., thence over South Carolina Highway 7 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Interstate Highway 95 at Ridgeland, S.C., thence over Interstate Highway 95 to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah and return over the same route, serving no intermediate points; (5) between Savannah, Ga., and Atlanta, Ga.; (a) from Savannah over U.S. Highway 17 to junction U.S. Highway 80, thence over U.S. Highway 80 to Swainsboro, Ga., thence over Georgia Highway 57 to Macon, Ga., thence over Georgia Highway 87 to Jackson, Ga., thence over U.S. Highway 23 to Atlanta and return over the same route, serving no intermediate points; and (b) from Savannah over U.S. Highway 17 to junction Interstate Highway 16, thence over Interstate Highway 16 to junction Interstate Highway 75, thence over Interstate Highway 75 to Atlanta and return over the same route, serving no intermediate points. NOTE: This application is filed pursuant to MC–C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations. Special NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 110356 (Sub-No. 4), filed October 8, 1965. Applicant: CALVIN ROBERT FROST, doing business as CALVIN R. FROST, South Ryegate, Vt. Applicant's representative: Edwin W. 25 Keith Avenue, Barre, Vt., 05641. Au-Free, Jr., 25 Keith Avenue, Barre, Vt., 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough, wooden bobbins*, from Groton, Vt., to Beebe River, and Nashua, N.H., and Winchendon, Lowell, Lawrence, and West Millbury, Mass.

No. MC 117765 (Sub-No. 36), filed October 7, 1965. Applicant: HAHN

TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (in containers, packages or drums), *advertising material, articles* distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, and *such commodities* as are used by wholesale or retail suppliers, marketers or distributors of petroleum products in the conduct of their businesses when shipped in mixed loads with petroleum products, from Oklahoma City, Okla., to points in Iowa and Wisconsin, and *empty containers and rejected shipments*, on return.

By the Commission.

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

[F.R. Doc. 65-11504; Filed, Oct. 27, 1965; 8:45 a.m.]

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[Notice 74]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 25, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 28 TA), filed October 21, 1965. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's representative: James E. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic type equipment, from Lime, Oreg., to Hells Canyon Dam site, Adams County, Idaho, for 180 days. Supporting shipper: Oregon Portland Cement Co., 111 Southeast Madison, Portland, Oreg., 97214. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 538 Pittock Block, Portland, Oreg., 97205.

No. MC 119726 (Sub-No. 6 TA), filed October 21, 1965. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's representative: Bruce C. Sheron (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Coloma, Mich., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee and Texas, for 180 days. Supporting shipper: Michigan Fruit Canners, Inc., Benton Harbor, Mich. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Eighth Floor, Century Building, 36 South Pennsylvania Street, Indianapolis, Ind.

No. MC 126094 (Sub-No. 4 TA), filed October 21, 1965. Applicant: ARTHUR TROTZKE, Post Office Box 128, Farmersburg, Ind. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber and scaled logs* for account of National Lumber Co., from points in Illinois, Indiana, and Ohio, to Louisville, and Carrollton, Ky., and Grand Rapids, Mich., for 180 days. Supporting shipper: National Lumber Co., Post Office Box 3087, Meadows Station, Terre Haute, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind., 46204.

No. MC 127665 TA, filed October 20, 1965. Applicant: JAY E. COON AND STELLA BETH COON, doing business as MOUNTAIN VIEW COURT & SALES, Box 2327, Ketchikan, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bungalows, motel units, cabin or house trailers, or trailers and their contents*, designed to be drawn by passenger automobiles, set up; initial movements and secondary movements, in truckaway service, between all points on Revillagegido Island, Alaska, for 180 days. Supporting shippers: State of Alaska, Department of Public Works, Box 1361, Juneau, Alaska, 99801, (Attention: A. V. Ritchie, traffic manager; H. A. Johnson, Master—M. V. Matanuska, 512 Buren Street, Ketchikan, Alaska; Mrs. Jean Gain, Homestead Trailer Park, Box 1273, Ketchikan, Alaska; Capt. T. T. Dagle, Master—M. V. Matanuska, care of Alaska Marine Highway System, Division of Marine Transportation, Box 1361, Juneau, Alaska; and, L. W. Brooks, Box 15, Ketchikan, Alaska. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska.

No. MC 127465 (Sub-No. 1 TA), filed October 21, 1965. Applicant: SAMMY L. ADAMS, Folsom, N. Mex., 88419. Applicant's representative: Edwin E. Piper, Jr., Suite 715-718, Simms Building, Albuquerque, N. Mex., 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed animal and poultry feeds*, from Amarillo, Tex., to points in Union, Colfax, and Quay Counties, N. Mex., and points in Las Animas County, Colo., for 180 days. Supporting shipper: Paymaster Feed Mills, Post Office Box 1650, Amarillo, Tex., F. R. Barmon and Leonard Sumpter, Ranchers, Joe A. Lopez, Foreman of Box Ranch. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse, Albuquerque, N. Mex., 87101.

No. MC 127666 TA, filed October 20, 1965. Applicant: VERNON G. CARLSON, 1821 Bridger Drive, Bozeman, Mont. Applicant's representative: H. D. Pugsley, Suite 600, El Paso Natural Gas Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, fresh fruits, and vegetables*, in mixed loads in the same vehicle, from Salt Lake City, Utah, to points in Montana, for 180 days. Supporting shipper: Buttrey Foods, Inc., Post Office Box 2008, Great Falls, Mont., 59401. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 318 U.S. Post Office Building., Billings, Mont., 59101.

By the Commission.

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

[F.R. Doc. 65-11579; Filed, Oct. 27, 1965; 8:49 a.m.]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Sacramento 079877]

## CALIFORNIA

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1965.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number Sacramento 079877, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining but not the mineral leasing laws.

The applicant desires the land for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, and for planned supplemental recreational and fish and wildlife purposes.

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, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Man-

agement 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.

The authorized officer 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 applicant agency.

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, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIF.

T. 12 N., R. 8 E.,
Sec. 12, S½SW¼.
T. 12 N., R. 9 E.,
Sec. 4, S½N½ (excl. M.S. 5431);
Sec. 5, lot 48 (excl. Min. lot 47);
Sec. 18, lot 1.
T. 13 N., R. 9 E.,
Sec. 1, that por. lot 51 in NE¼;
Sec. 2, lots 1, 2, and 7, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;
Sec. 11, SW¼SW¼;
Sec. 13, SE¼SE¼;
Sec. 22, W½SW¼ and NE¼SW¼;
Sec. 23, lot 41;
Sec. 24, lot 2 (excl. M.S. 5487, M.S. 5488, M.S. 4962 and M.S. 5209), SE¼SW¼ (excl. M.S. 5488), NE¼NW¼, N½NE¼, and SE¼NE¼;
Sec. 25, SE¼NE¼ (excl. M.S. 4709), W½W½SE¼ (excl. M.S. 6314), and unpatented M.S. 4343;
Sec. 28, SE¼NW¼, S½NW¼NE¼, NE¼NE¼, NW¼SW¼, N½SW¼SW¼, E½SW¼SW¼SW¼, and W½SE¼SW¼SW¼;
Sec. 30, NW¼SE¼;
Sec. 32, lot 5;
Sec. 34, lots 4 and 11, and NW¼ of lot 19;
Sec. 36, lot 1 (excl. of M.S. 6227).
T. 13 N., R. 10 E.,
Sec. 2, lots 9, 14, and 15;
Sec. 10, SE¼SE¼SE¼;
Sec. 11, N½NE¼SE¼;
Sec. 18, lots 3 and 4, and SW¼ of lot 5;
Sec. 20, lots 1, 2, and 8 and SE¼NE¼;
Sec. 22, lots 1, 2, 7, and 8;
Sec. 28, N½SE¼NE¼;
Sec. 30, lots 1 (excl. M.S. 4709), 5, 6, and 14, and S½NE¼.
T. 13 N., R. 11 E.,
Sec. 4, lots 2 and 3 (excl. M.S. 5300).
T. 14 N., R. 9 E.,
Sec. 1, E½ of lot 5, NE¼SW¼NW¼, and SE¼NW¼;
Sec. 12, NE¼NW¼, NE¼, and SE¼;
Sec. 13, NE¼NW¼NE¼ and E½NE¼;
Sec. 25, lots 1, 2, 7, and 8 (excl. M. S. 5816);
Sec. 35, lots 1, 3, and 4, SE¼NW¼, NE¼, SW¼SW¼, and E½SE¼;
Sec. 36, lots 2, 3, 7, 8, 9, 14, and 22, and NW¼.
T. 14 N., R. 10 E.,
Sec. 18, lots 4, 5, 10, 11, 13, and 15;
Sec. 30, lots 4, W½ of 8, W½ of 10, W½ of 15, 17, N½ of 18, and NE¼NW¼.
T. 14 N., R. 11 E.,
Sec. 31, SE¼SE¼SW¼ and SW¼SW¼SE¼;
Sec. 32, SE¼SW¼SW¼ and S½N½SE¼;
Sec. 33, SW¼NW¼SW¼, NE¼SW¼SE¼, S½SW¼SE¼ (excl. M.S. 5300), and SE¼SE¼;
Sec. 34, S½NW¼SW¼, NE¼SW¼, NW¼SE¼SW¼, and W½NW¼SE¼.
T. 15 N., R. 9 E.,
Sec. 36, SE¼SW¼.
T. 15 N., R. 10 E.,
Sec. 13, NE¼SE¼, S½NW¼SE¼, and S½SE¼;
Sec. 24, S½NW¼ and SW¼;
Sec. 25, lots 2 and 5, and E½NW¼;
Sec. 26, lots 1, 2, 4, and 6 (excl. of lot 90);
Sec. 27, lots 1, 2, and 9, 16 to 29, inclusive, 84 and 86;
Sec. 28, lots 2, 5, 6, 11, 12, 15, 17, 18, 19, 20, 22, 23, and 65, and NW¼SE¼SE¼.
T. 15 N., R. 11 E.,
Sec. 17, W½;
Sec. 18, lots 3 and 4, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, W½.

The afore-described areas aggregate approximately 7,142.00 acres of Federal land of which approximately 975.65 acres (in Tps. 13 and 15 N., Rs. 10 E., and Tps. 13 and 14 N., Rs. 11 E.) are in the Tahoe National Forest.

The applicant agency desires the withdrawal of the following described lands from location and entry under the mining laws but not the mineral leasing laws, as these lands are patented, having been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862), as amended, with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 9 E.,
Sec. 4, lots 5, 6, and 7;
Sec. 6, lots 4, 5, 6, 7, 8, and 9, and SE¼NE¼.
T. 13 N., R. 9 E.,
Sec. 26, lots 3 and 4, NE¼NW¼, W½SW¼SW¼NE¼, W½NW¼NW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 32, lots 2 and 3, W½NW¼, NE¼NW¼, NE¼, and N½SE¼;
Sec. 34, lots 3, 5, 6, 8, 14, and 15.

The applicant agency desires the withdrawal of the following-described lands from location and entry under the mining laws but not the mineral leasing laws, as these lands are patented having been patented under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended, with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 9 E.,
Sec. 28, E½SE¼SW¼SW¼ and W½SW¼SW¼SW¼.

The above-described patented lands aggregate approximately 1,129.52 acres.

R. E. MCCARTHY,
*Acting Manager.*

[F.R. Doc. 65-11539; Filed, Oct. 27, 1965; 8:46 a.m.]

[Sacramento 079934]

## CALIFORNIA

### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, serial No. Sacramento 079934, for the withdrawal of lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to valid existing claims.

The applicant agency desires the land for an undisturbed area within the Modoc National Forest known as the Burnt Lava Flow Virgin Area comprising eight islands for use as laboratories to botanists and others in natural science.

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, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management 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 a 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.

The authorized officer will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

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:

CALIFORNIA (MOUNT DIABLO MERIDIAN)

MODOC NATIONAL FOREST

*Burnt Lava Flow Virgin Area*

T. 42 N., R. 3 E. (unsurveyed),
Sec. 12, SE¼NE¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Sec. 13, N½NE¼.
T. 42 N., R. 4 E.,
Sec. 3, SW¼ of Lot 4, SW¼NW¼, SW¼SE¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 4, Lots 2, 3, and 4, NW¼ of Lot 1, S½ of Lot 1, S½N½, and S½;

Sec. 5, Lots 1, 2, and 4, S½ of Lot 3, S½ N½, and S½;
Sec. 6, Lot 1, SE¼NE¼, and SE¼;
Sec. 7, Lots 3 and 4, E½NW¼, E½SW¼, and E½;
Secs. 8 and 9;
Sec. 10, W½W½NE¼, W½ and W½SE¼;
Sec. 14, S½NW¼NW¼, SW¼NW¼, W½ SE¼NW¼, and NW¼SW¼;
Secs. 15, 16, and 17;
Sec. 18, Lots 1, 2, and 3, E½NW¼, NE¼ SW¼, and E½;
Sec. 19, NE¼NE¼;
Sec. 20, NE¼, NW¼NW¼, E½NW¼, N½ SE¼, and SE¼SE¼;
Sec. 21;
Sec. 22, N½, SW¼, NW¼NE¼SE¼, NW¼ SE¼, and E½E½SE¼;
Sec. 23, W½W½;
Sec. 26, NW¼NW¼;
Sec. 27, NW¼ and NE¼SW¼;
Sec. 28, N½NE¼, N½NE¼NW¼, and NE¼ NW¼NW¼;
T. 43 N., R. 4 E. (unsurveyed),
Sec. 32, SE¼SE¼SE¼;
Sec. 33, SW¼SW¼, S½SE¼SW¼, and S½SW¼SE¼.

The areas described aggregate approximately 8,908 acres.

R. E. McCarthy,
*Acting Manager.*

[F.R. Doc. 65-11540; Filed, Oct. 27, 1965; 8:46 a.m.]

## OREGON

### Revocation of Small Tract Classification

October 19, 1965.

Pursuant to the authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby revoke in its entirety Oregon Small Tract Classification No. 56-2, published June 15, 1956 (21 F.R. 4233):

Willamette Meridian, Oreg.

T. 2 S., R. 7 E.,
Sec. 33, NW¼SW¼.

Containing 40 acres of public domain land.

Dated: October 19, 1965.

Russell E. Getty,
*State Director.*

[F.R. Doc. 65-11541; Filed, Oct. 27, 1965; 8:46 a.m.]

## OREGON

### Revocation of Small Tract Classification

Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 F.R. 10526), I hereby revoke in its entirety Oregon Small Tract Classification No. 57-2, published March 14, 1957 (22 F.R. 1641):

Willamette Meridian, Oreg.

T. 28 S., R. 11 W.,
Sec. 13, NE¼NW¼.

Containing 40 acres of reconveyed Coos Bay Wagon Road lands.

Dated: October 19, 1965.

Russell E. Getty,
*State Director.*

[F.R. Doc. 65-11542; Filed, Oct. 27, 1965; 8:46 a.m.]

## Fish and Wildlife Service

[Docket No. S-317]

## EDWARD B. KARY

### Notice of Loan Application

October 22, 1965.

Edward B. Kary, Post Office Box 8, Ilwaco, Wash., has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 39-foot wood vessel to engage in the fishery for crab, tuna, and salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operations of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

Donald L. McKernan,
*Director,*
*Bureau of Commercial Fisheries.*

[F.R. Doc. 65-11580; Filed, Oct. 27, 1965; 8:50 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## CANNED VEGETABLES DEVIATING FROM IDENTITY STANDARD

### Extension of Temporary Permit for Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity established under authority of section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that the temporary permit held by the California Packing Corp., 215 Fremont Street, San Francisco, Calif., 94105, covering interstate marketing tests of the canned vegetables, sweet peas, whole kernel golden sweet corn, sliced carrots, and diced carrots is hereby modified and extended to October 1, 1966. Each of the canned vegetables contains an added seasoning constituent containing butter and guar gum, ingredients that are not provided for in the standards for these canned vegetables (21 CFR 51.1, 51.20, 51.990). The labels will name all the ingredients used, and the statement "Seasoned with butter" will appear thereon wherever the name of the food is conspicuously shown.

Dated: October 20, 1965.

Winton B. Rankin,
*Assistant Commissioner for Planning.*

[F.R. Doc. 65-11594; Filed, Oct. 27, 1965; 8:50 a.m.]

## DONALD SIMPSON

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1614) has been filed by Donald Simpson, 1000 Connecticut Avenue, Washington, D.C., 20036, proposing that paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the use of a mixture of sodium isododecylphenoxy-polyethoxy (40 moles) sulfate and sodium *n*-dodecylpolyethoxy (50 moles) sulfate as an emulsifier in latices used in coatings at levels not to exceed 0.75 percent of coating solids, for paper and paperboard intended for use in contact with foods only of the types identified in § 121.2526(c), table 1, under types IV-A, V, VII, VIII, and IX.

Dated: October 20, 1965.

Malcolm R. Stephens,
*Assistant Commissioner for Regulations.*

[F.R. Doc. 65-11595; Filed, Oct. 27, 1965; 8:51 a.m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

## NORTH CAROLINA

### Designation of Area for Emergency Loans to Apple Growers

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Carolina natural disasters have caused a need for credit by apple growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Carolina

Henderson

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1966; except to apple growers who are indebted for emergency loans made pursuant to this designation and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of October 1965.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 65-11577; Filed, Oct. 27, 1965; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 16498]

## AIR-INDIA

### Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 8, 1965, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the various orders of the Board, the prehearing conference report, and other documents, which are on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 22, 1965.

[SEAL] HERBERT K. BRYAN,
*Hearing Examiner.*

[F.R. Doc. 65-11581; Filed, Oct. 27, 1965; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16252; FCC 65-946]

## JERSEY CAPE BROADCASTING CORP. (WCMC)

### Order Designating Application for Hearing on Stated Issues

In re application of Jersey Cape Broadcasting Corp. (WCMC), Wildwood, N.J., Docket No. 16252, File No. BP-15945; has: 1230kc, 250w, U, Class IV; requests: 1230 kc, 250w, 1kw-LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of October 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that, on October 10, 1962, WCMC was authorized a power increase from 100 watts to 250 watts and now seeks a second power increase during daytime hours from 250 watts to 1 kilowatt; and

It further appearing, that the data submitted by the applicant indicates that the proposal will cause increased daytime interference to stations WITH, Baltimore, Md., and WERI, Westerly, R.I., and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCMC and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of WCMC would cause objectionable interference to stations WITH, Baltimore, Md.; and WERI, Westerly, R.I.; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

*It is further ordered,* That WITH, Inc., and Westerly Broadcasting Co., licensees of Stations WITH, and WERI, respectively, are made parties to the proceeding.

*It is further ordered,* That, in the event of a grant of this application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's Rules.

*It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: October 25, 1965.

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

[F.R. Doc. 65-11590; Filed, Oct. 27, 1965; 8:50 a.m.]

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[Docket Nos. 15139-15141; FCC 65M-1372]

## QUALITY BROADCASTING CORP. AND RADIO AMERICAS CORP.

### Order Continuing Hearing

In the matter of revocation of license of Quality Broadcasting Corp., for standard broadcast station WKYN, San Juan, P.R., Docket No. 15139; revocation of license of Quality Broadcasting Corp., (formerly Supreme Broadcasting Co., Inc. of Puerto Rico), for FM broadcasting station WFQM, San Juan, P.R., Docket No. 15140; revocation of license of Radio Americas Corp., for FM broadcast station WORA-FM, Mayaguez, P.R., Docket No. 15141.

The Hearing Examiner having under consideration the motion for additional time filed herein on October 19, 1965, by counsel for George A. Mayoral for continuance of further hearing from November 2, 1965, to January 11, 1966, and the discussion of a continuance held at the informal conference of October 19, 1965;

It appearing, that by order released April 1, 1965, the instant proceeding was remanded for further hearing to afford George A. Mayoral opportunity to employ counsel and participate as a party to the proceeding, said George A. Mayoral having previously been unable to present such request due to circumstances affecting his counsel which were beyond his control;

It further appearing, that present counsel cannot meet the presently scheduled hearing date due to the serious illness of his wife and has stated that if such date is adhered to it will necessitate his withdrawal from the case;

It further appearing, that at the said informal conference other counsel and the Hearing Examiner agreed to such extension subject to the provision that present counsel for George A Mayoral associate other counsel with him in view of the possibility of the illness of his said wife extending over an indefinite period of time;

It further appearing, that the instant continuance is disruptive to the Commission's processes and to the other parties hereto in view of the required arrangements for a place of hearing and the arrangements for transportation of the parties and witnesses and therefore all parties hereto, in an effort to avoid the necessity of further continuances, should attempt to associate counsel in

[1] Commissioners Hyde and Lee absent.

order to assure adherence to the newly scheduled hearing date.

*It is ordered*, This 21st day of October 1965, that the said motion for additional time is granted and the hearing herein presently scheduled to commence on November 2, 1965, is continued to January 11, 1966, commencing at 10 a.m. in a location to be subsequently specified in the city of San Juan, P.R.

Released: October 25, 1965.

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

[F.R. Doc. 65-11591; Filed, Oct. 27, 1965; 8:50 a.m.]

[FCC 65-947]

## STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

OCTOBER 25, 1965.

The application listed below is mutually exclusive with the application, File No. BR-3835, of the licensee of station KFAZ, Liberty, Tex., for renewal of license. The proposal is for the identical facilities of this Class II station including the transmitter plant of station KFAZ. Therefore, we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation which meet the requirements of our rules which govern the acceptance of applications.

| Call letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *1060 kilocycles* | | | | |
| New, Liberty County Broadcasters. | Liberty, Tex. | 250w | DA-D | | | |

Accordingly, notice is hereby given that the above application is accepted for filing and that on November 30, 1965, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application in order to be considered with this application, or with any other application on file by the close of business on November 29, 1965, which involves a conflict necessitating a hearing with either this application, or the KFAZ renewal application must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 29, 1965, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleading concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 20, 1965.

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

[F.R. Doc. 65-11592; Filed, Oct. 27, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Lee absent.

[FCC 65-948]

## STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

OCTOBER 25, 1965.

The application listed below is mutually exclusive with the application, File No. BR-3253, of the licensee of station KTOO, Henderson, Nev., for renewal of license. The proposal is for the identical facilities of this Class III station except that a different antenna site is proposed. Thus, we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation which meet the requirements of our rules which govern the acceptance of applications.

NEW, Henderson, Nev.
Cragin Broadcasting Co.
Req: 1280kc, 5kw, Day

Accordingly, notice is hereby given that the above application is accepted for filing and that on November 30, 1965, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on November 29, 1965, which involves a conflict necessitating a hearing with either this application or the KTOO renewal application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on November 29, 1965, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 20, 1965.

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

[F.R. Doc. 65-11593; Filed, Oct. 27, 1965; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

[Docket No. 65-38]

## ISRAEL/U.S. NORTH ATLANTIC PORTS WESTBOUND FREIGHT CONFERENCE

### Exclusive Patronage (Dual Rate) System and Contract; Order of Investigation and Hearing

The Commission has before it the application of the Israel/U.S. North Atlantic Ports Westbound Freight Conference for permission to institute a contract/non-contract rate system pursuant to section 14b of the Shipping Act, 1916.

In order to determine whether said application and the proposed contract should be approved, disapproved or modified in accordance with the general standards enumerated in section 14b and the express requirements of sections 14b (1) through (9) and whether the Commission's decision in The Dual Rate Cases to the effect that certain provisions of dual rate contracts be uniform, should govern the various provisions of said application and contract;

*It is ordered*, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine whether (1) the proposed system and the form of exclusive patronage (dual rate) contract meet the requirements of section 14(b), or will be detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors; and (2) the application for permission to institute the proposed contract/non-contract system and the use of the proposed form of exclusive patronage (dual rate) contract

[1] Commissioners Hyde and Lee absent.

should be permitted pursuant to the requirements of section 14b of the Shipping Act, 1916.

More particularly, it appears that the proposed contract is at variance with section 14b and/or the Commission's decision in The Dual Rate Cases in the following respects:

1. Article 1(b) departs from the language prescribed at page 23 of the Commission's decision in The Dual Rate Cases in its inclusion of "forwarding agents and consignees as well as their subsidiary" in the term "merchant" and its exclusion of the phrase "and over whom he regularly exercises direction and working control (as distinguished from the possession of the power to exercise such direction and control) in relation to shipping matters, whether they are made by or in the name of the 'merchant', any such related company or entity, or an agent or shipping representative on their behalf."

2. Article 4(a) only complies partially with section 14b(2) and the applicable clause prescribed for all contracts at page 17 of The Dual Rate Cases. Article 4(a) does not contain a 90-days' notice provision for rate increases as ordered by the Commission to appear in all dual rate contracts. In addition, Article 4(a) does not incorporate the provisions ordered by the Commission which permit the merchant, within 30 days after notice of a rate increase, to terminate the contract upon notice to the Conference, or permit the carriers within 30 days subsequent to the expiration of the 30-day period, to decide whether the proposed notice of increased rates should be withdrawn.

3. Article 7 excludes from contract coverage "any commodity for which the rate has been declared 'open' and is so shown in the Conference tariff." In The Dual Rate Cases, at page 40, the Commission approved a clause for use by those conferences who desire to provide in their contracts for the opening of rates. This clause is not contained in Article 7 or anywhere else in the subject contract.

The Commission in The Dual Rate Cases also required that all contracts exclude liquid bulk petroleum. This commodity is not excluded from contract coverage by Article 7 or any other article of the proposed contract.

In addition, Article 7 appears to be deficient in that it fails to include a provision which permits merchants to transport cargoes on their own vessels, or vessels chartered by the merchant provided the term of the charter is 6 months or more, as ordered by the Commission at page 35 of The Dual Rate Cases.

4. Article 8 does not conform to the uniform clause on natural routing ordered by the Commission at page 25 of The Dual Rate Cases, in that it omits the following definition of a natural transportation route:

> A natural transportation route is a traffic path reasonably warranted by economic criteria such as costs, time, available facilities, the nature of the shipment and any other economic criteria appropriate in the circumstances.

5. Article 11 relates to suspension and cancellation of the contract. It does not conform to the language prescribed at page 28 of The Dual Rate Cases in that it (a) includes amounts due for misclassification or misdescription of goods carried as "damages for breach"; (b) places the burden of proceeding to arbitration upon the merchant in case of dispute; (c) provides for cancellation of the merchant's contract in the event of its violation more than once in any period of 12 months and fails to include the following language: (1) "No suspension shall abrogate any cause of action which shall have arisen prior to the suspension"; (2) "Payment of damages shall automatically terminate suspensions"; and (3) "The Conference shall notify the Federal Maritime Commission of each suspension and of each termination, within 10 days after the event."

6. Article 13 deviates from the uniform clause ordered by the Commission at page 33 of The Dual Rate Cases, insofar as it provides that the merchant shall, upon request, furnish full and complete information with respect to any shipment or shipments made by the merchant in the trades covered by the contract. The clause approved by the Commission would permit the Conference to investigate the facts as to any shipment of the merchant which moved, or which the Conference or merchant believed had moved, via a non-conference carrier. In addition, Article 13 fails to provide that there shall be no disclosure of information in violation of section 20 of the Shipping Act, 1916, or the alternative clause permitted by the Commission in its Order Granting the Deletion of Certain Clauses in The Dual Rate Cases, July 31, 1964.

Further, the last sentence of Article 13 requires that notice be given by the merchant if he knows or he has reason to believe that cargo in the trade is to be shipped via nonconference vessels. The notice provision adopted on page 33 of The Dual Rate Cases only requires such notice on those shipments which have already moved via nonconference vessels.

6. Article 14 departs from the Force Majeure clause ordered by the Commission at page 41 of The Dual Rate Cases in that it includes threats of war-like conditions, civil commotion, port congestions, labor disputes or any conditions which would reasonably lead the carriers to believe that additional risks would be involved, voyages would be delayed, or that such delay in the completion of voyages would impose an undue financial burden as cause for the carriers' suspension of the contract. In addition, the 10-day notice period is in contrast to the 15-day period endorsed by the Commission.

*It is further ordered*, That the Israel/United States North Atlantic Ports Westbound Freight Conference and its member lines, listed in the Appendix attached hereto, be made respondents in this proceeding.

*It is further ordered*, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Presiding Examiner.

*It is further ordered*, That any persons, other than respondents, having any interest in this matter, and desiring to participate in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 5, 1965, with copy to respondents.

*It is further ordered*, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents and that all future notices, orders and decisions issued in this proceeding, including notice of time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

Israel/United States North Atlantic Ports Westbound Freight Conference, American Export Isbrandtsen Lines, Inc., Secretary, p.t., Via Cairoli 6, Genoa, Italy.
Zim Israel Navigation Co., Ltd., Ha'atzmaut Road 7-9, Post Office Box 1723, Haifa, Israel.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
Zim Israel Navigation Co., Ltd., American-Israeli Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65-11626; Filed, Oct. 27, 1965; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI66-117]

## H. N. BURNETT

### Order Providing for Hearing on and Suspension of Proposed Change in Rate

OCTOBER 20, 1965.

On September 20, 1965, H. N. Burnett (Burnett)[1] tendered for filing a proposed change in his 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,[2] dated September 16, 1965.
Purchaser and producing area: Panhandle Producing Co. (West Panhandle Field, Hutchinson County, Tex.) (Texas Railroad District No. 10).
Rate schedule designation: Supplement No. 3 to Burnett's FPC Gas Rate Schedule No. 4.

[1] Address is: 328 First National Bank Building, Amarillo, Tex.
[2] Includes copy of arbitration award providing for increased rate of 16.5 cents per Mcf.

Effective date: October 21, 1965.[2]
Amount of annual increase: $30,800.
Effective rate: 11 cents per Mcf.[3]
Proposed rate: 16.5 cents per Mcf.[4][5]
Pressure base: 14.65 p.s.i.a.

Burnett requests that his proposed rate increase be permitted to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Burnett's rate filing and such request is denied.

Burnett proposes an increase in its present 11-cents-per-Mcf rate which is in effect subject to refund in Docket No. RI64-344 to 16.5 cents per Mcf, amounting to $30,800 annually. The gas is sold to Panhandle Producing Co. (Panhandle) (successor to Henderson Trusts) from the West Panhandle Field, Hutchinson County, Tex. (Railroad District No. 10). Panhandle gathers and resells the residue gas after processing in its Henderson-Sanford Gasoline Plant to Colorado Interstate Gas Co. under its FPC Gas Rate Schedule No. 2 at a firm rate of 15 cents per Mcf plus tax reimbursement. Panhandle has filed a further renegotiated increase to 17 cents per Mcf plus tax reimbursement which was suspended in Docket No. RI64-575 until June 26, 1964, or until made effective pursuant to section 4(e) of the Natural Gas Act. Panhandle has not, as yet, made the 17-cents-per-Mcf rate effective. Burnett's proposed increased rate exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The sale related to Burnett's rate increase is considered to be for nonpipeline quality gas. We consider the area rate ceiling to be applicable to the sale of residue gas at the plant tailgate which is the point of delivery to the pipeline company.

On May 12, 1964, Burnett was contractually entitled to a renegotiated increase or failing negotiation the price was to be determined by a board of arbitrators. On August 17, 1965, a board of arbitrators awarded to Burnett the proposed increased price of 16.5 cents per Mcf. The contract also provides that Panhandle has the option of rejecting the arbitrated price and thereupon release Burnett from the provisions of the contract. Panhandle has not filed any objection to the proposed rate increase.

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. 3 to Burnett's FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] Subject to a downward B.t.u. adjustment (gas is sweet).

[4] Redetermined rate increase.

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, Chapter 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. 3 to Burnett's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Burnett's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until March 21, 1966, 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 8, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11530; Filed, Oct. 27, 1965; 8:45 a.m.]

[Docket Nos. CP65-402, CP66-13]

## HAMILTON, OHIO AND TEXAS GAS TRANSMISSION CORP.

### Notice of Extension of Time

OCTOBER 21, 1965.

Upon consideration of the motions filed October 14, 1965, by the Cincinnati Gas & Electric Co., and on October 18, 1965, by the city of Cincinnati, Kentucky Gas Transmission Corp., and the Ohio Fuel Gas Co. (the Columbia Companies), for an extension of the time for filing prepared testimony of intervenors and postponement of the prehearing conference set by the order issued September 30, 1965;

Notice is hereby given that the time is extended to and including: (1) November 1, 1965, within which applicants and intervenors in support of applicants shall file with the Commission and serve on all parties and the examiner their direct presentations; (2) November 15, 1965, within which the city of Cincinnati, the Columbia Companies, the Cincinnati Gas & Electric Co., and any other intervenor supporting them, shall file with the Commission and serve on all parties and the examiner their direct presentations in support of the contentions set out in their petitions to intervene.

Further, notice is hereby given that the prehearing conference in the above-designated proceeding presently scheduled for November 3, 1965, is postponed to November 22, 1965.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11531; Filed, Oct. 27, 1965; 8:45 a.m.]

[Docket No. G-7376 etc.]

## MISSISSIPPI RIVER CORP.

### Order Amending Orders Issuing Certificates, Redesignating Proceeding, and Redesignating FPC Gas Rate Schedules

OCTOBER 21, 1965.

On September 17, 1965, Mississippi River Corp., formerly Mississippi River Fuel Corp., filed a petition to amend orders issuing certificates, to redesignate pending proceedings and to redesignate FPC gas rate schedules to reflect the change of name of the company as of the close of business on May 28, 1965.

The Commission orders:

(A) The orders issuing certificates in the dockets listed below are amended by changing the name of the certificate holder from Mississippi River Fuel Corp. to Mississippi River Corp., and in all other respects said orders shall remain in full force and effect. The related rate schedules are redesignated accordingly.

| Certificate Docket No. | Mississippi River Fuel Corp., FPC Gas Rate Schedule No. | Mississippi River Corp., FPC Gas Rate Schedule No. |
|---|---|---|
| G-10422 | 7 | 7 |
| G-10466 | 8 | 8 |
| G-10467 | 9 | 9 |
| G-10820 | 10 | 10 |
| G-18039 [1] | 11 | 11 |
| G-18292 | 12 | 12 |
| G-18214 | 13 | 13 |
| G-17413 | 14 | 14 |
| G-7376 | 15 | 15 |
| G-7376 | 16 | 16 |
| CP61-62 | 18 | 18 |
| CP61-233 | 19 | 19 |
| CP61-141 | 20 | 20 |
| CP61-141 | 21 | 21 |
| CP64-133 | 23 | 23 |

[1] Includes an application to amend filed Oct. 29, 1964, and temporary certificate for the proposed service issued Nov. 24, 1964, pursuant to Supplement No. 1 to FPC Gas Rate Schedule No. 11.

(B) The name of the respondent in the proceeding pending in Docket No. G-20239 is changed from Mississippi River Fuel Corp. to Mississippi River Corp. and the proceeding is redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-11532; Filed, Oct. 27, 1965; 8:45 a.m.]

[Project No. 2543]

## MONTANA POWER CO.

### Notice of Application for License for Constructed Project

OCTOBER 20, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by

the Montana Power Co. (correspondence to J. E. Corette, president, the Montana Power Co., 40 East Broadway, Butte, Mont.), for license for constructed Project No. 2543, known as the Milltown Project, located on Clarks Fork River in the vicinity of Missoula, Missoula County, Mont.

The existing project consists of: (1) A dam in four sections: A 244-foot concrete abutment adjacent to a 152-foot concrete wall integral with the powerhouse, a 52-foot concrete sluice gate section containing four steel gates 9 feet wide by 14 feet high and a rock crib spillway beyond the concrete sluice; (2) a reservoir extending upstream about 1 mile with about 215 acres surface area and storage capacity of 300 acre-feet; and (3) a brick powerhouse integral with the dam containing five generating units having a total installed capacity of 3,040 kilowatts.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 3, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 65-11533; Filed, Oct. 27, 1965; 8:45 a.m.]

[Docket No. CP66-114]

## UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

### Notice of Application

OCTOBER 21, 1965.

Take notice that on October 18, 1965, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La., 71102, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP66-114 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United and Transco have entered into an exchange agreement dated June 23, 1965, to exchange volumes of natural gas not to exceed 2,000 Mcf per day. The facilities required to effect the exchange and proposed to be constructed by United and Transco are as follows:

*Point A, Vermilion Parish, La.* United would install a positive meter station and appurtenant facilities on Transco's 6-inch Gueydan Field lateral to render natural gas service to Gueydan, La. Transco proposes to install a 2-inch tap on its 6-inch Gueydan Field lateral at the same site.

*Point B, Terrebonne Parish, La.* United proposes to construct approximately 800 feet of 2⅜-inch pipeline and an orifice meter station and appurtenant facilities beginning at approximately Mile Post 26 on the Lirette-Napoleonville 24-inch pipeline and ending at a point on Transco's 20-inch pipeline on Compressor Station No. 062 site. Transco would install a 2-inch tap on its 20-inch pipeline at the Compressor Station No. 062 site.

The application states that United has entered into a contract with the town of Gueydan to supply natural gas in lieu of the town's local supply which is being depleted. The gas is to be received from Transco within the State of Louisiana and sold by United to Gueydan where all of the said gas will be consumed. United is to return equivalent amounts of gas to Transco at Point B. The proposed sale to Gueydan is to be made under United's Rate Schedule G-SWL, which the application states is on file with the Louisiana Public Service Commission.

The total cost of construction of the proposed exchange facilities is $22,991, which will be financed by United from funds on hand. United will reimburse Transco's cost of construction.

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 10, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 65-11535; Filed, Oct. 27, 1965; 8:45 a.m.]

[Project No. 2246]

## YUBA COUNTY WATER AGENCY

### Notice of Amended Application for Amendment of License for Unconstructed Project

OCTOBER 21, 1965.

Public notice is hereby given that amended application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Yuba County Water Agency (correspondence to: John Sanbrook, Secretary, Yuba County Water Agency, Post Office Box 1569, Marysville, Calif., 95902) for amendment of license for unconstructed Project No. 2246, to be located on the Yuba River and its tributaries, North Yuba River, Middle Yuba River, and Oregon Creek, in Yuba, Nev., and Sierra Counties, Calif., in the vicinity of Marysville, Calif., and affecting lands of the United States within Plumas and Tahoe National Forests, and utilizing the Englebright Dam of the California Debris Commission (an agency of the U.S. Corps of Engineers) and U.S. lands adjacent to such dam.

The amended application would revise unconstructed Project No. 2246, known as the Yuba River Development, in the following principal respects: (1) Lohman Ridge Tunnel would be reduced in size from 14 to 12.5 feet in diameter, modified horseshoe shaped; (2) Camptonville Tunnel would be reduced in size from 15.5 to 14.5 feet in diameter, modified horseshoe shaped; (3) Log Cabin Dam would be moved 50 feet upstream; (4) New Bullards Bar Dam would be changed from rockfill to concrete arch type with relocated spillway and powerplant eliminated; (5) New Colgate Dam would be eliminated; (6) New Colgate Tunnel would be realined, increased in size from 20 to 26 feet in diameter, horseshoe shaped, and designed and constructed for operation under pressure; (7) New Colgate Power Plant would have installed capacity increased from 122,000 to 282,600 kw; (8) New Narrows Powerplant would be located upstream from previously proposed location and would have installed capacity increased from 41,000 to 46,750 kw; and (9) Timbuctoo Afterbay Dam would be eliminated.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 8, 1965. The amended application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 65-11536; Filed, Oct. 27, 1965; 8:45 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Reg. F-6]

## SECRETARY OF DEFENSE

### Delegation of Authority To Represent Customer Interest of Federal Government in Utility Rate Proceeding

OCTOBER 21, 1965.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a utility rate proceeding.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205 (d), (e), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the California Public Utilities Commission in "Electric and Communication Public Utilities' Extension Rules and Aesthetics and Economics of Facilities" (Case No. 8209).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

3. *Effective date.* This regulation is effective September 28, 1965.

4. *Expiration date.* Unless sooner revoked, this regulation expires with termination of the subject proceeding.

LAWSON B. KNOTT, Jr.,
*Administrator.*

[F.R. Doc. 65-11620; Filed, Oct. 27, 1965; 8:51 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[812-1833]

## ABACUS FUND, INC.

### Notice of Filing of Application for Order

OCTOBER 22, 1965.

Notice is hereby given that Abacus Fund, Inc. ("Abacus"), 654 Madison Avenue, New York, N.Y., a registered closed-end diversified investment company, has filed an application under section 23(c)(3) of the Investment Company Act of 1940 ("Act") for an order permitting the acquisition by Abacus of 15,700 shares of its common stock, at $41 per share, from Bessemer Securities Corp. ("Bessemer"). All interested persons are referred to the application on file with the Commission for a statement of Abacus' representations which are summarized below.

The executive officers of Abacus were recently approached by Bessemer, with which neither Abacus nor its affiliated persons have any affiliation, and informed that Bessemer wished to sell its Abacus common stock. On September 17, 1965, Abacus and Bessemer entered into a written agreement whereby Abacus would purchase its common stock from Bessemer as aforesaid subject to ratification by the Abacus board of directors and the approval of the Commission. The Abacus board ratified such agreement on September 21, 1965.

Section 23(c) of the Act prohibits a registered investment company from purchasing its own securities other than on a securities exchange or pursuant to tenders, except under such circumstances as the Commission may permit by order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class of securities to be purchased.

Abacus states that the proposed acquisition of its common stock from Bessemer will not only not discriminate unfairly against its other common stockholders, but in fact will uniformly benefit them. The closing market price of Abacus common stock on the New York Stock Exchange on the day before the agreement was signed was 42¼ and the closing market price on October 6, 1965, was 43. Abacus represents that any holder of less than 10,000 shares could dispose of his entire holdings over the Exchange at 41 or better through the exercise of reasonable care in his market transactions. In support thereof, Abacus cites a report by the National Quotation Bureau Inc., dated October 4, 1965, which is made part of the application. The report enumerates the 10 days in each of 1963, 1964, and 1965 on which the most Abacus common shares were traded and indicates the closing prices on such days and on the immediately preceding trading days. Of the 30 trading days involved, only 12 closed at a price lower than the closing price on the preceding day. Of such 12 days, the closing price was off more than a point only once: on May 19, 1965, when 1,200 shares were traded, the stock closed 1¼ points below its previous close. On the most recent large-volume trading day, September 17, 1965, when 11,200 shares were traded at 42, the stock declined by one-fourth from the preceding day.

Abacus states, moreover, that tens of thousands of Abacus common shares have changed hands in private transactions since Abacus became an investment company, all at prices roughly equivalent to the then prevailing market price. With respect to persons who beneficially own 10,000 or more Abacus common shares, Abacus states that each one, with one exception, is either represented on the Abacus board of directors, which ratified the Bessemer transaction, or has informed Abacus of his disinterest in selling at 41. The exception is an individual who the president of Abacus has unsuccessfully attempted to contact on several occasions, but who has informed Abacus of his unwillingness to sell his holdings at various times in the past.

The net asset value per share of Abacus common on August 31, 1965, was $52.38. Abacus states that by "retiring" 15,700 shares at $11.38 per share less than net asset value the net asset value attributable to outstanding shares will increase by an aggregate amount of $178,666, or $0.21 per share.

Abacus represents that it will give notice of the filing of this application to its stockholders owning 1,000 shares or more of Abacus common stock by mailing a copy of this notice to such stockholders at their last known address prior to November 1, 1965.

Notice is further given that any interested person may, not later than November 15, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-11543; Filed, Oct. 27, 1965; 8:46 a.m.]

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[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

OCTOBER 22, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Octo-

ber 24, 1965, through November 2, 1965, both dates inclusive.

By the Commission.

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

[F.R. Doc. 65-11544; Filed, Oct. 27, 1965; 8:46 a.m.]

[24 NY-6038]

## MECHANICS FINANCE CO.

### Order Temporarily Suspending Exemption, Reasons Therefor, and Opportunity for Hearing

OCTOBER 21, 1965.

I. On June 11, 1964, Mechanics Finance Co. (Mechanics), 586 Newark Avenue, Jersey City, N.J., filed a notification pursuant to Regulation A relating to an offering of $250,000 principal amount of 7 percent debentures due July 10, 1989. The notification stated that the proposed offering was to be made only by officers and personnel of the issuer, as an incident to their regular employment, and for no special or additional compensation.

Mechanics is a New Jersey corporation, located at 586 Newark Avenue, Jersey City, N.J. According to the offering circular, it is engaged in the business of purchasing consumer or commercial paper at a discount.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. Issuer failed to disclose in Item 9 of its notification the sale of certain of its unregistered 7 percent debentures due 1985 during the year prior to filing its notification.

2. Issuer failed to disclose in Item 10 of its notification the offering at that time of certain of its 7 percent debentures due 1985 and that such offering would continue concurrently with the Regulation A offering.

3. The aggregate offering price of all the securities offered pursuant to Regulation A exceeded the $300,000 limitation on Regulation A offerings when computed in accordance with Rule 254.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in particular:

1. The statement in Item 9 of its notification that it had not sold securities within one year prior to filing its notification was false.

2. The statement in Item 10 of the notification that it was not at present nor intending in the future to offer securities other than those covered by the notification was false.

3. Issuer failed to disclose the offer and sale of its 7 percent debentures, due 1985, concurrently with the securities qualified under Regulation A in violation of section 5 of the Securities Act of 1933.

4. Issuer failed to disclose the contingent liability under Section 12 of the Securities Act of 1933 as a result of sales in violation of section 5 of said Act.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended,

*It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the presentation and consideration of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for a hearing will promptly be given by the Commission.

By the Commission.

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

[F.R. Doc. 65-11545; Filed, Oct. 27, 1965; 8:46 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, First Session.

### Approved October 23, 1965

H.R. 7888 ..... Public Law 89-295

An Act providing for the extension of patent numbered D-119,187.

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