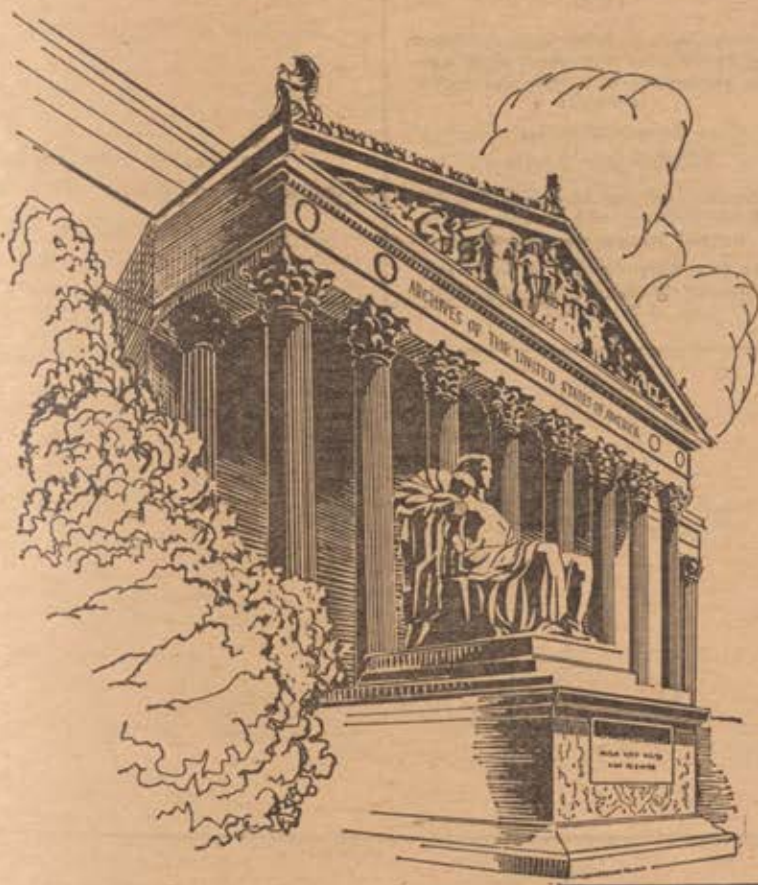


FEDERAL REGISTER

VOLUME 30 • NUMBER 27

Wednesday, February 10, 1965 • Washington, D.C.

Pages 1831-1923



**Subscriptions Now Being
Accepted**

SLIP LAWS

**89th Congress, 1st Session
1965**

Separate prints of Public Laws, published
immediately after enactment, with mar-
ginal annotations and legislative history
references

Subscription Price:

\$12.00 per Session

Published by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
Government Printing Office, Washington
D.C. 20402



Federal Register Act, approved July 26, 1935
Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent
of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in
advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money
order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pur-
suant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of
Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

AGRICULTURAL MARKETING SERVICE

Proposed Rule Making

- Milk in Nebraska-Western Iowa marketing area; decision..... 1857

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.

Notices

- Designation of areas for emergency loans:
Missouri..... 1880
North Dakota, South Dakota, and West Virginia..... 1880

ATOMIC ENERGY COMMISSION

Notices

- Regents of University of California; issuance of construction permit..... 1880

CIVIL AERONAUTICS BOARD

Notices

- Catalina Air Lines, Inc.; mail rates; show cause order..... 1880
IATA traffic conference; agreement regarding specific commodity rates..... 1881

CUSTOMS BUREAU

Rules and Regulations

- Merchandise transported in bond; labeling of packages..... 1845

FEDERAL AVIATION AGENCY

Rules and Regulations

- Control area extension, revocation, and designation of transition area..... 1835
Federal airway; alteration..... 1836
Objects affecting navigable airspace..... 1837
Positive control areas; consolidation..... 1836
Transition area; alteration..... 1837
VOR Federal airways; alteration..... 1836

Proposed Rule Making

- Control zone; alteration..... 1875
Control zones and transition areas; alteration and designation..... 1874
Control zone, transition area, and control area extension; alteration, designation, and revocation..... 1873
Control zone, transition area, and Federal airway; designation and alteration..... 1875
Federal airways:
Designation..... 1876
Designation and realignment..... 1876
Jet route and Federal airway; alteration..... 1876
Temporary restricted area; withdrawal of proposed designation..... 1877
Transition area; alteration..... 1877

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

- Government space research earth stations in support of Project Apollo; limited access to certain band..... 1849
Table of assignments, FM broadcast stations (4 documents)..... 1851, 1853-1855

Proposed Rule Making

- Fixed, mobile, and communication-satellite services; shared use of certain frequency bands..... 1878
Frequency allocations and radio treaty matters..... 1878

Notices

Hearings, etc.:

- Gross Broadcasting Co. and California Western University of San Diego..... 1883
La Fiesta Broadcasting Co. and Mid-Cities Broadcasting Corp..... 1884
Radio Dispatch Service and Chapman Radio & Television Co..... 1885
Symphony Network Association, Inc., and Chapman Radio and Television Co..... 1885
Television San Francisco and Jall Broadcasting Co., Inc..... 1881
Tree Broadcasting Co..... 1885
Triad Stations, Inc., and Marshall Broadcasting Co..... 1881
Tri-Cities Broadcasting Co. and Dawson County Broadcasting Corp. (2 documents)..... 1882, 1883

FEDERAL MARITIME COMMISSION

Rules and Regulations

- Shipping; oceangoing common carriers and persons shipping for own account; practices..... 1849

Notices

- Agreements filed for approval:
Port of Seattle and Alaska Steamship Co..... 1886
Port of Seattle and Matson Navigation Co..... 1886
South Atlantic and Gulf Ports; terminal practices; hearing..... 1886

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Jupiter Corp. and Tennessee Gas Transmission Co..... 1893
Sunray DX Oil Co..... 1886

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Statements of general policy or interpretations; amphetamine and methamphetamine inhalers regarded as prescription drugs..... 1845

Notices

- International Salt Co.; filing of petition for food additive..... 1880

GENERAL SERVICES ADMINISTRATION

Notices

- Secretary of Defense; authority delegations (2 documents)..... 1894

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Rules and Regulations

- Public contracts and property management; contract appeals..... 1847

HOUSING AND HOME FINANCE AGENCY

See Public Housing Administration.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

- Certain cotton textiles and products thereof:
Korea; limitation of exports..... 1895
Republic of China; entry and withdrawal from warehouse..... 1894

INTERIOR DEPARTMENT

See Land Management Bureau; National Park Service.

Notices

- Williams, C. H.; statement of changes in financial interests..... 1880

INTERNAL REVENUE SERVICE

Rules and Regulations

- Labeling and advertising of distilled spirits; bourbon whisky..... 1846

INTERSTATE COMMERCE COMMISSION

Proposed Rule Making

- Baltimore, Md., commercial zone; redefinition..... 1878

Notices

- Finance applications..... 1899
Fourth section applications for relief..... 1921
Motor carrier:
Alternate route deviation notices..... 1899
Applications and certain other proceedings (2 documents)..... 1901, 1905
Broker, water carrier and freight forwarder applications..... 1907
Transfer proceedings..... 1920
Western Traffic Association; application for approval of amendments to agreement..... 1921

(Continued on next page)

LAND MANAGEMENT BUREAU**Notices****Arizona:**

Proposed withdrawal and reservation of lands.....	1879
Small tract classification; revocation.....	1879
Directors, Job Corps Conservation Centers, et al.; authority delegation.....	1879
Utah; proposed withdrawal and reservation of lands.....	1879

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**Rules and Regulations**

Foreign patent program.....	1844
-----------------------------	------

NATIONAL PARK SERVICE**Proposed Rule Making**

Parks and monuments; aircraft...	1857
----------------------------------	------

POST OFFICE DEPARTMENT**Rules and Regulations**

Complaints, and third class mail; postal law violations, and payment of postage.....	1846
--	------

Proposed Rule Making

Exchange of unserviceable and spoiled double postal cards.....	1872
--	------

PUBLIC HOUSING ADMINISTRATION**Notices**

Description of agency and program; amendment.....	1896
---	------

SECURITIES AND EXCHANGE COMMISSION**Notices****Hearings, etc.:**

Alabama Power Co. et al.....	1896
Genesee Valley Gas Co., Inc.....	1897
Maser-Optics, Inc.....	1897
Michigan Consolidated Gas Co.....	1898

SMALL BUSINESS ADMINISTRATION**Rules and Regulations**

Administration; field offices.....	1835
------------------------------------	------

TAX COURT OF THE UNITED STATES**Notices**

Special Division of the Court; designation.....	1898
---	------

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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.

7 CFR**PROPOSED RULES:**

1065.....	1857
-----------	------

13 CFR

101.....	1835
----------	------

14 CFR

71 (5 documents).....	1835-1837
77.....	1837
1245.....	1844

PROPOSED RULES:

71 (8 documents).....	1873-1877
73.....	1877
75.....	1876

19 CFR

18.....	1845
---------	------

21 CFR

3.....	1845
--------	------

27 CFR

5.....	1846
--------	------

36 CFR**PROPOSED RULES:**

1.....	1857
--------	------

39 CFR

5.....	1846
24.....	1846

PROPOSED RULES:

31.....	1872
---------	------

41 CFR

3-60.....	1847
-----------	------

46 CFR

510.....	1849
----------	------

47 CFR

2.....	1849
73 (4 documents).....	1851, 1853-1855
74.....	1849

PROPOSED RULES:

2.....	1878
21.....	1878
25.....	1878

49 CFR**PROPOSED RULES:**

170.....	1878
----------	------

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 101—ADMINISTRATION

Field Offices

Effective February 2, 1965, § 101.3 of Part 101, as amended (27 F.R. 6777, 27 F.R. 12919), is further amended by revising the entire section to read as follows:

§ 101.3 Field offices.

(a) Northeastern Area (Boston):

Regions

- (1) Augusta, Maine, 04330, 114 Western Avenue.
- (2) Boston, Mass., 02210, Sheraton Building, 470 Atlantic Avenue.
- (3) Concord, N.H., 03301, 18 School Street.
- (4) Hartford, Conn., 06103, Federal Office Building, 450 Main Street.
- (5) Montpelier, Vt., 05601, Federal Building, Post Office and Courthouse, Second Floor, State Street.
- (6) Providence, R.I., 02903, 611 Smith Building, 57 Eddy Street.

(b) New York Area (New York City):

Regions

- (1) New York, N.Y., 10004, 42 Broadway.
- (2) Syracuse, N.Y., 13202, Chimes Building, 500 South Salina Street.

Branch

- Buffalo, N.Y., 14203, Federal Building, 121 Ellicott Street, Room 9 (reporting to Syracuse R/O).

(c) Middle Atlantic Area (Philadelphia):

Regions

- (1) Baltimore, Md., 21202, 521 Calvert Building, Fayette and St. Paul Streets.
- (2) Clarksburg, W. Va., 26301, Old Post Office Building, 227 West Pike Street.
- (3) Cleveland, Ohio, 44113, Standard Building, 1370 Ontario Street.
- (4) Columbus, Ohio, 43215, Beacon Building, 50 West Gay Street.
- (5) Newark, N.J., 07102, 10 Commerce Court.
- (6) Philadelphia, Pa., 19107, Jefferson Building, 1015 Chestnut Street.
- (7) Pittsburgh, Pa., 15222, Federal Building, 1000 Liberty Avenue.
- (8) Richmond, Va., 23226, Post Office Box 8563, 1904 Byrd Avenue.
- (9) Washington, D.C., 20417, 1325 K Street NW, 1st Floor.

(d) Southeastern Area (Atlanta):

Regions

- (1) Atlanta, Ga., 30303, 52 Fairlie Street, NW.
- (2) Birmingham, Ala., 35203, New First Federal Savings & Loan Building, 2030 First Avenue North.
- (3) Charlotte, N.C., 28202, American Building, 201 South Tryon Street.
- (4) Columbia, S.C., 29201, 1801 Assembly Street.

- (5) Jackson, Miss., 39201, 322 U.S. Post Office & Courthouse Building, Capital and West Streets.

- (6) Jacksonville, Fla., 32202, 47 West Forsyth.

- (7) Louisville, Ky., 40202, 1900 Commonwealth Building, Fourth and Broadway.

- (8) Miami, Fla., 33130, 912 Federal Office Building, 51 Southwest First Avenue.

- (9) Nashville, Tenn., 37219, Security Federal Savings & Loan Building, 500 Union Street.

Branch

- Knoxville, Tenn., 37902, 233 West Cumberland Building, 301 West Cumberland Avenue (Reporting to Nashville R/O).

(e) Midwestern Area (Chicago):

Regions

- (1) Chicago, Ill., 60604, Federal Office Building, 219 South Dearborn Street, Room 437.
- (2) Des Moines, Iowa, 50309, 850 Insurance Exchange Building, Fifth and Grand Avenue.
- (3) Detroit, Mich., 48226, 1200 Book Building, 1249 Washington Boulevard.
- (4) Indianapolis, Ind., 46204, Century Building, 36 South Pennsylvania Street.
- (5) Kansas City, Mo., 64106, 911 Walnut Street.
- (6) Madison, Wis., 53703, Commercial State Bank Building, 114 North Carroll Street.
- (7) Minneapolis, Minn., 55402, Lewis Building, 603 Second Avenue South.
- (8) St. Louis, Mo., 63103, 2489 Federal Building, 1520 Market Street.

Branch

- Marquette, Mich., 49855, 502 West Kaye Avenue (Reporting to Detroit R/O).

(f) Southwestern Area (Dallas):

Regions

- (1) Albuquerque, N. Mex., 87101, 102 U.S. Courthouse, Fifth and Gold Streets, Southwest.
- (2) Dallas, Tex., 75202, United Fidelity Life Building, 1025 Elm Street.
- (3) Houston, Tex., 77002, 802 Federal Office Building, 201 Fannin Street.
- (4) Little Rock, Ark., 72201, 377 Post Office and Courthouse Building, 600 West Capital Avenue.
- (5) Lubbock, Tex., 79401, 204 Federal Office Building, 1616 19th Street.
- (6) Marshall, Tex., 75670, Marshall National Bank, 101 East Austin Street.
- (7) New Orleans, La., 70130, 845 Federal Office Building (South), 610 South Street.
- (8) Oklahoma City, Okla., 73102, 807 U.S. Post Office Building, Third and Robinson.
- (9) San Antonio, Tex., 78204, 412 Kallison Building, 434 South Main Avenue.

(g) Rocky Mountain Area (Denver):

Regions

- (1) Boise, Idaho, 83702, Room 408, Idaho Building, 215 North Eighth Street.
- (2) Casper, Wyo., 82601, 301 O & S Building, 128 East Second Street.
- (3) Denver, Colo., 80202, Railway Exchange Building, 909 17th Street.
- (4) Fargo, N. Dak., 58102, 300 American Life Building, 207 North Fifth Street.
- (5) Helena, Mont., 59601, Post Office Box 1690, 205 Power Block, Corner Main and Sixth Avenue.
- (6) Omaha, Nebr., 68102, 7425 Federal Building, 215 North 17th Street.
- (7) Salt Lake City, Utah, 84111, 2237 Federal Building, 125 South State Street.

- (8) Sioux Falls, S. Dak., 57102, Leaders Building, 109½ North Main Avenue.

- (9) Wichita, Kans., 67202, 215 Board of Trade Building, 120 South Market Street.

(h) Pacific Coastal Area (San Francisco):

Regions

- (1) Anchorage, Alaska, 99501, 304 Loussac-Sogn Building, Fifth and D. Streets, Post Office Box 999.
- (2) Honolulu, Hawaii, 96813, 1149 Bethel Street, Room 402.
- (3) Los Angeles, Calif., 90013, 312 West Fifth Street.
- (4) Phoenix, Ariz., 85004, Central Towers Building, 2727 North Central Avenue.
- (5) Portland, Oreg., 97205, 330 Pittock Block, 921 Southwest Washington Street.
- (6) San Francisco, Calif., 94102, Federal Building, 450 Golden Gate Avenue, Box 36044.
- (7) Seattle, Wash., 98104, 1206 Smith Tower, 506 Second Avenue.
- (8) Spokane, Wash., 99201, American Legion Building, Room 300, North 108 Washington Street.

Branches

- (1) Agana, Guam, 96910, Ada Plaza Center Building, Post Office Box 927 (reporting to Honolulu R/O).
- (2) San Diego, Calif., 92104, 3969 Ohio Street (reporting to Los Angeles R/O).

(i) Reporting to Washington:

Region

- Santurce, P.R., 00908, San Alberto Candominio Building, 1200 Ponce de Leon Avenue, reporting to Santurce, P.R.

Branch

- St. Thomas, U.S. Virgin Islands, 00802, Post Office Box 806.

Dated: February 2, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-1381; Filed, Feb. 9, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 64-SO-56]

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

Revocation of Control Area Extension and Designation of Transition Area

On November 7, 1964, a notice of proposed rulemaking was published in the FEDERAL REGISTER (29 F.R. 15092) stating that the Federal Aviation Agency proposed to revoke the control area extension and designate a transition area at Greenville, Miss.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 1073) is amended by revoking the Greenville, Miss., control area extension.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

GREENVILLE, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 80°59'06" W.) and within 2 miles each side of the Greenville VOR 006° radial extending from the 5-mile radius area to 8 miles N of the VOR; including that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Greenville VOR 006° and 185° radials extending from 13 miles N to 4 miles S of the VOR.

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

Issued in East Point, Ga., on February 2, 1965.

ARVIN O. BASNIGHT,
Director, Southern Region.

[F.R. Doc. 65-1382; Filed, Feb. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-70]

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

Alteration of VOR Federal Airways

On November 20, 1964, a notice of proposed rule-making was published in the FEDERAL REGISTER (29 F.R. 15581) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airways Nos. 28, 193 and 285 and realign No. 274 to permit use of the Grand Rapids, Mich., VOR in these airways.

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

Subsequent to the publication of the notice, it was determined that in order to achieve maximum efficiency of the required airspace in the Grand Rapids area, V-2 south and V-193 should intersect over the west course of the Grand Rapids ILS localizer. Therefore, the alteration of V-2S, as proposed in the notice, is revised by using the Muskegon, Mich., 154° True radial in lieu of the 152° True radial. Since this change is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to reflect the change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), VOR Federal airways Nos. 2, 193, 274, and 285 are amended as follows:

a. In V-2 "including an S alternate via INT Muskegon 137° and Lansing 277° radials; to Salem, Mich.," is deleted and "including an S alternate from Muskegon to Lansing via INT of Muskegon 154° and Grand Rapids, Mich., 284° radials, and Grand Rapids; Salem, Mich.," is substituted therefor.

b. In V-193 "INT of Pullman 029° and White Cloud, Mich., 176° radials," is deleted and "INT of Pullman 029° and White Cloud, Mich., 168° radials," is substituted therefor.

c. V-274 is amended to read "From Pullman, Mich., via Grand Rapids, Mich., to Saginaw, Mich."

d. In V-285 "to Grand Rapids," is deleted and "Grand Rapids; to White Cloud, Mich.," is substituted therefor.

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-1383; Filed, Feb. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-93]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the segment of VOR Federal airway No. 176 between Hamilton, Ala., and Birmingham, Ala.

The realignment of V-176 from Hamilton via the intersection of the Hamilton 122° and the Birmingham 298° True radials to Birmingham is necessary in order to provide the required 15° angular separation between V-176 and V-176N at the Birmingham VORTAC.

Since the maximum deviation of the new alignment from the present designation is approximately 2 miles to the SW and the entire new designation is within airspace that is presently controlled, this alteration is minor in nature and notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-176 is amended by deleting "to Birmingham, Ala." and substituting therefor "INT of Hamilton 122° and Birmingham, Ala., 298° radials to Birmingham."

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-1384; Filed, Feb. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 63-WA-100]

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

Consolidation of Positive Control Areas

The purpose of this amendment to § 71.193 is to consolidate the several positive control areas into one area to be known as the continental positive control area.

Designation of the several positive control areas was accomplished necessarily on a piecemeal basis. A limited number of changes will be made in the future; however, it is appropriate to make the editorial change now to eliminate unnecessary descriptions which make up the area herein described. This action does not alter the designated area wherein positive control is provided.

Since this amendment is editorial in nature, notice and public procedure hereon are impracticable and unnecessary.

In consideration of the foregoing, the following action is taken:

Section 71.193 (29 F.R. 17707) is amended to read:

§ 71.193 Designation of Positive Control Areas.

The parts of airspace described below are designated as positive control areas:

Continental positive control area.

That airspace within the continental control area from flight level 240 to and including flight level 800 bounded by a line beginning at latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian border to latitude 48°17'00" N., longitude 123°13'00" W.; thence to latitude 48°25'00" N., longitude 123°17'00" W.; thence to latitude 48°27'00" N., longitude 123°07'00" W.; thence to latitude 48°37'00" N., longitude 123°12'00" W.; thence to latitude 48°55'30" N., longitude 123°05'00" W.; thence to latitude 48°55'30" N., longitude 122°02'00" W.; thence to latitude 49°00'00" N., longitude 121°48'00" W.; thence along the United States/Canadian border to latitude 49°00'00" N., longitude 100°00'00" W.; thence to latitude 46°00'00" N., longitude 100°00'00" W.; thence to latitude 45°58'30" N., longitude 101°00'00" W.; thence to latitude 44°37'00" N., longitude 101°00'00" W.; thence to latitude 44°20'00" N., longitude 101°00'00" W.; thence to latitude 43°30'00" N., longitude 100°26'00" W.; thence to latitude 43°30'00" N., longitude 97°17'00" W.; thence to latitude 43°35'30" N., longitude 97°23'30" W.; thence to latitude 46°07'30" N., longitude 96°47'30" W.; thence to latitude 46°27'30" N., longitude 95°35'00" W.; thence to latitude 47°33'00" N., longitude 92°19'00" W.; thence to latitude 47°35'30" N., longitude 91°19'00" W.; thence to latitude 46°42'00" N., longitude 89°45'00" W.; thence to latitude 45°50'00" N., longitude 89°45'00" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°09'00" N., longitude 85°18'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence along the United States/Canadian border to latitude 45°01'00" N., longitude 71°29'00" W.; thence to latitude 45°17'00" N., longitude 71°20'10" W.; thence to latitude 45°17'20" N., longitude 71°16'00" W.; thence along the United

States/Canadian border to latitude 45°18'10" N., longitude 71°05'40" W.; thence to latitude 45°19'00" N., longitude 70°56'00" W.; thence along the United States/Canadian border to latitude 45°19'55" N., longitude 70°49'00" W.; thence to latitude 45°20'40" N., longitude 70°39'30" W.; thence to latitude 45°40'40" N., longitude 70°30'30" W.; thence along the United States/Canadian border to latitude 45°19'55" N., longitude 70°49'00" W.; thence to latitude 45°20'40" N., longitude 67°46'30" W.; thence to latitude 45°27'00" N., longitude 67°29'00" W.; thence along the United States/Canadian border to latitude 44°48'00" N., longitude 66°53'00" W.; thence via a line three nautical miles from the coastline to latitude 44°01'00" N., longitude 69°01'00" W.; thence to latitude 43°47'48" N., longitude 69°23'20" W.; thence via a line 3 nautical miles from the coastline to latitude 43°09'31" N., longitude 70°31'24" W.; thence to latitude 43°07'40" N., longitude 70°32'45" W.; thence to latitude 43°03'18" N., longitude 70°36'17" W.; thence to latitude 42°57'43" N., longitude 70°41'49" W.; thence via a line 3 nautical miles from the coastline to latitude 41°59'10" N., longitude 70°32'10" W.; thence to latitude 42°05'45" N., longitude 70°17'50" W.; thence via a line 3 nautical miles from the coastline to latitude 41°29'54" N., longitude 70°30'26" W.; thence to latitude 41°26'24" N., longitude 71°05'36" W.; thence via a line 3 nautical miles from the coastline to latitude 41°16'30" N., longitude 71°47'35" W.; thence to latitude 41°04'50" N., longitude 71°47'25" W.; thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence via a line 3 nautical miles from the coastline to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.; thence along the United States/Mexico border to latitude 32°31'00" N., longitude 117°11'00" W.; thence via a line 3 nautical miles from the coastline to latitude 48°25'00" N., thence to the point of beginning, excluding the Santa Barbara Islands, Farallon Island, and the portion south of latitude 25°04'00" N.

This amendment shall become effective 0002 e.s.t., March 4, 1965.

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,

Acting Chief, Airspace Regulations
and Procedures Division.

[P.R. Doc. 65-1385; Filed, Feb. 9, 1965;
8:45 a.m.]

[Airspace Docket No. 64-WE-65]

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

Alteration of Transition Area

On December 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 16997) stating that the Federal Aviation Agency proposed to alter the Coeur d'Alene, Idaho, transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 5316), the Coeur d'Alene, Idaho, transition area is amended to read:

COEUR D'ALENE, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30" N., longitude 116°49'05" W.); within 2 miles each side of the 072° and 252° bearings from the Coeur d'Alene RBN, extending from the 5-mile radius area to 8 miles W of the RBN, and within 2 miles each side of the 186° bearing from the Coeur d'Alene RBN, extending from the RBN to 10 miles S of the RBN.

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

Issued in Los Angeles, Calif., on February 2, 1965.

WILLIAM R. KRIEGER,
Acting Deputy Director,
Western Region.

[P.R. Doc. 65-1386; Filed, Feb. 9, 1965;
8:45 a.m.]

[Regulatory Docket No. 1882]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

This revision of Part 77 of the Federal Aviation Regulations relaxes and simplifies the requirements for notice to the Agency of certain proposed structures, consolidates obstruction standards for use in the several Agency programs, and streamlines the Agency procedures for determining the effect of proposed structures on air navigation.

The proposed revision was published in the FEDERAL REGISTER (28 F.R. 7788-7795) on July 31, 1963. Extensive comments were received from aeronautical and nonaeronautical sources which endorsed generally the changes under consideration. These comments were very constructive in nature and the Agency appreciates the cooperative spirit in which they were submitted. Since the discussion here must necessarily be a limited review and explanation of the principal actions being taken, the Agency is unable to give specific recognition to each comment. However, each person who participated may be assured that full consideration was given to his recommendations.

The first noteworthy departure in this amendment from the revisions originally proposed relates to the statement in Subpart A—General on the lack of application of Subparts B, D, and E to construction work begun before July 15, 1961. This has been deleted as unnecessary and possibly misleading. The extensive amendments made by this revision to all portions of Part 77 will take effect at the effective date provided herein. Notices received after this date will be processed under the provisions of Part 77 as revised. Aeronautical studies begun prior to this effective date will be continued under the new provisions.

Public reaction to the proposed revisions of the notice requirements disclosed a need for several adjustments. The first of these involves the requirement for notice to the Agency of any proposed structure which would pierce an imagi-

nary slope of 100 to 1 extending from the property line of an airport listed in the "Airport Directory" of the Airman's Information Manual. The property line was selected as a point of beginning because of its greater availability to the public. This feature appears to be an inadequate substitute for the most appropriate point of beginning, that is, the nearest point of the runway nearest to the site of the proposed structure. The use of this point also fixes the elevation of the beginning of the pertinent imaginary slope at the elevation of that nearest point. In addition, the scope of the notice requirement has been substantially reduced. The horizontal distance of the 100 to 1 slope has been restricted to 20,000 feet and will now be applied only to airports with the longest runway more than 3,200 feet in length. For airports with the longest runway 3,200 feet or shorter, a 50 to 1 slope is prescribed for a horizontal distance of 10,000 feet. The FAA directory furnishes the length of the longest runway at each airport. The notice requirement for heliports now has a horizontal slope of 25 to 1 extending for 5,000 feet.

These notice requirements are made applicable for airports which are either listed in the directory or are operated by a Federal military agency. We have determined that military airports need not be included in the directory in view of their listing in military publications and the fact that their presence is generally well known to people living or owning property in their vicinity. In those cases where the boundaries of a runway of an airport, including a seaplane base, are not designated, the notice requirement of § 77.13(a)(2) will, obviously, not be applicable. However, the notice requirement would apply to those airports which have large sod, or other unpaved areas designated for the take-off and landing of aircraft. Those areas constitute the runways from which the notice slope is computed. Also, the directory will not list those airports constructed after December 31, 1958, which were the subject of a determination by the Agency that their establishment was not acceptable and would have an adverse effect on the efficient use of airspace and the safety of aircraft.

While this amendment simplifies the current notice requirements, it is recognized that many construction proponents may nevertheless experience difficulty in ascertaining whether they are required to notify the Agency of their proposed structures. The Airspace Utilization Branch in each FAA regional office is staffed with technicians who are available to inform any interested person of the effect of these notice requirements on a specific construction proposal. These technicians will also describe the airspace assignments and aeronautical operations in the area of the construction site so that the proponent may make an informed decision on the feasibility of the site and the availability of other areas which may serve his purpose equally and without derogation of air safety.

The substantial number of comments on the shielding provision of § 77.15

which excuses certain construction and alteration proposals from the notice requirements indicates a further explanation would be in order. The shielding provision adopted here is more restrictive than the one previously employed. This limitation was found necessary because of the unjustified extension of the earlier provision by certain construction proponents. As adopted, the shielding exemption is applicable only in the congested areas of cities, towns, and settlements, and then only to structures so shielded that they could not possibly derogate the safety of air navigation. It should be emphasized that this provision does not represent the Agency shielding criteria. It only relates to the exception from the notice requirements. Upon receiving the required notice, the Agency conducts an appropriate aeronautical study of the proposed structure and, in the course of that study, determines whether it would be, in fact, shielded.

The provisions describing the Agency acknowledgment of notices of construction proposals have been further simplified. The acknowledgment will advise each construction sponsor on two subjects, the possible application of the Agency marking and lighting standards, and whether the proposed structure may be a hazard to air navigation. On the first, the acknowledgment advises whether the construction proposal would be of a type included under the provisions of the FAA Manual on "Obstruction Marking and Lighting" and, if so, how the structure should be marked and lighted. On the hazard question, the acknowledgment will generally state whether the construction or alteration would exceed any of the obstruction standards of Subpart C and will either include a determination on whether the structure would be a hazard to air navigation or advise that further study is required to resolve the question. In the relatively few cases where the structure would exceed an obstruction standard and, in addition, would be located within a runway clear zone or the part of the primary surface extending beyond the end of a runway, the acknowledgment advises that the structure would be a hazard to air navigation. As indicated by this discussion, we have determined not to substitute the phrase "adverse effect on air navigation" for "hazard to air navigation." The Agency review of this portion of the proposal and the comments received with respect to it have disclosed that the "hazard" terminology is preferable.

The obstruction standards adopted here differ in many respects from those originally proposed. Upon review of the comments, the Agency has determined that the obstruction criteria most appropriate for promulgation at this time for civil airports, including joint-use airports, should be drawn more directly from the existing Technical Standard Order TSO-N18, "Criteria for Determining Obstruction to Air Navigation." In view of the substantial length of time that the TSO-N18 criteria have been employed for civil aviation purposes, the adoption of these criteria as the consolidated Agency criteria for use in the per-

formance of the statutory functions authorized by the Federal Aviation Act and the Federal Airport Act should result in the least possible disruption of the performance of those functions.

The obstruction standards now presented in Subpart C are less stringent than those contained in the notice of proposed rulemaking. The 200-foot limiting height of § 77.23(a) is now to be applied only within 3 statute miles of an airport with its longest runway more than 3,200 feet in length, rather than the proposed 5 statute miles. While there is an additional limiting height, beginning at 100 feet within instrument approach areas within 3 miles of the end of the runway and increasing to a maximum of 250 feet within 10 miles from the runway end, this height is largely duplicative of other limiting heights or surfaces and does not constitute a substantial addition to the standard previously considered. We might note, in explanation of the use of the term "runway" here, that this term is now used exclusively throughout the part, and the term "landing strip" has been deleted to eliminate a possible ambiguity.

In §§ 77.25 and 77.27, criteria are provided for all civil airports, including those constructed to "VFR Airports" standards. These standards are currently contained in the Advisory Circular 150/5300-1, "VFR Airports," and are prescribed for airports constructed to serve only aircraft operating under the visual flight rules. The horizontal and conical airport imaginary surfaces provided in § 77.25 with respect to airport reference points are classified for (1) "VFR Airports," and (2) other airports in accordance with the planned length of the longest runway at each such airport.

The airport imaginary surfaces prescribed in § 77.27 based on runways, except those for "VFR Airports," have been reclassified so that their sizes depend upon whether the runway is equipped with a precision landing aid, such as an instrument landing system. Runways having instrument approach procedures based upon such facilities as a VOR, ADF, ASR, low frequency range, or TACAN are now provided with the same type surfaces as runways used only for VFR operations, except those on "VFR Airports."

The Department of Defense has forwarded obstruction criteria which differ from those applied here for civil airports. The Department has requested that the criteria be incorporated into Part 77 for application at military airports, except heliports, controlled by components of the Department of Defense, where the longest runway exceeds 5,000 feet. The Department advises that these separate criteria are required at military airports because of the operating characteristics of certain military aircraft, the necessity for low-altitude maneuvering and formation takeoffs, the more stringent aircrew training, and the armament and ordnance-carrying requirements of the military. Accordingly, these criteria are stated herein in § 77.28. The Department is developing criteria for application at military airports with shorter runways than 5,000 feet; and until these

criteria are developed, civil airport criteria will apply at such military airports. Also, pending development of these criteria, the military standards for the 2,000-foot width of primary surface will apply only to runways longer than 5,000 feet. The Agency will study the military criteria to determine their potential adaptability to civil airports and their appropriate consolidation with the civil criteria.

The presence of two sets of criteria, applicable to civil and military airports, will not result in inconsistent conclusions in the aeronautical studies on whether a proposed structure would be a hazard to air navigation. These determinations are not controlled by the extent to which such a structure may exceed a civil or military obstruction standard but, rather, upon the possible hazardous effect of the structure on air navigation. A "hazard" or "no hazard" determination is reached after a review of the VFR and IFR operations and procedures involved, both present and prospective. Each study not only includes a review to determine whether the construction proposal might be so altered in location or height that it would not exceed an obstruction standard but, also, a review to ascertain if the structure could be accommodated by adjustment of the aeronautical procedures. Thus, there may be a substantial difference between a construction proposal which would exceed an obstruction standard and one which is determined, as the result of the aeronautical study, to be a hazard to air navigation.

The airport imaginary surfaces proposed for heliports have been substantially revised for compatibility with the current "Heliport Design Guide." The primary surfaces coincide in size and shape with the takeoff and landing area of each heliport. The designated approach clearance surfaces begin at the edge(s) of the primary surface and extend outward and upward at a slope of 8 to 1. The approach surface is a trapezoid whose inner width is coincident with the width of the primary surface and which extends to the minimum enroute altitude where its width is 500 feet. Transitional surfaces extend outward and upward at a slope of 2 to 1 from the lateral boundaries of each primary surface and approach surface for a horizontal distance of 250 feet from the centerline of these surfaces.

One of the minor revisions of the obstruction standards made here might also be mentioned. The proposed addition of a 17-foot height to a highway prior to the application of the obstruction criteria evoked several protests. The 17-foot clearance was proposed as a compatible measure with current Federal policy for interstate highways. To avoid an unnecessary extension of this policy, the standard here has been adjusted to permit application of the current 15-foot figure to highways which will not be used by the higher vehicles. In addition, we have added a provision which removes the requirement for the addition of any figure, 15 feet or 17 feet, to a traverse way which is under the coordinated traffic control of the airport

management or the air traffic control tower.

We might conclude this brief reference to some of the salient features of the obstruction standards of Subpart C by emphasizing this subpart may be applied with respect to air navigation facilities planned for future installation or alteration and to planned uses of the navigable airspace by aircraft if that application would result in a lower limiting height or surface. This point is of particular significance in regard to an airport since it includes all runway extensions and other improvements which may be contained in the approved airport layout plan.

The revisions in the procedures for the conduct of aeronautical studies, public hearings on the effect of proposed structures on the navigable airspace, and the establishment of antenna farm areas have been adopted substantially as proposed. Section 77.37 has been broadened to make available a review by the Administrator of each decision by a regional director on the effect of a proposed structure on air navigation, including "no hazard" determinations made without notice to any possible interested aeronautical source. While decisions of this type are only made in cases where the available evidence clearly indicates that air safety would not be affected by the construction, this review procedure is nevertheless provided to insure against possible error. The effective period fixed in § 77.39 for a determination of no hazard has been extended in recognition of the time necessary for the processing by the Federal Communications Commission of an application for a construction permit and the issuance of that permit. Appropriate safeguards for the protection of air navigation have been attached to this extension of time.

The comments in response to the notice of proposed rulemaking included a number of recommendations for Agency action beyond the authority contained in the Federal Aviation Act of 1958. That Act does not contain a basis for the mandatory marking and lighting of structures to warn pilots of aircraft of those structures. Neither does it contain specific authorization for regulations which would limit the heights of structures. To date, no judicial decision has been issued on the extent to which ground structures may constitute an unlawful interference with the public right of freedom of transit through the navigable airspace recognized in section 104 of the Act. Until authoritative guidance is received on that point or express legislative authority is conferred, the Agency measures in the field of ground hazards to air navigation will be limited to the areas presently covered in Part 77.

In consideration of the foregoing, Part 77 of Chapter I of Title 14 of the Code of Federal Regulations is revised, effective May 1, 1965, to read as herein-after set forth.

Issued in Washington, D.C., on February 3, 1965.

N. E. HALASY,
Administrator.

Subpart A—General

- Sec.
- 77.1 Scope.
- 77.3 Standards.
- 77.5 Kinds of objects affected.

Subpart B—Notice of Construction or Alteration

- 77.11 Scope.
- 77.13 Construction or alteration requiring notice.
- 77.15 Construction or alteration not requiring notice.
- 77.17 Form and time of notice.
- 77.19 Acknowledgment of notice.

Subpart C—Obstruction Standards

- 77.21 Scope.
- 77.23 Standards for determining obstructions.
- 77.25 Civil airport imaginary surfaces related to airport reference points.
- 77.27 Civil airport imaginary surfaces related to runways.
- 77.28 Military airport imaginary surfaces.
- 77.29 Airport imaginary surfaces for heliports.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

- 77.31 Scope.
- 77.33 Initiation of studies.
- 77.35 Aeronautical studies.
- 77.37 Discretionary review.
- 77.39 Effective period of determination of no hazard.

Subpart E—Rules of Practice for Hearings Under Subpart D

- 77.41 Scope.
- 77.43 Nature of hearing.
- 77.45 Presiding officer.
- 77.47 Legal officer.
- 77.49 Notice of hearing.
- 77.51 Parties to the hearing.
- 77.53 Prehearing conference.
- 77.55 Examination of witnesses.
- 77.57 Evidence.
- 77.59 Subpoenas of witnesses and exhibits.
- 77.61 Revision of construction or alteration proposal.
- 77.63 Record of hearing.
- 77.65 Recommendations by parties.
- 77.67 Final decision of the Administrator.
- 77.69 Limitations on appearance and representation.

Subpart F—Establishment of Antenna Farm Areas

- 77.71 Scope.
- 77.73 General provisions.
- 77.75 Establishment of antenna farm areas.

AUTHORITY: The provisions of this Part 77 issued under secs. 104, 307, 313, 1001, and 1101 of the Federal Aviation Act of 1958; 49 U.S.C. 1304, 1348, 1354, 1431, 1501.

Subpart A—General

§ 77.1 Scope.

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

§ 77.3 Standards.

(a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:

(1) Administering the Federal-aid Airport Program and the Surplus Airport Program;

(2) Transferring property of the United States under section 16 of the Federal Airport Act;

(3) Providing technical advice and assistance in the design and development of airports; and

(4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.

(b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

§ 77.5 Kinds of objects affected.

This part applies to:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and

(b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

Subpart B—Notice of Construction or Alteration

§ 77.11 Scope.

(a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under § 77.13(a).

(b) Notices received under this subpart provide a basis for:

(1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;

(2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;

(3) Recommendations for identifying the construction or alteration in accordance with the current FAA manual entitled "Obstruction Marking and Lighting," which is available through any FAA office and is on sale at the U.S. Government Printing Office, Washington, D.C., 20402;

(4) Determining other appropriate measures to be applied for continued safety of air navigation; and

(5) Charting and other notification to airmen of the construction or alteration.

§ 77.13 Construction or alteration requiring notice.

(a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and sea-plane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and sea-plane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which if adjusted upward 17 feet for an interstate highway, 15 feet for other highways, 25 feet for a railroad, and, for any other traverse way, an amount equal to the height of the highest unshielded mobile objects that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

(4) Any construction or alteration on an airport listed in the Airport Directory of the current Airman's Information Manual.

(5) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under § 77.13(a) and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under § 77.13(a) shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the area involved, if:

(1) The construction or alteration is

more than 200 feet above the surface level of its site; or

(2) An FAA regional office advises him that submission of the form is required.

§ 77.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any electronic facility the broadcast signal of which is used primarily for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, or other meteorological facility or instrument, approved by the Administrator, the location and height of which would be fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under § 77.13 (a) shall send two executed copies of Form FAA-117, "Notice of Proposed Construction or Alteration," to the Chief, Air Traffic Division, of the FAA region having jurisdiction over the area within which the construction or alteration will be located. The Federal Aviation Agency, Washington, D.C., 20553, and the regional offices provide copies of Form FAA-117. The regional geographic areas of jurisdiction are:

1. *Eastern Region, Jamaica, Long Island, N.Y.—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia.*

2. *Southern Region, Atlanta, Ga.—Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Puerto Rico, Canal Zone, Swan Island, and the Virgin Islands.*

3. *Southwest Region, Fort Worth, Tex.—Arkansas, Louisiana, Texas, Oklahoma, and New Mexico.*

4. *Central Region, Kansas City, Mo.—Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Montana, and Kansas.*

5. *Western Region, Los Angeles, Calif.—Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.*

6. *Alaskan Region, Anchorage, Alaska.—Alaska.*

7. *Pacific Region, Honolulu, Hawaii.—Areas contained within the Honolulu, Wake, and Guam Flight Information Regions and American Samoa.*

(b) The notice required under § 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates:

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Form FAA-117 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

§ 77.19 Acknowledgment of notice.

(a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a).

(b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA manual on "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.

(c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:

(1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;

(2) Would exceed a standard of Subpart C but would not be a hazard to air navigation;

(3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation; or

(4) Would exceed a standard of Subpart C, would be located either within a runway clear zone or the portion of a primary surface extending beyond the end of a runway, and would, therefore, be a hazard to air navigation.

For the purposes of this subpart, a runway clear zone is an area at ground level that begins at the end of each primary surface defined in § 77.27(a) and § 77.28(b) and extends with the width of each approach surface defined in § 77.27 (b) and (c), the approach clearance surface defined in § 77.28(b) to terminate directly below each approach surface slope at the point or points where the slope reaches a height of 50 feet above the terrain or 50 feet above the

elevation of the end of the runway, whichever distance is shorter.

Subpart C—Obstruction Standards

§ 77.21 Scope.

(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply with respect to existing air navigation facilities and uses of the navigable airspace by aircraft or, if a plan or proposal for a new facility or use is on file with the FAA or the Department of Defense on the date the notice required by § 77.13(a) is filed, with respect to that proposed facility or use, such as an air navigation aid, airport, Federal airway, instrument approach procedure, approved off-airway route, control zone, or transition area, or change in any of the foregoing, if that plan or proposal would result in the application of a standard constituting a lower height or surface.

(b) Minimum obstruction clearance altitudes are considered in place of minimum en route altitudes in applying the standards of this subpart to objects whenever planning information available at the time of filing of the notice required by § 77.13(a) indicates a need to lower the minimum en route altitude of a segment of a Federal airway, and that need may be filled by an additional VOR, DME, or other air navigation aid.

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is:

(1) Listed in the Airport Directory of the current Airman's Information Manual;

(2) Operated by a Federal military agency; or

(3) The subject of a proposal on file with the FAA.

(d) For the purpose of this part, a seaplane base is considered to be an airport only if it has definitely defined areas.

§ 77.23 Standards for determining obstructions.

(a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 500 feet above ground level at the site of the construction or alteration.

(2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 statute miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in length, and that height increases in the proportion of 100 feet for each additional statute mile of distance from the airport up to a maximum of 500 feet.

(3) A height that is 100 feet above ground level or 100 feet above the elevation of the approach end of the runway, whichever is higher, within an instrument approach area and within 3 statute miles of the runway end, and that height

increases in the proportion of 25 feet for each additional statute mile of distance outward from the runway end up to a maximum of 250 feet and continuing at that height to a distance of 10 statute miles from the runway end.

(4) A height which would increase an instrument approach minimum flight altitude.

(5) A height in or under a Federal airway, transition area, or control zone, or within 5 statute miles of the course of an approved off-airway route, that is either 200 feet above ground level or 1,451 feet below the established minimum flight altitude, whichever is higher.

(6) An imaginary surface that begins at an altitude of 500 feet below the minimum en route altitude of each Federal airway or approved off-airway route and extends from the lateral boundaries of that airway and from a distance of 5 statute miles horizontally on both sides from the course of that route. For a distance of 25 statute miles along the airway or route from the nearest electronic air navigation aid upon which the airway or route is based, the imaginary surface extends outward and upward at a slope of 50 to 1 to 5 statute miles horizontal distance from the boundaries of each airway and 10 statute miles horizontal distance on both sides from the course of each route. At greater distances than 25 statute miles along the airway or route from the nearest such aid, the imaginary surface begins at the same height and distance in relation to each airway and route but extends outward the 5 statute miles distance on a horizontal plane.

(7) An imaginary surface that begins at an altitude of 500 feet below the minimum altitude established for any initial approach, transition or procedure turn of any instrument approach procedure, or for any holding procedure, and extends outward and upward from the boundary of the area involved, including any buffer zone, at a slope of 50 to 1 for 5 statute miles horizontal distance.

(8) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, § 77.27, § 77.28, or § 77.29; however, no part of the takeoff and landing area itself shall be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of those traverse ways are increased 17 feet for an interstate highway, 15 feet for any other highway, 25 feet for a railroad, and, for any other traverse way, an amount equal to the height of the highest unshielded mobile object that would normally traverse it.

(c) The airport imaginary surfaces referred to in paragraph (a) (8) of this section are established for airports based on their runway lengths corrected in accordance with the current FAA airport design standards to no gradient and standard conditions of temperature and elevation.

§ 77.25 Civil airport imaginary surfaces related to airport reference points.

The following civil airport imaginary surfaces are established with relation to the airport reference point which is fixed at the approximate center of the airport takeoff and landing area and is given the established airport elevation. The size of each such surface is based on the corrected length of the longest runway of the airport. For the purposes of this part, a runway is the area designated for the landing and takeoff of aircraft.

(a) *Horizontal surface.* A circular plane, 150 feet above the established airport elevation, with a radius from the airport reference point of:

(1) 5,000 feet, for an airport with its longest runway no more than 3,200 feet in length and for all airports constructed to "VFR Airports" standards.

(2) 7,000 feet, for an airport with a runway more than 3,200, but not more than 6,000 feet in length.

(3) 11,500 feet, for an airport with a runway more than 6,000, but not more than 7,500 feet in length.

(4) 13,000 feet, for an airport with a runway more than 7,500 feet in length.

(b) *Conical surface.* A surface extending from the periphery of the horizontal surface outward and upward at a slope of 20 to 1 for the horizontal distances, and to the elevations, above the airport elevation of:

(1) 3,000 feet, to an elevation of 300 feet, for an airport with its longest runway no more than 3,200 feet in length and for all airports constructed to "VFR Airports" standards.

(2) 5,000 feet, to an elevation of 400 feet, for an airport with a runway more than 3,200, but not more than 6,000 feet in length.

(3) 7,000 feet, to an elevation of 500 feet, for an airport with a runway more than 6,000 feet in length.

§ 77.27 Civil airport imaginary surfaces related to runways.

The following civil airport imaginary surfaces are established for runways based upon their corrected lengths, whether the airport is constructed to "VFR Airports" standards, and whether the runway is an ILS runway, i.e., one equipped with a precision landing aid such as ILS, ground-controlled approach (GCA), or precision approach radar (PAR).

(a) *Primary surface.* A surface longitudinally centered on a runway and extending in length 100 feet beyond each end of a runway of an airport constructed to VFR airports standards and 200 feet beyond each end of a runway of any other airport. The elevation of any point on the longitudinal profile of a primary surface, including the extensions, coincides with the elevation of the centerline of the runway, or extension, as appropriate. The width of a primary surface is 200 feet for runways of airports constructed to VFR airports standards. For other airports the width is:

(1) 250 feet, for non-ILS runways 3,200 feet or less in length.

(2) 400 feet, for non-ILS runways more than 3,200, but not more than 4,200 feet in length.

(3) 500 feet, for non-ILS runways more than 4,200 feet in length.

(4) 1,000 feet, for ILS runways.

(b) *ILS approach surface.* A surface longitudinally centered on the extended centerline of an ILS runway, beginning at the end of the primary surface and extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet and at a slope of 40 to 1 for an additional 40,000 feet. This surface is the width of the primary surface at the beginning and expands uniformly to a width of 16,000 feet at a distance of 50,000 feet from the end of the primary surface.

(c) *Non-ILS approach surface.* A surface longitudinally centered on the extended centerline of the runway, beginning at the end of the primary surface, with slopes and dimensions as follows:

(1) Airports constructed to "VFR Airports" standards—the surface begins 200 feet wide at the end of the primary surface and extends outward and upward at a slope of 20 to 1, expanding to a width of 500 feet at a horizontal distance of 3,000 feet.

(2) Airports not constructed to "VFR Airports" standards—

(i) Runways of 3,200 feet or less in length—the surface begins 250 feet wide at the end of the primary surface and extends outward and upward at a slope of 20 to 1, expanding to a width of 2,250 feet at a horizontal distance of 10,000 feet.

(ii) Runways more than 3,200, but not more than 4,200 feet in length—the surface begins 400 feet wide at the end of the primary surface and extends outward and upward at a slope of 40 to 1, expanding to a width of 2,400 feet at a horizontal distance of 10,000 feet.

(iii) Runways more than 4,200 feet in length—the surface begins 500 feet wide at the end of the primary surface and extends outward and upward at a slope of 40 to 1, expanding to a width of 2,500 feet at a horizontal distance of 10,000 feet.

(d) *Transitional surfaces.* These surfaces apply only at airports constructed to other than "VFR Airports" standards. They extend outward and upward at right angles to the runway centerline at a slope of 7 to 1 from the edges of the primary and the approach surfaces until they intersect the horizontal or conical surface, except that transitional surfaces for those portions of ILS approach surfaces that project thru and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edges of those portions of the approach surfaces and at right angles to the runway centerline.

(e) *Vertical surfaces.* These surfaces apply only at airports constructed to "VFR Airports" standards. They extend upward from the edges of the primary surfaces and the approach surfaces until they intersect with the horizontal surfaces.

§ 77.28 Military airport imaginary surfaces.

(a) *Related to airport reference points.*—These surfaces apply to all military airports where the length of the

longest runway is over 5,000 feet. At all other military airports, the appropriate provisions of § 77.25 apply.

(1) *Inner horizontal surface.* A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) *Conical surface.* A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface.* A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) *Related to runways.* These surfaces apply to all military airports where the length of the longest runway is over 5,000 feet. At all other military airports, the appropriate provisions of § 77.27 apply.

(1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway and the same elevation as the centerline of the runway. The width of the primary surface for runways longer than 5,000 feet is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000 foot width may be reduced to the former criteria.

(2) *Clear zone surface.* A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) *Approach clearance surface.* An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) *Transitional surfaces.* These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

§ 77.29 Airport imaginary surfaces for heliports.

(a) *Heliport primary surface.* The area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This

surface is a horizontal plane at the elevation of the established heliport elevation.

(b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface, with the same width as the primary surface, and extends outward and upward at a slope of 8 to 1 to the minimum en route elevation where its width is 500 feet.

(c) *Heliport transitional surfaces.* These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

§ 77.31 Scope.

(a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands for the navigable airspace are ascertained.

(b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

§ 77.33 Initiation of studies.

(a) An aeronautical study is conducted by the FAA:

(1) Upon the request of the sponsor or any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part or is an obstruction in a runway clear zone; or

(2) Whenever the FAA determines it appropriate.

§ 77.35 Aeronautical studies.

(a) The Regional Director of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the safe and efficient utilization of the navigable airspace.

(b) To the extent considered necessary, the Regional Director or his designee:

(1) Solicits comments from all interested persons;

(2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;

(3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and

(4) Convenes a meeting with all interested persons for the purpose of

gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.

(c) The Regional Director or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under § 77.37.

(d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Director, or his designee, terminates the study and notifies all known interested persons.

§ 77.37 Discretionary review.

(a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under § 77.19 or § 77.35 or revision or extension of the determination under § 77.39(c), for a review of the determination, revision, or extension.

(b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.

(c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:

(1) A review on the basis of written materials, including study of a report by the Regional Director of the aeronautical study, briefs, and related submissions by any interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under § 77.19, § 77.35 or § 77.39 (c); or

(2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

§ 77.39 Effective period of determination of no hazard.

(a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subparts B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(b) In any case where the proposed construction or alteration has not been started during the 18-month period by actual structural work, such as the laying of a foundation but excluding excavation, any interested person may, at any time up to 15 days before the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

(c) The FAA official who issued the determination reviews each petition pre-

sented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.

(d) In any case in which a final determination made under this subpart or Subparts B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes—

(1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and

(2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.

(e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E—Rules of Practice for Hearings Under Subpart D

§ 77.41 Scope.

This subpart applies to hearings held by the FAA under Titles I, III, and X of the Federal Aviation Act of 1958 (49 U.S.C. subchapters I, III, and X), on proposed construction or alteration that affects the use of navigable airspace.

§ 77.43 Nature of hearing.

Sections 4, 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1003, 1004, 1006, and 1007) do not apply to hearings held on proposed construction or alteration to determine its effect on the safety of aircraft and the efficient use of navigable airspace because those hearings are factfinding in nature. As a fact-finding procedure, each hearing is non-adversary and there are no formal pleadings or adverse parties.

§ 77.45 Presiding officer.

(a) If, under § 79.37, the Administrator grants a public hearing on any proposed construction or alteration covered by this part, the Director of the Air Traffic Service designates an FAA employee to be the presiding officer at the hearing.

(b) The presiding officer may:

(1) Give notice of the date and location of the hearing and any prehearing conference that may be held;

(2) Administer oaths and affirmations;

(3) Examine witnesses;

(4) Issue subpoenas and take depositions or have them taken;

(5) Obtain, in the form of a public record, all pertinent and relevant facts relating to the subject matter of the hearing;

(6) Rule, with the assistance of the legal officer, upon the admissibility of evidence;

(7) Regulate the course and conduct of the hearing; and

(8) Designate parties to the hearing and revoke those designations.

§ 77.47 Legal officer.

The General Counsel designates a member of his staff to serve as legal officer at each hearing under this subpart. The legal officer may examine witnesses and assist and advise the presiding officer on questions of evidence or other legal questions arising during the hearing.

§ 77.49 Notice of hearing.

In designating a time and place for a hearing under this subpart, the presiding officer considers the needs of the FAA and the convenience of the parties and witnesses. The time and place of each hearing is published in the "Notices" section of the FEDERAL REGISTER before the date of the hearing, unless the notice is impractical or unnecessary.

§ 77.51 Parties to the hearing.

The presiding officer designates the following as parties to the hearing—

(a) The proponent of the proposed construction or alteration.

(b) Those persons whose activities would be substantially affected by the proposed construction or alteration.

§ 77.53 Prehearing conference.

(a) The presiding officer may, in his discretion, hold a prehearing conference with the parties to the hearing and the legal officer before the hearing.

(b) At the direction of the presiding officer, each party to a prehearing conference shall submit a brief written statement of the evidence he intends to provide through his witnesses and by questioning other witnesses at the hearing, and shall provide enough copies of the statement so that the presiding officer may keep three for the FAA and give one to each other party.

(c) At the prehearing conference, the presiding officer reduces and simplifies the subject matter of the hearing so far as possible and advises the parties of the probable order of presenting the evidence.

§ 77.55 Examination of witnesses.

(a) Each witness at a hearing under this subpart shall, after being sworn by the presiding officer, give his testimony under oath.

(b) The party for whom a witness, other than an employee of the FAA, is testifying shall examine that witness. After that examination, other parties to the hearing may examine the witness, in the order fixed by the presiding officer. The presiding officer and the legal officer may then examine the witness. The presiding officer may grant any party an additional opportunity to examine any witness, if that party adequately justifies the additional examination.

(c) The legal officer examines each FAA employee who is a witness, before the other parties examine him. After that examination, the order prescribed in paragraph (b) of this section applies. An FAA employee may testify only as to facts within his personal knowledge and the application of FAA regulations, standards, and policies.

§ 77.57 Evidence.

(a) The presiding officer receives all testimony and exhibits that are relevant to the issues of the hearing. So far as possible, each party shall submit enough copies of his exhibits that the presiding officer may keep three copies for the FAA and give one to each other party.

(b) The presiding officer excludes any testimony that is irrelevant, unduly repetitious, or consists of statements made during an aeronautical study in an effort to reconcile or compromise aviation or construction or alteration requirements. A party to the hearing may object to the admission of evidence only on the ground that it is irrelevant.

§ 77.59 Subpoenas of witnesses and exhibits.

(a) The presiding officer of a hearing may issue subpoenas for any witness or exhibit that he determines may be material and relevant to the issues of the hearing. So far as possible, each party to the hearing shall provide the witnesses and exhibits that he intends to present at the hearing.

(b) If any party to the hearing is unable to provide his necessary witnesses and exhibits, he shall advise the presiding officer far enough in advance that the presiding officer can determine whether he should issue subpoenas for the desired witnesses or exhibits.

§ 77.61 Revision of construction or alteration proposal.

(a) The sponsor of any proposed construction or alteration covered by this part may revise his proposal at any time before or during the hearing. If he revises it, the presiding officer decides whether the revision affects the proposal to the extent that he should send it to the Administrator for a redetermination of the need for a hearing.

(b) If the presiding officer decides that it does not need to be resubmitted to the Administrator, he advises the parties of the revised proposal and takes the action necessary to allow all parties to effectively participate in the hearing on the revised proposal. Without limiting his discretion, the presiding officer may recess and reconvene the hearing, or hold another prehearing conference.

§ 77.63 Record of hearing.

(a) Each hearing is recorded verbatim by an official reporter under an FAA contract. The transcript, and all exhibits, become a part of the record of the hearing.

(b) Any person may buy a copy of the transcript of the hearing from the reporter at the price fixed for it.

(c) The presiding officer may allow any party to withdraw an original document if he submits authenticated copies of it.

(d) Any person may buy, from the FAA, photostatic copies of any exhibit by paying the copying costs.

(e) A change in the official transcript of a hearing may be made only if it involves an error of substance. Any recommendation to correct the transcript

must be filed with the presiding officer within 5 days after the hearing closes. The presiding officer reviews each request for a correction to the extent he considers appropriate and shall make any revisions that he finds appropriate as a result of that review.

§ 77.65 Recommendations by parties.

Within 20 days after the mailing of the record of hearing by the official reporter, or as otherwise directed by the presiding officer, each party may submit to the presiding officer five copies of his recommendations for a final decision to be made by the Administrator.

§ 77.67 Final decision of the Administrator.

After reviewing the evidence relevant to the questions of fact in a hearing, including the official transcript and the exhibits, the Administrator resolves all these questions, based on the weight of evidence, and makes his determination, stating the basis and reasons for it. He then issues an appropriate order to be served on each of the parties.

§ 77.69 Limitations on appearance and representation.

(a) A former officer or employee of the FAA may not appear on behalf of, or represent, any party before the FAA in connection with any matter to which this part applies, if he considered or passed on that matter while he was an officer or employee of the FAA.

(b) A person appearing before the FAA on any matter to which this part applies may not, in connection with that appearance, knowingly accept assistance from, or share fees with, any person who is prohibited by paragraph (a) of this section, from appearing himself on that matter.

(c) A former official or employee of the FAA may not, within 6 months after he ceases to be such an officer or employee, appear before the FAA on behalf of, or represent, any party in connection with any proceeding that was pending under this part while he was an officer or employee of the FAA, unless he obtains written consent from an appropriate officer of the FAA, based on a verified showing that he did not personally consider the matter concerned or gain particular knowledge of it while he was an officer or employee of the FAA.

Subpart F—Establishment of Antenna Farm Areas**§ 77.71 Scope.**

(a) This subpart establishes antenna farm areas in which antenna structures may be grouped to localize their effect on the use of navigable airspace.

(b) It is the policy of the FAA to encourage the use of antenna farms and the single structure-multiple antenna concept for radio and television towers whenever possible. In considering proposals for establishing antenna farm areas, it considers as far as possible the revision of aeronautical procedures and operations to accommodate antenna structures that will fulfill broadcasting requirements.

§ 77.73 General provisions.

(a) An antenna farm area consists of a specified geographical location with established dimensions of area and height, where antenna towers with a common impact on aviation may be grouped. Each such area is established under the procedural requirements of section 4 of the Administrative Procedure Act.

(b) Each proposal for an antenna farm area is evaluated on the basis of its effect on the use of navigable airspace. The views of the Federal Communications Commission are requested on the effect that each establishment of an antenna farm area would have on its statutory responsibilities. Any views submitted by it are fully considered before the antenna farm concerned is established. If the Commission advises that the establishment of any proposed antenna farm area would interfere with its statutory responsibility, the proposed area is not established.

(c) The establishment of an antenna farm area is considered whenever it is proposed by:

- (1) The FAA;
- (2) The Federal Communications Commission;
- (3) The sponsor of a proposed antenna tower; or
- (4) Any other person having a substantial interest in a proposed antenna tower.

§ 77.75 Establishment of antenna farm areas.

The airspace areas described in the following sections of this subpart are established as antenna farm areas.

NOTE: §§ 77.77 through 77.1100 reserved for descriptions of antenna farm areas.

[F.R. Doc. 65-1387; Filed, Feb. 9, 1968; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1245—PATENTS

Subpart 3—NASA Foreign Patent Program

A new Subpart 3 is added as follows:

Sec.	
1245.300	Scope of subpart.
1245.301	Inventions under NASA contracts.
1245.302	Inventions by NASA employees.
1245.303	Criteria.
1245.304	Procedures.

AUTHORITY: The provisions of this Subpart 3 issued under 42 U.S.C. 2457(h) and Executive Orders 9885 and 10096.

§ 1245.300 Scope of subpart.

This subpart establishes policy, criteria, and procedures concerning the NASA Foreign Patent Program.

§ 1245.301 Inventions under NASA contracts.

(a) Pursuant to § 1245.113, NASA has facilitated the filing of foreign patent applications by contractors by providing for the granting of a waiver of title to a contractor to any identified invention in countries other than the United States in the event the Administrator

of NASA does not desire to file a patent application covering the invention in such countries. However, any such waiver is subject to the reservation by the Administrator of the license required to be retained by NASA under section 305(f) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f)).

(b) Conversely, where the principal rights in an invention made under a NASA contract remain in the contractor by virtue of waiver, § 245.109(a) (5) provides that the contractor, upon written request, will convey to the Administrator of NASA the entire right, title, and interest in the invention in any foreign country in which the contractor has elected not to file a patent application.

(c) With respect to inventions in which NASA has acquired and retained the principal rights, NASA will file patent applications in countries other than the United States on inventions selected in accordance with the criteria set forth in § 1245.303.

§ 1245.302 Inventions by NASA employees.

(a) The foreign rights of NASA and of the NASA employee making an invention are determinable in accordance with Executive Orders 9865 and 10096 and Government Patent Board Administrative Order No. 6 issued pursuant thereto.

(b) Where NASA acquires an assignment of the domestic rights in an invention made by a NASA employee, NASA will also obtain an option to acquire the foreign rights, including the right to file foreign patent applications on the invention.

(c) Where NASA is entitled to only a governmental license in the invention, the principal foreign rights in the invention are retained by the employee unless he agrees in writing to assign such rights to NASA.

§ 1245.303 Criteria.

The following categories of inventions will be considered for the filing of patent applications by NASA in countries other than the United States:

(a) Inventions which may be utilized abroad in governmental programs of the United States.

(b) Inventions which may be exploited abroad in the public interest by license to U.S. nationals or others.

(c) Inventions which may be utilized in applications type satellites, such as communications and meteorological satellites.

(d) Inventions considered to be basic discoveries or of major significance in an art.

(e) Inventions in fields which directly concern the public health or public welfare.

§ 1245.304 Procedures.

(a) The patent counsel at each NASA field installation will review all invention disclosures at the time of docketing and will expedite the processing and preparation of a U.S. patent application, if justified, on those inventions which appear to fall within the criteria set forth in § 1245.303. The patent coun-

sel will make a recommendation as to whether or not foreign patent coverage appears justified at the time of assigning a priority evaluation to a disclosed invention.

(b) Preparation and filing of patent applications in foreign countries will be subject to approval of the Assistant General Counsel for Patent Matters, NASA Headquarters.

(c) The Office of Assistant General Counsel for Patent Matters will budget for and administer the filing of all patent applications in countries other than the United States.

(d) Coordination with other interested NASA offices will be undertaken by the Assistant General Counsel for Patent Matters.

Effective date. The provisions of Subpart 3 of Part 1245 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[P.R. Doc. 65-1398; Filed, Feb. 9, 1965;
8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Amphetamine and Methamphetamine Inhalers Regarded as Prescription Drugs

Since 1959, when amphetamine inhalers were classed as prescription drugs, inhalers containing methamphetamine have come to be abused and misused by individuals to obtain an amphetamine-like effect. Although very few reports of abuse of methamphetamine inhalers reached the Food and Drug Administration in the years 1959-1962, inclusive, there were increasing reports in 1963 and in 1964 still more reports. These came from parents of individuals abusing the drug, law-enforcement officials, health officials, other Government officials, individual physicians, and as a result of investigations conducted by inspectors of the Food and Drug Administration. It is evident that adequate control of the situation in the interest of the public health requires that methamphetamine-containing inhalers be dispensed only by or on the prescription of a practitioner licensed by law to administer prescription drugs. Continued sale without prescription of these products is inimical to the public health.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 3.8 is revised to read as follows:

§ 3.8 Amphetamine and methamphetamine inhalers regarded as prescription drugs.

(a) Recurring reports of abuse and misuse of methamphetamine (also known as desoxyephedrine) inhalers show that they have a potentiality for harmful effect and that they should not be freely available to the public through over-the-counter sale. From complaints by law-enforcement officials, health officials, individual physicians, parents, and others as well as from Food and Drug Administration investigations, it is evident that the wicks from these inhalers are being removed and the methamphetamine they contain is being used as a substitute for amphetamine tablets. Amphetamine tablets and amphetamine inhalers have been restricted to prescription sale because of their potentiality for harm to the user.

(b) It is the considered opinion of the Food and Drug Administration that, in order to adequately protect the public health, inhalers containing methamphetamine or methamphetamine salts (desoxyephedrine, or dl-desoxyephedrine, or their salts), as well as amphetamine inhalers should be restricted to prescription sale and should be labeled with the legend "Caution: Federal law prohibits dispensing without prescription."

(Secs. 503(b) (1) (B), 701(a), 52 Stat. 1052 as amended, 1055; 21 U.S.C. 353(b) (1) (B), 371 (a))

Dated: February 5, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[P.R. Doc. 65-1458; Filed, Feb. 9, 1965;
8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56355]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Labeling of Packages of Merchandise Transported in Bond

Section 18.4(e) requires that warning labels on packages entered for transportation in bond be on bright red paper not less than 5 x 8 inches in size and that the lettering thereon be in black type.

Warning labels measuring 5 x 8 inches are sometimes too large for use on smaller sized packages, especially those shipped by air. It is reported that an airway bill and address will often cover most of a small package. In such cases the Bureau approves the use of warning labels 3 x 5 inches in size.

The Bureau also approves the use of white lettering on the red warning label as an alternate to lettering in black type. To give effect to the foregoing, § 18.4(e) of the Customs Regulations is amended by substituting "in black or white lettering" for "in black type" in the first sentence and by inserting the following sentence after the legend:

If the size of a package renders the use of a 5 x 8 inch warning label impracticable because of lack of space, a 3 x 5 inch label may be used.

The citation of authority for § 18.4 is amended to read:

(Secs. 552, 553, 46 Stat. 742, as amended; 19 U.S.C. 1552, 1553)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: February 3, 1965.

JAMES A. REED,
Assistant Secretary of the
Treasury.

[P.R. Doc. 65-1441; Filed, Feb. 9, 1965;
8:48 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6799]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Bourbon Whisky

Notice of public hearing to be held in Washington, D.C., on December 1, 1964, with respect to a proposal to amend 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on November 10, 1964 (29 F.R. 15129). Upon the conclusion of the said hearing and after consideration of relevant material submitted by interested persons in connection therewith regarding the proposal, the following amendments to 27 CFR Part 5 are hereby adopted:

PARAGRAPH 1. In order to prohibit the use of the word "Bourbon" in the designation of any whisky or whisky-based distilled spirits not produced in the United States, paragraph (1) of § 5.21 is amended by adding a proviso at the end of the first sentence of subparagraph (1). As amended, paragraph (1) reads as follows:

§ 5.21 The standards of identity.

(1) *Class 9; products without geographical designations but distinctive of a particular place.* (1) The whiskies of the types specified in paragraph (b) (1)-(10) of this section are distinctive products of the United States, and if produced in a foreign country, shall be designated by the applicable designation prescribed in such paragraph, together with the words "American type" or the words "produced (distilled, blended) in _____", the blank to be filled in with the name of the foreign country: *Provided*, That the word "Bourbon" shall not be used to describe any whisky or whisky-based distilled spirits not produced in the United States. If whisky of any of these types is composed in part of whisky or whiskies produced in a foreign country there shall be stated, on

the government label, the percentage of such whiskey and the country of origin thereof. Such statement shall appear as a part of, or in direct conjunction with, any age or percentage statement which may be required under § 5.39.

PAR. 2. Paragraph (d) of § 5.51 is amended by deleting the phrase "and unless the labels are in all particulars consistent with the facts stated in the certificate" at the end of subparagraph (3) thereof. As amended, paragraph (d) (3) reads as follows:

§ 5.51 Certificates of age and origin.

(3) In case of blended whisky: (i) The class and type (such as blended whisky, blended rye whisky, blended bourbon whisky (etc.)); (ii) the percentage of straight whisky, or any distinctive type thereof, used in the blend; (iii) the American proof at which the straight whisky was distilled; (iv) the percentage of other whisky, if any, in the blend; (v) the percentage of neutral spirits, if any, in the blend, and the name of the commodity from which distilled; (vi) the age of the straight whisky and the age of the other whisky, if any, in the blend; and (vii) the type of containers in which such age or ages were acquired (whether new or reused, also whether charred or uncharred).

This Treasury decision shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

Postal inspector in charge at:

Atlanta, Ga., 30302-----	Florida, Georgia, North Carolina, South Carolina.
Boston, Mass., 02107-----	Connecticut, Maine, Massachusetts, New Hampshire, City of Fishers Island, New York, Rhode Island, Vermont.
Chattanooga, Tenn., 37401--	Alabama, Mississippi, Tennessee.
Chicago, Ill., 60607-----	Illinois, Michigan, Wisconsin.
Cincinnati, Ohio, 45201----	Indiana, Kentucky, Ohio.
Denver, Colo., 80201-----	Arizona, Colorado, New Mexico, Utah, Wyoming.
Fort Worth, Tex., 76101----	Louisiana, Texas (except city of Texarkana).
Kansas City, Mo., 64142----	Kansas, County of Jackson, Missouri, Nebraska, Oklahoma.
New York, N.Y., 10001-----	New York, except city of Fishers Island, Puerto Rico, Virgin Islands.
Philadelphia, Pa., 19101----	Delaware, New Jersey, Pennsylvania.
Saint Louis, Mo., 63199-----	Arkansas, Iowa, Missouri (except Jackson County), city of Texarkana, Texas.
Saint Paul, Minn., 55101----	Minnesota, North Dakota, South Dakota.
San Francisco, Calif., 94101--	California, Canton Island, Caroline Islands, Guam, Hawaii, Mariana Islands, Marshall Islands, Nevada, Samoa, and Wake Island.
Seattle, Wash., 98111-----	Alaska, Idaho, Montana, Oregon, Washington.
Washington, D.C., 20013-----	District of Columbia, Maryland, Virginia, West Virginia.

NOTE: The corresponding Postal Manual section is 115.2.

Part 24 amendment:

In § 24.4 *Preparation—payment of postage*, paragraph (b) (4) and (6) is amended to read as follows:

§ 24.4 Preparation—payment of postage.

(b) Bulk mailings. . . .

(4) *Mailing statement and verification.* A designated employee in the weighing section or place in the post office where bulk mailings are accepted shall verify the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

(Sec. 5, Federal Alcohol Administration Act; 49 Stat. 981, as amended; 27 U.S.C. 205)

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

Approved: February 5, 1965.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

[P.R. Doc. 65-1442; Filed, Feb. 9, 1965;
8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—COMPLAINTS

PART 24—THIRD CLASS

Postal Law Violations, and Payment of Postage

The regulations of the Post Office Department are amended for purposes of clarification, and also to require that the sack weight limit for bulk third class mailings must not exceed 80 pounds.

Part 5 amendment:

Section 5.2 *Postal law violations*, is amended to read as follows:

§ 5.2 Postal law violations.

Send information and complaints concerning postal law violations, such as use of mail for lotteries and schemes to defraud, mailing of obscene and scurrilous matters, extortion, and theft of mail to:

If mailer lives in

(1) Form 3602, *Statement of Mailing Matter with Permit Imprint*, for mail with permit imprints (see § 34.5(e)); or
(2) Form 3602-PC, *Bulk Rate Mailing Statement—Third-Class Mail*, for mail bearing precanceled stamps or meter stamps.

(6) *Preparation for dispatch*—(1) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full, the mailer must place them in a sack or sacks which should be labeled in the following manner:

PHILADELPHIA, PA. 191
CIRCS.

Fr Jay Mailing Co., Cincinnati, Ohio 452

(ii) *State sacks*—(a) *Direct packages*. After all possible direct sacks for the same post office have been made, if there are enough direct packages remaining for other post offices within the same State to fill approximately one-third of a sack, they shall be placed in a State sack and labeled to the proper distribution point. (See subparagraph 7 of this paragraph.) State sacks shall be labeled in the following manner:

COUNCIL BLUFFS, IOWA TERM 515
Calif. CIRCS. Directs
Fr D.C. Malters, Washington, D.C. 200

(b) *State packages*. When State packages of circulars for one State will fill approximately one-third of a sack, they shall be placed in a State sack and labeled to the proper distribution point. (See subparagraph (7) of this paragraph.) The sack shall be labeled in the following form:

OGDEN, UTAH TERM 843
CALIF. WORKING CIRCS.

Fr D.C. Malters, Washington, D.C. 200

(iii) *Mixed sacks*. (a) *Mixed State packages of circulars* may be included in sacks labeled "Mixed States—Circulars."

(b) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars."

(iv) *Sack weight*. The total weight of third class mail placed in one sack must not exceed 80 pounds.

(v) *Labels furnished by postmaster*. Where standard post office sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(vi) *Unauthorized labels*. Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

NOTE: The corresponding Postal Manual sections are 134.424 and 134.426.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 4451)

LOUIS J. DOYLE,
General Counsel.

[FR. Doc. 65-1412; Filed, Feb. 9, 1965;
8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-60—CONTRACT APPEALS

Part 3-60 of Chapter 3 of Title 41 of the Code of Federal Regulations is added as follows:

Sec.	
3-60.000	Scope of part.
Subpart 3-60.1—Board of Review Establishment and Functions	
3-60.101	Scope of subpart.
3-60.102	Determination of appeals.
3-60.103	Establishment and membership of the Board.
3-60.104	Functions of the Board.

No. 27—3

Subpart 3-60.2—Appeal Procedures

Sec.	
3-60.201	Scope of subpart.
3-60.202	Filing of notice of appeal.
3-60.203	Form and content of notice of appeal.
3-60.204	Duties of the contracting officer.
3-60.205	Acknowledgment of notice of appeal.
3-60.206	Appeal file.
3-60.207	Optional procedure for appeals involving amounts not in excess of \$5,000.
3-60.208	Submission without a hearing.
3-60.209	Settlement.
3-60.210	Pre-hearing conference.
3-60.211	Hearings.
3-60.211-1	Notice and where held.
3-60.211-2	Representation.
3-60.211-3	Absence of parties.
3-60.211-4	Nature of hearings.
3-60.211-5	Examination of witnesses.
3-60.211-6	Copies of documents.
3-60.211-7	Post-hearing briefs.
3-60.211-8	Transcript of proceedings.
3-60.211-9	Withdrawal of exhibits.
3-60.212	Submission of additional information at Board's request.
3-60.213	Findings, recommendations, and decision.

AUTHORITY: The provisions of this Part 3-60 issued under 5 U.S.C. 22; Reorgan. Plan No. 1 of 1953 (5 U.S.C. 623).

§ 3-60.000 Scope of part.

This part establishes policies and procedures regarding appeals from decisions of contracting officers filed pursuant to "Disputes" clauses of contracts.

Subpart 3-60.1—Board of Review Establishment and Functions

§ 3-60.101 Scope of subpart.

This subpart describes the establishment, membership, and functions of the Board of Review.

§ 3-60.102 Determination of appeals.

Determination of appeals from decisions of contracting officers are made by the Assistant Secretary of Health, Education, and Welfare for Administration (hereinafter referred to as the "Assistant Secretary") after receipt of findings and recommendations by a Board of Review (hereinafter referred to as the "Board").

§ 3-60.103 Establishment and membership of the Board.

Boards are established on a case by case basis by the Assistant Secretary and are comprised of a Chairman and two members. At least one of the members shall be either an attorney in the Office of General Counsel or a qualified hearing examiner. No person shall be designated a member of the Board if he has participated in or has any interest, direct or indirect, in the letting or administering of the contract in dispute.

§ 3-60.104 Functions of the Board.

(a) The Board performs the following functions with respect to contract appeals:

- (1) Informs the appellant that the Board of Review has been established to consider the appeal.
- (2) Schedules prompt consideration of the appeal.
- (3) Conducts hearings at the request of either party or in its own discretion,

or considers the appeal without a hearing in accordance with the provisions of § 3-60.208.

(4) Submits findings and recommendations to the Assistant Secretary for his action.

(5) Performs such other functions as the Assistant Secretary may require.

(b) The Board may in its discretion hear, consider, and make findings and recommendations on all questions which are deemed necessary for the complete adjudication of the issue or issues involved in the appeal, including questions of law.

Subpart 3-60.2—Appeal Procedures

§ 3-60.201 Scope of subpart.

This subpart sets forth the procedures governing the filing and disposition of an appeal.

§ 3-60.202 Filing of notice of appeal.

Notice of an appeal must be in writing, signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the appellant's duly authorized representative or attorney. The notice should be addressed to the Secretary of Health, Education, and Welfare, and be mailed or otherwise furnished to the contracting officer from whose decision the appeal is taken. However, where addressed to the contracting officer or to the head of the Departmental operating agency involved in the dispute, the appeal will be considered as though it had been addressed to the Secretary. The notice of appeal must be mailed or otherwise filed within the time specified in the contract.

§ 3-60.203 Form and content of notice of appeal.

The notice of appeal should indicate that an appeal is intended and should include the following information:

- (a) Identification (number) of the contract involved.
- (b) The decision from which the appeal is taken.
- (c) The portion or portions of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous.
- (d) The relief sought by the appellant.

§ 3-60.204 Duties of the contracting officer.

Upon receipt of the notice of appeal, the contracting officer shall forward, through appropriate administrative channels, such notice to the Chief, Procurement and Supply Management Branch, Division of General Services, Office of Administration, Office of the Secretary (hereinafter referred to as the "Chief, PSMB"), together with the appeal file consisting of the documents specified in § 3-60.206, and a list of the documents included in the appeal file. The contracting officer shall retain a duplicate copy of the appeal file.

§ 3-60.205 Acknowledgment of notice of appeal.

After the Chief, PSMB, has received the notice of appeal from the contracting officer, he shall promptly acknowledge

receipt thereof to the appellant, and transmit a copy of such acknowledgment to counsel for the Government (Assistant General Counsel, Division of Business and Administrative Law). If the appeal involves an amount in excess of \$5,000, the acknowledgment letter shall request the appellant to advise the Chief, PSMB, whether he wishes to have an oral hearing on his appeal or have his appeal considered on the basis of the appeal file and any other material submitted pursuant to § 3-60.208. If the appeal involves an amount not in excess of \$5,000, the acknowledgment letter shall invite the appellant's attention to § 3-60.207. A copy of these HEW Contract Appeal Regulations shall be enclosed in the acknowledgment letter.

§ 3-60.206 Appeal file.

(a) After the Board has been designated in accordance with the provisions of § 3-60.103, the Chief, PSMB, shall transmit the appeal file to the Board Chairman. The appeal file shall consist of the original or copies of all documents pertinent to the appeal, including the following:

- (1) The notice of appeal.
- (2) The findings of fact or decision from which the appeal is taken.
- (3) The invitation for bids or proposals, the contract, pertinent plans and specifications, amendments, and change orders.
- (4) Correspondence between the parties relating to the dispute.
- (5) Transcripts of any testimony taken in connection with the dispute prior to the filing of the appeal, and affidavits or statements of any witnesses that were considered by the contracting officer in reaching his decision.
- (6) Any additional data that the contracting officer may consider pertinent.

(b) Upon receipt of the appeal file, the Board Chairman shall provide the appellant and counsel for the Government with a listing of appeal file contents, and shall notify the parties where the file may be examined. Each party may furnish or suggest additional documentation deemed pertinent to the appeal. The appeal file shall be available for examination by the parties or their counsel or representatives at the office of the Board Chairman, or at the office of the contracting officer.

§ 3-60.207 Optional procedure for appeals involving amounts not in excess of \$5,000.

In order to eliminate the costs of a hearing to the contractor and to the Government on appeals involving relatively small amounts, and to expedite the decisions on such appeals, an appeal involving an amount not in excess of \$5,000 shall be considered without a hearing in accordance with the provisions of § 3-60.208, unless a hearing has been requested by either party or unless the Board orders a hearing. If the appellant does not request a hearing within twenty days after receipt of the acknowledgment of the notice of appeal, the appeal shall be considered in accordance with the provisions of § 3-60.208, unless the Board orders a hearing.

§ 3-60.208 Submission without a hearing.

Where neither party desires a hearing, and the Board does not require one, the Board's findings and recommendations will be based upon the appeal file and upon such briefs or other written material which it may, in its discretion, request the parties to submit.

§ 3-60.209 Settlement.

A dispute may be settled at any time before the decision (a) by the Contractor's filing a written notice withdrawing his appeal, or (b) by written stipulation between the contractor and the contracting officer, or their counsel or representatives, subject to the approval of the Assistant Secretary. If only part of the dispute is settled the appeal shall continue as to any issues remaining in dispute.

§ 3-60.210 Prehearing conference.

(a) The Board, upon the request of either party, or in its own discretion, may arrange for the holding of a prehearing conference by a designated member or members of the Board at a time and place specified by the Board to consider the following:

- (1) Simplification or clarification of the issues.
- (2) Possibility of obtaining stipulations, admissions of fact, and agreement respecting the introduction of documents.
- (3) Limitation of the number of expert witnesses.
- (4) Possibility of agreement disposing of all or any of the issues in dispute.
- (5) Such other matters as may aid in the disposition of the appeal.

(b) The results of the conference shall be reduced to writing by the Board member or members who conducted the conference and shall be made part of the record.

§ 3-60.211 Hearings.

§ 3-60.211-1 Notice and where held.

The Board shall grant a hearing at the request of either party, or in its own discretion may order that a hearing be held. The parties will be given a minimum of 20 days notice in writing of the time and place of the hearing. Unless there is substantial justification shown to the satisfaction of the Assistant Secretary for holding the hearing elsewhere, it will be held in the HEW Building, Washington, D.C. Hearings in Washington, D.C., shall be held before the entire Board and presided over by the Board Chairman. The Board Chairman may designate one member of the Board to conduct a hearing to be held outside Washington, D.C.

§ 3-60.211-2 Representation.

An appellant may appear before the Board in person, or may be represented by counsel or by any other duly authorized representative.

§ 3-60.211-3 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay of the hearing. In such event, the hearing will proceed

and the case will be regarded as submitted on the record by the absent party.

§ 3-60.211-4 Nature of hearings.

Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's findings and recommendations. The parties may offer such relevant evidence or argument as they deem appropriate subject, however, to the exercise of reasonable discretion by the Board or the member conducting the hearing in supervising the extent and manner of presenting such evidence.

§ 3-60.211-5 Examination of witnesses.

Witnesses will not be required to testify under oath. However, if circumstances so warrant, the Board Chairman or the Board member conducting the hearing may warn a witness at the hearing that his statements may be subject to the provisions of Title 18, U.S.C., sections 287, 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof. All witnesses may be examined or cross-examined by the members of the Board, the parties, or their representatives.

§ 3-60.211-6 Copies of documents.

Copies of documents will be accepted in evidence if submission of original documents is not practicable.

§ 3-60.211-7 Post-hearing briefs.

Post-hearing briefs may be submitted upon such terms as may be agreed upon by the parties and the Board Chairman (or the Board member conducting the hearing) at the conclusion of the hearing. Ordinarily, simultaneous briefs will be exchanged within 30 days after the hearing transcript is received.

§ 3-60.211-8 Transcript of proceedings.

Hearings shall be reported verbatim unless the Board orders otherwise. Copies of transcripts of proceedings can be obtained by appellants by ordering same from the public reporter and paying the cost thereof.

§ 3-60.211-9 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 3-60.212 Submission of additional information at Board's request.

The Board may request either party at any stage of an appeal proceeding to furnish any information the Board deems necessary or desirable in connection with its consideration of the appeal. Submission thereof shall be made within a time limit to be specified by the Board.

§ 3-60.213 Findings, recommendations, and decision.

(a) The Board shall submit its written findings and recommendations through the Director of General Services to the Assistant Secretary. These findings and recommendations shall be based upon the substantial evidence of record. The weight to be attached to the evidence of record will be determined by the Board in the exercise of reasonable discretion under all the circumstances of the particular case.

(b) The decision shall be rendered by the Assistant Secretary. A copy of the decision shall be furnished to both parties, and shall be available for public inspection at the office of the Chief, PSMB.

These regulations shall become effective on the date they are published in the **FEDERAL REGISTER**.

Dated: February 4, 1965.

RUFUS E. MILES, Jr.,
Assistant Secretary for Administration.
[F.R. Doc. 65-1457; Filed, Feb. 9, 1965;
8:49 a.m.]

Title 46—SHIPPING**Chapter IV—Federal Maritime Commission****SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES**

[General Order 4, Amdt. 8; Docket No. 1183]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS**Oceangoing Common Carriers and Persons Shipping for Own Account**

On May 16, 1964, the Federal Maritime Commission published a notice of proposed rule making in the **FEDERAL REGISTER** (Docket 1183, 29 F.R. 6448) setting forth a revision to paragraph (c) of § 510.22 of the Commission's Freight Forwarder Regulations, General Order 4, Amendment 1 (46 CFR Part 510). Written comments on the revision were invited and received and thereafter oral argument was heard. The Commission has carefully considered the comments and arguments and is of the opinion that the proposed rule should be modified and as modified should be adopted.

The purpose of the revised rule is to permit nonvessel operating common carriers by water (NVOCC's) to be licensed as independent ocean freight forwarders under Public Law 87-254 (75 Stat. 522) and receive forwarder compensation or "brokerage" in those instances where they do not undertake common carrier responsibility for the ocean transportation of export shipments. NVOCC's contract with shippers to move cargo from a point in the United States (often an inland point) to an overseas destination on a single bill of lading and at a single factor rate. They maintain tariffs, solicit cargo, and assume responsibility for the transportation of the cargo. They have been held to be com-

mon carriers by water under the Shipping Act although they do not own or control the means by which the transportation is accomplished. Common Carriers by Water—Status of Express Companies, Truck Lines And Other Non-Vessel Carriers, 6 F.M.B. 245 (1961).

NVOCC's also act as freight forwarders and are currently doing so pursuant to rights conferred by the "grandfather clause" of P.L. 87-254. They have applied for licenses under that statute, stating that they wish to continue to provide the shipping public with flexible services which include both freight forwarder and NVOCC operations. As before noted, the revised rule authorizes this. Its approval, however, is objected to by the New York Foreign Freight Forwarders & Brokers Association, which contends that a NVOCC is a shipper in relation to the actual ocean carrier and as such is prohibited from being licensed by the forwarder definition in P.L. 87-254.

This objection appears to derive from the original language of § 510.22(c) which stated that a NVOCC would be deemed a "shipper" for the purposes of the forwarder regulations. But in adopting that language we sought only to foreclose a NVOCC from realizing an advantage in respect to its transportation rates by receiving commissions in the guise of freight forwarder compensation from the underlying carrier. Quite a different situation exists where the NVOCC is functioning in a freight forwarder capacity and has earned compensation for forwarder services actually rendered. We are aware of no statutory or regulatory purpose to be furthered by the denial of freight forwarding compensation in the latter circumstances.

In this connection, we point out that while a NVOCC may technically be a shipper in relation to the actual ocean carrier, the NVOCC has no proprietary or beneficial interest in the cargo it undertakes to transport, any more than has the actual ocean carrier. A NVOCC is thus not a person having the kind of interest in the cargo which P.L. 87-254 requires to be divorced from freight forwarders so as to insure that the compensation carriers pay forwarders will not result in rebates to shippers or other illegality under sections 16 and 17 of the Shipping Act. See New York Foreign Freight Forwarders & Brokers Association et al. v. F.M.C. 337 F. 2d 289, 296 (2d Cir. 1964).

In accordance with our original intent to foreclose NVOCC's from any rate advantage stemming from improper forwarding commissions, the rule as herein approved prevents a NVOCC from collecting and the underlying carrier from paying freight forwarder compensation whenever the NVOCC has undertaken to act in a common carrier capacity. It also requires the NVOCC to certify that there has been no such undertaking before compensation for freight forwarding may be collected.

Therefore, pursuant to sections 43 and 44 of the Shipping Act, 1916, as amended (75 Stat. 766, 522), paragraph (c) of § 510.22 is amended to read as follows:

§ 510.22 Oceangoing common carriers and persons shipping for own account.

(c) A nonvessel operating common carrier by water or person related thereto, otherwise qualified, may be licensed as an independent ocean freight forwarder to dispatch export shipments moving on other than its through export bill of lading. Such carrier or person related thereto may collect compensation under section 44(e) when, and only when, the following certification is made on the "line copy" of the ocean carrier's bill of lading, in addition to all other certifications required by section 44 of the Shipping Act, 1916, and this part: "The undersigned certifies that neither it, nor any related person, has issued a bill of lading covering ocean transportation or otherwise undertaken common carrier responsibility for the ocean transportation of the shipment covered by this bill of lading." Whenever a person acts in the capacity of a nonvessel operating common carrier by water as to any shipment he shall not be entitled to collect compensation under section 44(e) nor shall a common carrier by water pay such compensation to a nonvessel operating common carrier for such shipment.

Effective date. The rule herein adopted shall become effective 15 days after date of publication in the **FEDERAL REGISTER**. Since the rule relieves the unduly restrictive nature of the present § 510.22(c), the Commission considers inapplicable the 30-day publication requirement contained in § 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

By the Commission: (John Harilee, Chairman, James V. Day, Vice Chairman, Ashton C. Barrett, Commissioner).

THOMAS LISI,
Secretary.

[F.R. Doc. 65-1426; Filed, Feb. 9, 1965;
8:47 a.m.]

Title 47—TELECOMMUNICATION**Chapter I—Federal Communications Commission**

[Docket No. 15666; FCC 65-69]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES****Miscellaneous Amendments**

In the matter of amendment of Parts 2 and 74 of the Commission's rules to permit limited access to the band 1990-2110 Mc/s for Government space research earth stations in support of Project Apollo; Docket No. 15666.

¹ Commissioner George H. Hearn and John S. Patterson dissent filed as part of the original document.

Report and order. 1. The Commission adopted a notice of proposed rule making in the above-entitled matter on October 21, 1964, which was published in the *FEDERAL REGISTER* on October 28, 1964 (29 F.R. 14671). Errata were published on November 10, 1964 (29 F.R. 15180). Interested parties were invited to file comments on or before December 1, 1964, and reply comments on or before December 10, 1964.

2. Comments were filed by National Association of Broadcasters (NAB), American Broadcasting Co. (ABC), Midwest Television, Inc. (Midwest) and Golden West Broadcasters. No reply comments were filed. Additionally, in response to the Commission's request, the National Aeronautics and Space Administration (NASA) provided coordination distance contour maps drawn about each of the four proposed earth station sites, outlining the areas within which interference to TV auxiliary stations might reasonably be expected under a given set of circumstances. These maps will be retained on file in the offices of the Commission's Broadcast Bureau for the information of prospective TV auxiliary station licensees planning to operate within the band 1990-2110 Mc/s.

3. NAB comments expressed the fear that the use of 2106.4 and 2101.8 Mc/s at Goldstone, Calif.; Cape Kennedy, Fla.; Kauai, Hawaii; and Corpus Christi, Tex. by space research earth stations would result in interference to existing or future TV auxiliary broadcast operations. NAB also expressed the view that there is ample spectrum space already allocated to the Government without the need for sharing frequencies allocated to the Television Auxiliary Broadcast Service. Recognizing, however, that the Commission might go forward with its proposal, NAB has requested that any Commission concurrence in the NASA proposal be time-limited. ABC agreed with and endorsed the comments filed by NAB.

4. Midwest, licensee of a television intercity relay station operating in the frequency band concerned, between Los Angeles and San Diego, Calif., expressed the view that the Commission's proposal was incompatible with sound frequency allocations policy. Midwest considers it impossible to determine if interference will occur, prior to the time the Goldstone earth station begins operation, but nevertheless does not oppose the rule change proposed in light of the unusual circumstances cited by the Commission in its notice. Hope was expressed that the Commission would cooperate in finding a suitable replacement frequency for the Midwest operation, either within or beyond the limits of the band 1990-2110 Mc/s, in the event harmful interference resulted from Project Apollo operations.

5. Golden West, licensee of KTLA, channel 5, Los Angeles, voiced perhaps the strongest opposition to the proposed rule change. Pertinent portions of the comments are quoted below:

2. We believe that the proposed use of these frequencies by the proposed earth station at Goldstone will cause havoc to television broadcast stations in the Los Angeles area.

3. Associated with Station KTLA are four television pickup stations and two studio transmitter links employing frequencies in the 2025 megacycle to 2093 megacycle range. Receiving antennae are on Mount Wilson, which is approximately 130 miles from the proposed Goldstone earth station and well within the interference range of the latter. A number of other Los Angeles television licensees have microwave facilities in the same frequency range and have receiving antennae on Mount Wilson.

4. . . . The station uses remote facilities extensively in its news coverage, including a "Telecopter" with a mobile unit employing the frequency of 2025 megacycles to 2042 megacycles.

5. Interference from the proposed Goldstone earth station could completely disrupt these activities, and by interfering with Station KTLA's studio-transmitter links, cut off even studio originations. The same prospect exists for other Los Angeles television stations.

6. We believe that extensive interference throughout the 2000 megacycle band is likely because of the "side band splatter" characteristic of high power doppler radar . . .

6. The coordination distance contour presentations do not lend themselves to reproduction in toto because of their bulk. Attached, however, are contour maps¹ for each of the four locations, based on an earth station antenna elevation of 3° above the horizontal plane. In each case they show distances in excess of the "order of 175 miles" referred to in the Commission's Notice. However, these contours define not the areas within which destructive interference will necessarily be experienced but rather the areas within which existing licensees might experience some interference and within which prospective licensees should exercise particular caution in locating their stations. The calculated distances from which the contours are derived are based on internationally-agreed criteria developed primarily to provide interference-free frequency sharing between earth stations in the space service and terrestrial line-of-sight radio relay systems. The coordination distance along a given azimuth is that distance necessary to permit 99.9 percent interference-free operation of a microwave receiver when the main lobe of its receiving antenna is pointed directly at the main lobe of the earth station transmitting antenna. For purposes of the calculation, it is assumed in all cases that the microwave receiver has a low noise figure and uses an antenna with gain of 42 db. It will be seen, therefore, that the coordination distance is a function of earth station transmitting power, antenna size and effective gain in the pertinent direction, antenna elevation angle, the degree to which the transmitted signal is dispersed in frequency, terrain shielding and the operating frequency.

7. The coordination distance contour shown on the maps is the locus of points at which interference might occur 0.1 percent of the time described by the earth station antenna at an elevation of 3° as it sweeps through 360° of azimuth. Goldstone will use an 85' diameter parabolic antenna with a beamwidth

of 0.4°. The remaining three proposed earth stations will use 30' diameter parabolic antennas with beamwidths of 1.2°. While the earth station is in operation, the beam will not be stationary and at any given instant could be positioned at any point within the 360 degrees of azimuth and approximately 180 degrees of vertical plane. Therefore, there is about one chance in roughly 60,000 that the main lobe will be aimed in the direction of a given point at the same time it is 3 degrees above the horizontal plane. This factor, coupled with the infrequent Apollo flights during which the earth stations will be activated, reduces to an extremely small figure the probability of harmful interference to a given TV auxiliary station within the contour.

8. Calculations for Goldstone were based on transmitting antenna gains of 51 db in the main lobe and 33 db in the major side lobe. Those for the remaining three stations were based on gains of 43 and 25 db in the main lobe and major side lobe, respectively. In each case it was assumed that the total power was evenly distributed over the 3600 kc/s represented by the 3600F9 emission and contours were plotted for elevation angles of 0° and 3°. In the case of Goldstone, assuming 0° antenna elevation and no site shielding the coordination distance along an over-land path was calculated to be 555 miles. This figure reduces to 375 miles when using an antenna elevation of 3° and is further reduced to 230 miles along those radials where surrounding terrain provides maximum site shielding. In the case of the remaining three stations, at 0° antenna elevation and no site shielding, the distance calculated for an over-land path was 450 miles which reduces to 280 miles for an antenna elevation of 3°. There is virtually no effective site-shielding available at Cape Kennedy, Corpus Christi or Kauai, Hawaii. Paths which are partially or totally over-water are well in excess of distances shown for over-land paths. Because of the greatly increased area involved in going from 3° elevation to 0° elevation it is reasonable to condition any concurrence in the NASA proposal with a stipulation that elevation angles of less than 3° will not be used. Such a limitation would not be unduly restrictive inasmuch as the same antenna is used, as a general rule, for transmission and reception and at very low angles of use, earth temperatures enter the system and contribute significantly to the system noise, thus degrading the reception.

9. Having described the interference potential, we now turn to the comments filed by NAB, ABC, Midwest and Golden West. In its notice of proposed rule making the Commission recognized that operation of the Government stations in the non-Government band in question would have an impact on non-Government users. However, because of the substantial savings in time and money promised by taking advantage of the peculiar circumstances involved, which were discussed in detail in the notice, the Commission has concluded it is in the national interest to concur in the NASA proposal, with appropriate safeguards.

¹ Filed as part of original document.

The Commission is in agreement with NAB and ABC with regard to establishing a termination date for Government access to the frequencies in question, with the understanding that such a date will be subject to review at some future date if there are persuasive arguments for extending it.

10. In response to the comments filed by Midwest, the Commission will co-operate in finding suitable replacement frequencies for any existing TV auxiliary station whose operations are subjected to harmful interference from Project Apollo to such a degree that a change in frequency appears to be warranted and is requested by the licensee.

11. In the Commission's view, it is unlikely that the pessimistic predictions made by Golden West will develop. Here we may rely on factual operating data rather than theoretical considerations alone. As indicated in the notice of proposed rule making, there is already in operation a Deep Space Network using frequencies in the same general portion of the spectrum. As a part of that system, there is at Goldstone an earth station using an 85' parabola, approximately the same modulation, with powers ranging between 10 and 100 kw, operating on 2113.5 Mc/s in the deep space program. That station has been operating intermittently for at least 9 months and since the launch of Mariner IV toward Mars has been operating several hours each day without any case of interference having been reported by Commission licensees, operating either on the same or adjacent channels. It is that station which gave mid-course direction to the Mariner vehicle now en route to the vicinity of Mars. If we assume only 10 kw is used on 2113.5 Mc/s, the same contour would be applicable as plotted for 2106.4 and 2101.8 Mc/s. Our records show four microwave operations within the limits of that contour: KMX55, Hall Canyon Hill, Calif. on 2112.5 Mc/s transmitting to Santa Ynez Peak, about 180 miles from Goldstone; KNK86, Pinehurst, Calif. on 2112.5 Mc/s transmitting to Reedley, about 180 miles from Goldstone; KMS35, Highgrove, Calif. on 2115 Mc/s transmitting in a northerly direction about 5 miles to a point about 95 miles from Goldstone; and KPR97, Churchill Butte, Nev. on 2119.5 Mc/s transmitting to McClellan Peak, Nev. about 310 miles from Goldstone. All but KMS35 are common carrier circuits. The absence of interference reports from KMS35 appears significant in this instance since it is considerably closer to Goldstone than is Los Angeles.

12. Our records reveal a total of eight authorizations in the band 2093-2110 Mc/s within the Goldstone 3° contour, only four of which are within 175 miles of Goldstone; three in that band within the Cape Kennedy contour; two within the Corpus Christi contour; and none in Hawaii. No adjacent channel licensees appear to be involved in any of the four cases.

13. In summary, it appears probable that the total impact on the Television Auxiliary Broadcast Service and on any

individual existing station in this service will be minimal and that there are strong public interest considerations (as set forth in our notice of proposed rule making) supporting the NASA proposal. Accordingly, the Director of Telecommunications Management will be advised that the Commission will amend Parts 2 and 74 of its rules in the manner set forth below on the understanding that the earth stations in question will be operated with full power only during Project Apollo spacecraft flights; that transmissions will not occur at antenna elevation angles less than 3°; and that the transmitter will not be operated without modulation, in order to ensure that the total power will be distributed over a range of frequencies rather than concentrated on a single frequency.

14. In view of the foregoing: It is ordered, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective March 15, 1965, Parts 2 and 74 of the Commission's rules are amended as set forth below.

15. It is further ordered, That the proceedings in Docket No. 15666 are 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: February 3, 1965.

Released: February 4, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Amend Parts 2 and 74 as follows:

1. In § 2.106, the Table of Frequency Allocations is amended to add a new footnote designator "US96" in column 6 opposite the frequency band 1850-2200 Mc/s in column 5, and add a new footnote "US96" as follows:

§ 2.106 Table of frequency allocations.

US96 In the band 1990-2110 Mc/s, the frequencies 2106.4 Mc/s and 2101.8 Mc/s may be authorized for Government earth station transmissions in connection with Project Apollo, until December 31, 1970, at the following sites only:

Goldstone, Calif. (35°23'20" N., 116°50'53" W.)
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.)
Kauai, Hawaii (22°07'31" N., 159°40'16" W.)
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.)

Full power operation shall occur only when spacecraft launched as a part of Project Apollo are in actual flight. During such operation, the carrier shall be fully modulated at all times to ensure dispersal of the transmitted power, and transmissions shall not occur using antenna elevation angles of less than 3° above the horizontal plane. Operation at all other times shall be confined to laboratory tests or subduced radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV broadcast auxiliary stations.

* Commissioners Bartley and Lee absent; Commissioner Cox dissenting.

2. The table in § 74.602(a) is amended to add footnote designator "1" opposite the entry "2093-2110" Mc/s in the "Band A" column and add a footnote to the table as follows:

§ 74.602 Frequency assignment.

(a) * * *

Goldstone, Calif. (35°23'20" N., 116°50'53" W.)
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.)
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.)
Kauai, Hawaii (22°07'31" N., 159°40'16" W.)

Full power operation will occur only when spacecraft launched as a part of Project Apollo are in actual flight and at such times TV auxiliary stations operating in the channel 2093-2110 Mc/s must accept any interference that may be caused by such operation. Operation at all other times shall be confined to laboratory testing and subduced radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV auxiliary stations.

* The frequencies 2106.4 Mc/s and 2101.8 Mc/s may be assigned to Government earth stations at the locations listed below only, for transmissions in connection with Project Apollo until Dec. 31, 1970.

[F.R. Doc. 65-1445; Filed, Feb. 9, 1965; 8:49 a.m.]

[Docket Nos. 15513, 15441; FCC 65-91]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Minneapolis and St. Paul, Minn.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Minneapolis and St. Paul, Minn.), Docket No. 15513, RM-582; in re application of Hubbard Broadcasting, Inc., Minneapolis, Minn., Docket No. 15441, File No. BPH-4167, for construction permit.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-548), released June 18, 1964, in response to a petition for rule making filed by WMIN, Inc., licensee of radio station WMIN (AM), St. Paul, Minn., on March 16, 1964, requesting the reassignment of channel 271 from Minneapolis to St. Paul, Minn. In the notice we invited comments on the following alternatives:

(a) Whether to reassign channel 233 or 271 or both from Minneapolis to St. Paul.

(b) Whether to reassign channel 233 or 271 or both from Minneapolis to Minneapolis-St. Paul.

2. The Commission also has under consideration in connection with this proceeding its Order issued May 4, 1964, designating for hearing the applications of Contemporary Radio, Inc. (WAYL) licensee of FM station WAYL, Minneapolis (BPH-4142, Docket No. 15440), and Hubbard Broadcasting, Inc. (Hubbard), licensee of Stations KSTP(AM) and KSTP-TV, St. Paul (BPH-4167, Docket No. 15441), for construction per-

mits for a new FM station on channel 233 in Minneapolis; also its memorandum opinion and order, released June 29, 1964, staying further proceedings in said Dockets Nos. 15440 and 15441 pending the outcome of this rule making proceeding.¹

3. As was stated in the notice, and also in our report and order in Docket 15256, Minneapolis with a population of 482,872² has nine FM (class C) assignments, all in use except the two channels in question here. St. Paul, on the other hand, while it is the capital and second largest city in Minnesota and has a population of 313,411, has only one FM channel—237A (Station KNOP-FM)—assigned to it. Although St. Paul is situated in direct geographical proximity to Minneapolis, it has its own government, police and fire departments, school system, service organizations, and community life. There are presently three AM radio stations and one television station assigned to and operating at St. Paul.³

4. Petitioner, WMIN, Inc., in support of its request for reassignment of channel 271 to St. Paul (taking no position as to channel 233), asserts that an intense rivalry exists between St. Paul and Minneapolis, and that the functions of seeking out community issues and problems and devoting service time to airing them are not served at the present time for St. Paul by stations in Minneapolis, "a much larger community with a life and programming needs of its own"; also that the Minneapolis stations naturally program primarily for Minneapolis needs (which is) " * * * appropriate under the Commission's rationale in NTA Television Broadcasting Corp., 22 RR 273, 295 * * *". WMIN points out that it operates an AM station in St. Paul and through its own experiences knows that St. Paul organizations do not receive appropriate attention from the Minneapolis stations, whereas it "strives to serve predominantly the St. Paul needs through its AM facility and, if channel 271 is assigned to St. Paul, (it) proposes to provide FM service to its St. Paul audience * * *".

¹ This competitive situation between Hubbard and WAYL has since been resolved. WAYL had operated on channel 241, and wished to leave that channel because of a substantial short spacing involved; this was the reason for its filing for channel 233. Subsequently, in another rule making proceeding (Docket 15256) the Commission substituted channel 229 for 241 at Minneapolis (a move supported by both Hubbard and WAYL) and WAYL amended its application to specify channel 229 and now has a permit on that channel. This leaves Hubbard the sole present applicant for channel 233.

² Population figures herein are 1960 U.S. Census figures unless otherwise indicated.

³ There are two other class C FM assignments and stations in this area, channel 281 at St. Louis Park and channel 223 at Golden Valley. These communities (populations 43,310 and 14,559 respectively) are close to Minneapolis, in the opposite direction (west) from St. Paul.

* Typical of letters written on behalf of the petitioner and filed with its comments was one from the St. Paul Junior Chamber of Commerce which stated that they feel "that the people we want to reach and motivate are in Saint Paul and have a deep sense of

5. Hennepin Broadcasting Associates, Inc., licensee of Station KTCR(AM), Minneapolis and also an applicant for a new FM station on channel 271 at Minneapolis, filed an opposition to WMIN, Inc.'s request for rule making; after this proceeding was commenced, however, it filed formal comments supporting the Commission's alternate proposal (par. 1(b) above), for hyphenated assignments—for both channel 233 and 271. In its initial opposition to WMIN's petition, Hennepin apparently assumed that WMIN has no intention of serving beyond the St. Paul service area, inasmuch as it (Hennepin) stated that "its attached engineering statement demonstrates that the provincial attitude of WMIN, Inc. in not being able to consider anything beyond the confines of the St. Paul city limits is certainly not the criterion to be used in awarding class C FM facilities * * *" and asserted that St. Paul would be only one of 43 separate and distinct communities and the population of St. Paul represents only 17 percent of the total population within the service area.⁴

6. In its formal comments Hennepin refers to "expression of Commission law on the principles of television assignments", citing the Commission's statement that "when a channel is assigned to two or more communities in hyphenation, it is available for use in any of the hyphenated communities or in any community within the permissible designated mileage range as prescribed in the Rules" (New Orleans Deintermixture Case, 15 RR 1612). Hennepin goes on to state that "this assignment principle has been used for various reasons, including among others, the question of trade, industrial or cultural unity between cities" (Community Telecasting Co., 12 RR 1508), and that "it may appropriately be used to postpone unresolved and conflicting demands to an adjudicatory proceeding of the nature of a comparative hearing * * *". It is Hennepin's contention that the "principles of television assignments" are equally applicable to the FM Table of Assignments and that these "principles" are support for its argument for hyphenated assignments here.

7. Supporting its position that "Minneapolis and St. Paul constitute for general economic and social purposes a single community", Hennepin cites population criteria as set forth in the publication, "Standard Metropolitan Statistical Areas" prepared by the Office of Statistical Standards, Bureau of the Budget, which designates Minne-

loyalty to the local media. Minneapolis has a separate Junior Chamber of Commerce and I am sure that they rely upon AM and FM stations that are licensed to Minneapolis to carry their messages * * *".

* In its later formal comments, Hennepin takes a somewhat different approach, asserting that: " * * * WMIN, Inc., repeatedly emphasized in Exhibit D of the application for assignment of license for Station WMIN (BAL-4732), filed last year that its program policy was based upon the needs of Minneapolis-St. Paul * * *" and that "indications that WMIN, Inc., felt that St. Paul was a separate and distinct community (distinguished from city) were noticeably absent."

apolis-St. Paul as a "standard metropolitan statistical area". It then goes on to state that "the conclusions reached by the expert authority of the Federal Government are reinforced by the views and contentions of Twin City Stations, as evidenced by data and exhibits filed with the Commission ante litem motam (which) support the view that Minneapolis and St. Paul are two separate cities but form one large community with common social, economic and cultural ties . . .".

8. Hubbard, licensee of Station KSTP (AM) and KSTP-TV, St. Paul and an applicant for channel 233, also filed comments, in which it stated that it has no objection to the reassignment of channel 233 from Minneapolis to St. Paul or to Minneapolis-St. Paul (and that it has tendered an amendment to its FM application expressing willingness to accept assignment at either city). Hubbard filed also a Petition for Reconsideration requesting the Commission to reconsider and rescind its Memorandum Opinion and Order of June 29, 1964, staying the comparative hearing proceedings for the channel (Dockets 15440 and 15441), and urging grant of its application.⁵ Its proposed operation would put over both cities a signal meeting the requirements of the Rules for principal-city service. The Hubbard amendment did not propose any change in programming, a fact which Hennepin urges in support of its claim that this is really one homogenous metropolitan area.

9. In summation, the opposition to assigning these channels to St. Paul (only) is based on the contention that Minneapolis and St. Paul constitute for general economic and social purposes a single community, and that there exists "a trade, industrial and cultural unity" between the two cities. As might be expected from the geographic proximity of these two large centers, there appears to be a considerable degree of economic, social and cultural unity, of shared or overlapping interests in some areas. But it also appears obvious that each city has its own trade, industrial and cultural identity. Therefore, while it appears to be true that there is a substantial degree of unity or commonality between the two, the fact remains that St. Paul is in its own right a large and important city and therefore merits its own radio and television assignments, including wide-coverage class C FM channels. Hennepin's assertions concerning WMIN's real programming intentions, and actual and proposed programming by other AM licensees in these cities, are of rela-

* Hubbard states: "It is highly doubtful if the entry of an Order in the FM rule making proceeding (Docket No. 15513), staying the proceedings in Docket Nos. 15540 and 15441 is a valid order, in view of the fact that the Hubbard application has been designated for hearing . . .". It also states that "if it is appropriate for the Commission, in connection with its rule making functions, to stay the proceedings on an application which has already been designated for hearing, it would seem equally appropriate for the Commission to cancel its Order of Designation (after the WAYL application is dismissed) and grant the Hubbard application without a hearing . . .".

tively little significance here, whatever weight they might have in a licensing proceeding.

10. We cannot agree with Hennepin that the two channels should be assigned on a hyphenated basis. To do so would be contrary to the present FM assignment structure for these two cities, which is on a nonhyphenated basis, and would do nothing to help correct what we consider to be an imbalance of channels between them. Were we building a Table of Assignments ab initio, such a course could conceivably be appropriate. But under the present circumstances, it appears that assignment to St. Paul only is the appropriate course if that city is to receive its fair share of the FM channels available in the area.

11. Based on the foregoing considerations we are of the view that the two channels in question, 233 and 271, should be reassigned to St. Paul; and that the proposed reassignment of channels would conform to all the rules and allocation principles, would make for a fair and equitable distribution of available facilities, and would serve the public interest. Authority for the adoption of the proposed amendments to the FM Table of Assignments is contained in sections 4(1), 303, and 307(b) of the Communications Act of 1934, as amended.

12. In view of the foregoing: *It is ordered*, That effective March 12, 1965, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel Nos.
Minneapolis, Minn.	229, 246, 253, 258, 262, 267, 275
St. Paul, Minn.	233, 237A, 271

13. There remains for consideration the disposition of the Hubbard application for channel 233, which, as now on file, specifies operation as a Minneapolis station. On June 29, 1964 Hubbard tendered an amendment to this application specifying operation as a St. Paul station if that is the outcome of this present proceeding, but not amending its application in any other respects. This request to amend has not yet been acted upon. Hubbard asserts that it would be "legal error" for us to open up its hearing proceeding (Docket 15441) to permit applications to be filed in competition with it for this channel. We have determined that it would not be appropriate to open the pending hearing proceeding in the special circumstances of this case—i.e., the combined force of such considerations as the contiguity of St. Paul and Minneapolis (with a considerable degree of overlapping interests of the two cities), the fact that Hubbard is the licensee of a television and radio broadcast station licensed to St. Paul; that the studio of Station KSTP(AM), which is proposed to be used as well for this FM station, is located across the boundary line between the cities and the same street address is

used in connection with either city; and that the FM facilities are to be installed on a new tower to be erected at the KSTP(AM) antenna site.⁷ The Hubbard application should therefore be considered by itself, in the hearing proceeding already designated, with further proceedings in normal course, including consideration by the presiding officer of the petition for leave to amend and the proffered amendment. We are lifting the "stay" on the hearing proceeding imposed by our order of June 29. Further proceedings will of course be conducted in light of our rule making decision herein. With respect to the Hennepin application for channel 271 at Minneapolis, further consideration of this as now before the Commission would not be appropriate, since channel 271 is no longer assigned to Minneapolis. However, we believe Hennepin should be given a reasonable opportunity to submit whatever amendments to its application are appropriate to provide for a St. Paul operation; and this party is given until March 20, 1965, to submit such amendments.

14. In view of the foregoing: *It is further ordered*, That:

(a) The Petition for Reconsideration filed by Hubbard Broadcasting, Inc., in Docket 15513 on July 1, 1964, is dismissed as moot; and

(b) The Commission's Order of June 29, 1964 (FCC 64-588), staying the hearing proceedings in Docket 15441, is rescinded, and said proceedings shall proceed in normal course, in light of the Report and Order in Docket 15513 adopted herein; and

(c) The application of Hennepin Broadcasting Associates, Inc. (BPH-4369) is held pending, provided that by March 20, 1965, the applicant shall submit whatever amendments are appropriate to specify a station assigned to St. Paul, Minn. If such amendments are not timely submitted, the application will be dismissed; and

(d) This proceeding (Docket No. 15513) is terminated.

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

Adopted: February 3, 1965.

Released: February 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1446; Filed, Feb. 9, 1965; 8:49 a.m.]

⁷ The technical portion of the application shows that the requirements of the Commission's rules with respect to coverage of the metropolitan area are complied with whether the city of allocation and location is Minneapolis or St. Paul. We note also that, while Hubbard states that its AM studio address (3415 University Avenue) is equally applicable to St. Paul or Minneapolis, in the present application, as in its submission to the Commission generally, Hubbard has given the licensee's post office address as 3415 University Avenue, St. Paul.

* Commissioners Bartley and Lee absent.

[Docket No. 15514; FCC 65-90]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Dubuque, Muscatine and Cedar Rapids, Iowa), Docket No. 15514, RM-583; amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Madison, Wis.), RM-578.

Report, memorandum opinion and order. 1. The Commission has before it for consideration the notice of proposed rule making herein, released June 18, 1964 (FCC 64-550), which proposed to add a wide-coverage class C channel to Dubuque, Iowa (channel 225), by deleting that channel from Muscatine, Iowa, and replacing it there with a class A channel (237A). The shift would also involve a change in class C assignments at Cedar Rapids (substituting channel 243 for 238). As indicated in the caption above, we also have under consideration a petition filed by Bruce John Micek and Robert A. Jones, which (as supplemented and given RM-578) requested the assignment of channel 224A to Madison, Wis.—a proposal consistent with all present assignments (including 225 at Muscatine) but conflicting with the proposal to move 225 to Dubuque. These petitioners filed comments in the docketed proceeding. Present and proposed assignments in the communities involved (including those proposed in the notice and in the above-mentioned petition) are as follows:

City	Channel Nos.	
	Present	Proposed
Dubuque, Iowa	267A, 261A, 287	225, 257A, 261A, 287
Muscatine, Iowa	225, 259	237A, 259
Cedar Rapids, Iowa	238, 251, 275, 283	243, 251, 275, 283
Madison, Wis.	251, 268, 273, 281	224A, 251, 268, 273, 281 (plus channel 204, educational)

2. Aside from the Madison proposal, the question involved here is whether or not a second wide-coverage class C channel, 225, should be assigned to Dubuque, thus giving that city two class C assignments and resolving a hearing situation between the two applicants for the one class C channel now there, but leaving Muscatine with only one class C assignment (on which the operating station is short-spaced) in addition to the class A channel which would be assigned as a replacement. The proposal is supported by Dubuque Broadcasting Co. (the original Dubuque petitioner herein) and Telegraph Herald, the two Dubuque applicants, both of which are licensees of fulltime AM stations in that city (the FM applications are BPH-3920, Docket 15442, and BPH-4288, Docket 15443, respectively). It is opposed by Muscatine Broadcasting Co., licensee of daytime-only AM station KWPC and of KWPC-FM on channel 259 at Muscatine. This party has an application pending to shift

from channel 259, on which it is short-spaced, to channel 225 (BPH-4535), in order to improve its facilities. The proposal is also opposed by the Madison petitioners. There are no FM stations operating in Dubuque, and no demand has been shown for the class A channels assigned there. KWPC-FM is the only FM station or applicant for Muscatine. All four Madison channels are occupied. We note that as far as KWPC-FM's shortspaced situation on its present channel is concerned, since this proceeding was instituted we have taken action in Docket No. 14185, the overall FM rule making proceeding, concerning increases in facilities by "short-spaced" stations (Fourth Report and Order, FCC 64-919, released Oct. 9, 1964) which will permit Station KWPC-FM, Muscatine, to obtain on its present channel 259—facilities considerably greater than those it seeks in its application to shift to channel 225 (it proposes 25.5 kw E.R.P. and antenna height a.a.t. of 285 ft.). We also note that in July 1964, in response to a petition filed by Jones and Micek (the same individuals mentioned above) we assigned channel 292A to Middleton, Wis., a town quite close to Madison (Docket No. 15424). That channel is neither occupied nor applied for, despite the statement in the petition that Jones and Micek were "a prospective applicant" for the assignment if made. All of the foregoing parties filed comments, and in some cases reply comments, herein, which have been considered.¹

3. Dubuque and Dubuque County have populations of 56,606 and 80,048 respectively.² In addition to the three FM channels presently assigned in the city and county (two class A), there are two fulltime AM stations. Muscatine and Muscatine County, with populations of 20,997 and 33,840 respectively, have, as mentioned, two class C FM assignments and one daytime-only AM station, KWPC, Madison, and its county (Dane), have populations of 126,706 and 222,095 respectively. In addition to four class B and one educational FM channels, Madison has three fulltime and two daytime-only AM stations.

Decision. 4. In our view, the public interest is best served by adoption of the proposal set forth in the notice, assigning channel 225 to Dubuque and deleting it at Muscatine, replacing it at Muscatine with channel 237A and making the concomitant change in class C assignments at Cedar Rapids,³ and denying the Madison petition which conflicts with the new Dubuque assignment. The change will

provide Dubuque, which is over twice as large as Muscatine, with wide-coverage, competitive class C facilities, and will also mean the expeditious provision of FM service to that community and area, since the present competitive hearing situation will be resolved. Provision of a total of four channels in a city of this size is consistent with our general criteria, used in setting up the FM Table of Assignments, concerning number of assignments to cities of different sizes (two to four in cities of 50,000 to 100,000). Provision of two wide-area assignments at the larger city of Dubuque in our judgment outweighs the advantage of retaining the possibility thereof at Muscatine, which is smaller in size, especially since no demand has been shown for a second FM channel there. As noted, under our new FM assignment rules KWPC-FM can operate on its present channel with facilities considerably greater than those it seeks on Channel 225, in fact with 50 kilowatts E.R.P. and 1,000 feet effective antenna height. These should be ample to afford FM service of good technical quality to a wide area. We recognize that Dubuque has substantially more local AM service (two fulltime stations (one class IV) compared to one daytime-only station); but in our view the disparity in population of the two cities and surrounding areas nevertheless warrants the shift in assignments adopted herein, even taking into account the existing pattern of AM service.

5. In reaching this decision favoring Dubuque, we have taken into account not only the effect on assignments at Muscatine, but along with that the denial of the Madison petition which is required. In view of the number of wide-coverage FM assignments there (four) plus one educational channel—and also considering the availability of the class A channel at nearby Middleton—the provision of an additional class A assignment does not appear a matter of great importance. In sum, then, we conclude that the advantages flowing from the shift of channel 225 to Dubuque outweigh the combined effect on assignments at Muscatine and the denial of the Madison petition which is required.

6. Authority for the changes in § 73.202 of the rules adopted below is contained in section 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective March 12, 1965, the Table of FM Assignments, § 73.202 of the rules, is amended, to read as follows with respect to the communities listed:

City	Channel Nos.
Dubuque, Iowa.....	225, 267A, 261A, 287
Muscatine, Iowa.....	237A, 289
Cedar Rapids, Iowa.....	243, 251, 275, 283

¹The change herein would not result in any lessening of class C assignments at Cedar Rapids, and we also proposed the same shift there in another proceeding for another reason (Docket No. 15690). Channel 238, which would be deleted, is unoccupied and not applied for.

8. *It is further ordered*, That the petition for rule making filed by Bruce John Micek and Robert A. Jones (RM-578) is denied.

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

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

Adopted: February 3, 1965.

Released: February 5, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1447; Filed, Feb. 9, 1965;
8:49 a.m.]

[Docket No. 15670; FCC 65-88]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Appleton and Neenah- Menasha, Wis.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Appleton and Neenah-Menasha, Wis.), Docket No. 15670, RM-638.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 64-964), released October 22, 1964, in response to a petition for rule making filed on August 3, 1964 by John J. Dixon (Dixon), licensee of Station WAPL (AM) Appleton, Wis., requesting the reassignment of Channel 289 from Neenah-Menasha to Appleton and the reassignment of Channel 257A from Appleton to Neenah-Menasha. WNAM, Inc. (WNAM), licensee of Station WNAM, Neenah-Menasha, joined in this rule making request with a "statement with respect to petition for rule making", filed August 5, 1964.

2. Dixon and WNAM, having filed mutually exclusive applications for Channel 289 at Neenah-Menasha, subsequently agreed, on July 30, 1964, to request the institution of this rule making proceeding "in order to avoid the expense, time and burden of a comparative hearing, the uncertainty of the outcome thereof, and a long delay in the institution of a new FM service in the Neenah-Menasha and Appleton areas of Wisconsin." Accordingly, in the event that the changes proposed herein are made, both parties state that they will amend their applications to specify the new communities as cities of assignment. Both also assert—it appears correctly—that use of the channels at their respective AM sites will meet all separation requirements. It appears, as WNAM asserts, that Channel 230, also assigned to Neenah-Menasha, and unoccupied, cannot be used at the WNAM AM site (it would have to be

¹ On Oct. 20, 1964, Dubuque Broadcasting Co. tendered a "supplement" to its comments, calling our attention to the effect of our action in Docket 14185 in improving KWPC-FM's position on its present channel. In view of the timing of developments in this situation, we believe that good cause exists for acceptance and consideration of this pleading, and accordingly waive the provisions of § 1.415(d) of our rules. In any event, whether or not the pleading had been tendered, we would be required to note the effect on this particular situation of a change in our general rules.

² Population figures herein are 1960 U.S. Census figures.

³ The applications (BPH-4273 and BPH-4208) have not yet been designated for hearing.

* Commissioners Bartley and Lee absent; Commissioner Cox dissenting.

some distance out of Neenah-Menasha). No oppositions to the proposed amendments have been filed.

3. Appleton with a population of 48,411, Neenah with a population of 18,057 and Menasha with a population of 14,640 (1960 U.S. Census), are geographically in very close proximity and have many common civic, economic, cultural, and social ties. As stated by petitioner, an FM broadcast station in Appleton operating on Channel 289 at the proposed site would be equally available to all people in this general area and would be convenient to the institutions of higher learning there.

4. The interchange of channels, and use thereof as proposed by these parties, would conform to the Commission's rules and would not adversely affect any other station or assignment. It would obviate the present necessity for a comparative hearing and thus help provide FM service more quickly to this area. Also, since Appleton, with nearly 50,000 population, is larger than Neenah and Menasha combined, a Class C assignment to that city is clearly warranted. We have followed a policy where practical of not mixing assignments of Class A and Class B or C channels in the same city, because of the potential competitive inequality involved. However, under the circumstances here, including the fact that the potential Class A station licensee supports the move and the fact that a degree of "mixture" already exists in view of the proximity of the three cities—we believe a departure from this policy is warranted. Therefore we are of the view that adoption of the proposed amendments is in the public interest. Authority therefor is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: It is ordered, That effective March 12, 1965, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Appleton, Wis.	289
Neenah-Menasha, Wis.	230, 237A

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

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1062, 1063; 47 U.S.C. 303, 307)

Adopted: February 3, 1965.

Released: February 5, 1965.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-1448; Filed, Feb. 9, 1965;
8:49 a.m.]

*Commissioners Bartley and Lee absent.
No. 27—4

[Docket No. 15690; FCC 65-89]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Iowa Falls, Iowa; West Terre Haute, Ind.; Larned, Kans.; Kingston, N.Y.; Pittsfield, Mass.; Elmira, N.Y.; Orleans, Mass.; Magee and Hazelhurst, Miss.; Alexandria and Wadena, Minn.; Titusville and Ocala, Fla.; Mexico, Hannibal, Moberly and Marshall, Mo.; Danville and Pulaski, Va. and Durham and Elizabeth City, N.C.; Reno, Nev.); Dockets Nos. 15690, RM-623, RM-659, RM-627, RM-634, RM-630, RM-631, RM-633, RM-647, RM-618, RM-621, RM-625, RM-619, RM-620, and RM-628.

First report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released November 5, 1964 (FCC 64-1022), proposing a number of changes in the FM Table of Assignments. In the present document we deal with several, but not all, of the proposals contained in the notice; the remainder will be dealt with shortly. All channels proposed herein for shift or deletion are unoccupied and free of pending applications. All proposed new assignments meet the separation requirements of the rules (§ 73.207).

2. A number of comments and reply comments were filed in response to the proposals set out in the notice. All duly filed documents were considered in making the following determinations. Where opposition to a proposal was filed, it is referred to hereunder in the discussion of that proposal.

3. RM-623 and RM-659. Iowa Falls and Cedar Rapids, Iowa. The notice, in response to a petition of Iowa Falls Broadcasting Corp. (licensee of daytime-only AM Station KIFG), proposed the assignment of either Channel 221A or 237A to Iowa Falls. The second proposal, for 237A, stems from a petition of Palmer Broadcasting Co. (licensee of Station WHO-TV, Channel 13, Des Moines, Iowa) for rule making, filed on September 17, 1964 (RM-659), requesting several changes in assignments (to avoid what it alleges will be severe second-harmonic interference problems to its television operation). These include the substitution of Channel 243 for Channel 238 at Cedar Rapids, Iowa and the assignment of Channel 237A to Iowa Falls. This change for Cedar Rapids was also proposed by the Commission in a notice adopted on June 17, 1964, in Docket 15514, in connection with changes proposed at Dubuque and Muscatine, Iowa.

4. Iowa Falls and its county (populations 5,565 and 22,533 respectively) have only one daytime-only AM station and no FM assignments. Obviously a first

*All population figures cited are from the U.S. 1960 Census.

FM assignment is warranted, and the only question is whether it should be 221A or 237A. The AM licensee (and original petitioner) states that either will be acceptable. The 237A assignment would require a change in assignment at Cedar Rapids, but as mentioned we have already proposed this for other reasons. We have stated before that "second harmonic protection" to television cannot be afforded on an overall basis without seriously crippling the making of FM assignments. We are not here passing generally on the Palmer request, which is based on that protection concept. However, in this one instance it appears that Palmer's request can be accommodated without loss of assignment potential. Therefore, we are assigning Channel 237A to Iowa Falls and changing one of the Cedar Rapids assignments from 238 to 243.

5. RM-627. West Terre Haute, Ind.; RM-634. Larned, Kans. The notice, in response to a request of Floyd Huey, proposed to assign Channel 288A to West Terre Haute, Ind., which is a town of 3,006 situated 2 miles west of Terre Haute. In response to a request of Rea Bowman, we proposed to assign Channel 244A to Larned, Kans., which is a town of 5,000 and the county seat of Pawnee County. Terre Haute has numerous AM stations and four FM assignments, but West Terre Haute has neither. Larned and its county have one radio station (KANS, daytime-only, of which petitioner Bowman is consultant), and no present FM assignments.

6. In view of the foregoing, the Commission is of the view that it is in the public interest to assign Channel 288A to West Terre Haute, Ind., and to assign Channel 244A to Larned, Kans.

7. RM-631. Pittsfield, Mass.; RM-633. Elmira, N.Y. The notice, in response to the petition filed by Greylock Broadcasting Co. (licensee of AM Station WBRK, Pittsfield), proposed to assign Channel 269A to Pittsfield. In addition to Station WBRK, Pittsfield, with a population of 57,879, is served by AM Station WBEC. FM Channel 288A, the one channel now assigned to Pittsfield, has a construction permit outstanding. This was granted after the petitioner, when denied permission to amend its application for the channel to specify an improved site, decided to seek instead the allocation of a second channel to Pittsfield.

8. The notice proposed to assign Channel 224A to Elmira in response to the petition of WENY, Inc. (licensee of AM Station WENY, Elmira). Petitioner, presently an applicant for FM Channel 232A (BPH-4259, Docket No. 15434) which is already assigned to Elmira, states that it decided to seek another channel here in order to avoid the unnecessary expenses and delays of a hearing with a mutually exclusive applicant for Channel 232A (BPH-4261, Docket 15435). In addition to Station WENY, Elmira, with a population of 46,517, is served by AM Station WELM and daytime-only AM Station WEHH.

9. No comments were filed in opposition to these proposals. Pittsfield and

Elmira are both communities of sufficient size and importance in their areas to justify two FM channels, and furthermore the requested assignments would apparently insure early institution of FM service in these cities. Accordingly, we are of the view that it is in the public interest to assign Channel 269A to Pittsfield and Channel 224A to Elmira.

10. *RM-647, Orleans, Mass.* The notice herein, in response to the petition of Charter Broadcasting Corporation, potential applicant for an FM station at Orleans, Mass., proposed to assign Channel 291 to that community. Orleans (population 2,342) is located near the eastern end of Cape Cod, with the northern portion of the Cape extending north from Orleans to Provincetown. In supporting comments, Charter urges the need of Orleans for a medium of local expression, pointing out that there is only one FM station on the Cape, at West Yarmouth, some 15 miles distant, and asserting that the people of Orleans can best be served by a local station rather than one at a distance, either on Cape Cod or on the mainland.²

11. Opposition, both to the original petition and to the Notice proposal, was filed by E. Anthony & Sons, Inc., licensee of WOCB (AM) and WOCB-FM, West Yarmouth. In general, the opposition takes the approach that assignment of Class B Channel 291, designed for wide coverage, would represent an inefficient use of the frequency. It is pointed out that because of the location of Orleans, much of the FM station's signal would be wasted over water, in several directions (Charter points out that this is to some degree true of any coastal station). It is asserted that Orleans, with its relatively small population, does not warrant a Class B assignment, because it is not the center of population of a relatively isolated area. It is pointed out that there are other larger places on the Cape, more centrally located, notably Hyannis (population 5,700), which is described as the major business center of Cape Cod and its county (Barnstable, population 70,286). It is asserted that WOCB-FM puts a 70 dbu (3.16 mv/m) signal into Hyannis and other places, and a 60 dbu (1 mv/m) signal into Orleans; that the Commission has recently assigned a Class B channel (260) to Nantucket, off the coast of Cape Cod, from which a station would serve much of the area (Nantucket is some 27 miles from Hyannis and 35 miles from Orleans). In sum, it is asserted, "there is no legitimate reason for a third Class B FM assignment

to Orleans, to serve only a township of 2,342 population, surrounded by large areas of water in most directions."

12. We are of the view that Cape Cod, relatively isolated as it is, definitely warrants another class B assignment if one can be made. It appears that channel 291—one of the few channels which can be assigned on the Cape—can be used at Orleans and meet mileage separations; but it also appears that it can be used at communities somewhat farther west, such as Hyannis, which is some 17 miles from Orleans. Hyannis is a community both larger and more centrally located than Orleans. Therefore, as far as making an assignment in the table is concerned, it appears more appropriate to assign the channel to Hyannis, and we are amending § 73.202 accordingly. This assignment of course does not preclude assignment of a station thereon to Orleans should a more immediate demand therefor arise, since the distance between the two communities is less than 25 miles (see § 73.203(b) of our rules, the "25-mile rule").

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

14. In view of the foregoing: *It is ordered*, That effective March 12, 1965, the Table of FM Assignments, § 73.202 of the rules, is amended, to read as follows with respect to the communities listed:

City	Channel
<i>Indiana</i>	
West Terre Haute	288A
<i>Iowa</i>	
Cedar Rapids	243, 251, 275, 283
Iowa Falls	237A
<i>Kansas</i>	
Larned	244A
<i>Massachusetts</i>	
Hyannis	291
Pittsfield	269A, 288A
<i>New York</i>	
Elmira	224A, 232A

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

Adopted: February 3, 1965.

Released: February 5, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1449; Filed, Feb. 9, 1965;
8:49 a.m.]

² The only AM station on Cape Cod is WOCB, West Yarmouth.

³ Commissioners Bartley and Lee absent.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 1]

PARKS AND MONUMENTS

Aircraft

Pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend § 1.61 of Title 36, Code of Federal Regulations, as is set forth below. This amendment will regulate dropping of cargo or persons in the national parks and monuments.

The purpose of this amendment is to protect park values, including wilderness, in national parks and monuments by providing reasonable controls over the aerial delivery, except in extreme emergency situations, of cargo or persons by means of parachute, helicopter, or by other means which may impinge on these values.

Section 1.61 is amended as follows:

- (1) Redesignate present paragraph (b) as (c);
- (2) Add a new paragraph (b) to read as follows:

§ 1.61 Aircraft.

(b) Except in extreme emergencies involving the safety of human life or threat of serious property loss no person or thing may be air delivered in the parks and monuments by parachute, helicopter, or other means without written permission of the superintendent.

(1) Applicants for such permits shall inform the superintendent of the park or monument involved, of the location at which the air delivery is proposed, the date and time, the names of all persons involved in the combined ground and air operation, the nature and purpose of the air delivery, and such other facts as the superintendent may deem pertinent to the application.

(2) Issuance of such permits by the superintendent shall be based upon the public interest involved, including such factors as the effect which the air delivery may have upon the public's enjoyment of park or monument values, including wilderness; public safety; the essentiality of the air delivery and the safety of persons participating; and the availability of ground transport facilities as an alternative means of delivery.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington, D.C., 20240,

within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

FEBRUARY 2, 1965.

[F.R. Doc. 65-1444; Filed, Feb. 9, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1065]

[Docket No. AO-86-A16]

MILK IN NEBRASKA-WESTERN IOWA 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 Omaha, Nebr., on August 10 and 11, 1964, pursuant to notice thereof issued on July 15, 1964 (29 F.R. 9802).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 4, 1964 (29 F.R. 16920; F.R. Doc. 64-12645) filed with the Hearing Clerk, United States 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 (29 F.R. 16920; F.R. Doc. 64-12645) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 1 *Expansion of the marketing area*, the 12th paragraph and the first sentence of the 23d paragraph are revised.

2. Under subheading 3 *Definition of other source milk*, the 4th paragraph is revised and after the 6th paragraph two new paragraphs are added.

3. Under subheading 5 *Classification and pricing of milk used in manufactured products*, the figures 86.5 and 6.7 in the 11th paragraph are changed to 97 and 7.5 respectively.

4. Under subheading 6 *Class I price*, a new paragraph is added after the 19th paragraph.

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

1. Extension of the marketing area to include several counties in western Nebraska;

2. The definition of other source milk;

3. Changes in diversion provisions;

4. Treatment of milk which is dumped;

5. The classification and pricing of milk used in manufactured products other than fluid milk products;

6. The level of the Class I price;

7. Location adjustments;

8. The method of making payments to cooperative associations; and

9. Administrative and miscellaneous changes.

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

1. *Expansion of the marketing area.* The marketing area should be expanded to include the entire Nebraska panhandle. This consists of the eleven counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.

These counties consist almost entirely of sparsely populated range lands. Comprising almost 14,000 square miles, the total population of the eleven counties according to the 1960 census is less than 105,000 persons. In the entire area there are only four communities having a population as great as 5,000. The largest of these, Scottsbluff, had a population of 13,377 in 1960.

There are located within the proposed area at the present time five unregulated plants which would become fully regulated if the marketing area were expanded as recommended. There is also an unregulated plant at Lusk, Wyo., which has some distribution within the area. The percentage of milk which it distributes in Nebraska, however, is not sufficient for the plant to meet the pool plant requirements of the order. Thus it would be a partially regulated plant under the expanded order.

There are two additional plants in the area, one at Gering and the other at Bridgeport, which are producer-handler operations. If they maintain their producer-handler status they would be exempt from all but the reporting provisions of the order.

In addition to the unregulated plants above mentioned, milk is disposed of throughout the entire area by plants which are presently regulated under both the Nebraska-Western Iowa order and the Eastern Colorado order.

The five plants which would become subject to full regulation receive milk from 40 producers, three of whom are located in Wyoming, and the remainder of whom reside in the panhandle counties. These are the only Grade A producers in the entire area. The three Wyoming producers and 31 of the 37 Nebraska producers are members of the Nebraska-Iowa Nonstock Cooperative Milk Association, the major cooperative supplying milk to regulated handlers under the present order. This association is the proponent of the proposal to expand the marketing area to include

the counties in the western part of the State.

The handling of milk in the eleven panhandle counties is in the current of, or burdens, obstructs, or affects interstate commerce. As noted above, three of the 40 producers who regularly supply handlers located therein reside in Wyoming. In addition milk from a Wyoming plant is regularly disposed of in portions of the area under consideration. At least one of the unregulated handlers located in western Nebraska operates routes in the State of Wyoming.

Approximately one-half of the milk disposed of in the eleven-county area at the present time originates in plants regulated under the Nebraska-Western Iowa marketing order or under the Eastern Colorado marketing area. Between 25 and 35 percent of the regulated distribution in the area originates at plants located in the State of Colorado which are regulated by the Eastern Colorado marketing order.

Milk from the regulated plants, particularly those regulated under the Nebraska-Western Iowa order, is distributed throughout the entire eleven-county area. Two of the five plants in the proposed area are affiliated with plants regulated under the present order. They procure from the affiliated plants all of the cottage cheese and byproducts and some of the milk in special types or sizes of containers which are distributed on their routes. Other plants in the area also rely on regulated plants for specialty items.

All five plants rely on the Nebraska-Iowa Nonstock Cooperative Milk Association to furnish supplemental milk when it is needed. This milk originates at plants which are regulated under the present order.

At times surplus milk has been transferred to a manufacturing plant at Johnstown, Colorado. Some of the five plants now rely on the cooperative association to handle seasonal surpluses of milk which may occur. At times milk has been moved from the farms of the three Wyoming producers mentioned above to the receiving station operated by the cooperative at Grand Island, a pool plant under the order.

In support of its proposal to add the panhandle counties to the marketing area the cooperative stated that the move would create greater stability in the market and make it easier for it to fulfill its commitments to handlers, both those now regulated and those unregulated handlers whom they service. At the present time three of the five handlers purchase their full supply from the Nebraska-Iowa Nonstock Cooperative Milk Association. Generally this milk is delivered directly to plants from the farms of the producers located in that area. The cooperative also occasionally supplies supplemental milk to plants which do not regularly purchase milk from its members.

This supplemental milk has been supplied by shifting local producers from the plants which they normally supply to those plants which are short of milk. However, if those plants normally supplied by the cooperative did not have

milk available, supplemental supplies could either be moved from the cooperative's supply plant at Grand Island, Nebr., or producers could be transferred from regulated plants at the extreme western part of the present marketing area to the unregulated plants. In the latter instance, milk would then have to be moved from Grand Island to the plants from which the producers were transferred since these plants would normally be in relatively short supply at the same time as the panhandle plants.

The milk which the cooperative association disposes of to presently unregulated plants is classified and priced by agreement according to the provisions of the present order. It was stated that the cooperative association had been given assurance that it would be permitted to audit the records of the handlers to verify the utilization of its milk. It appears that this privilege has never been exercised.

The producers residing in Nebraska are paid prices comparable to those received by other members of the association who are producers as defined in the present order. The three Wyoming producers, however, are paid prices which are fixed by a Wyoming State regulation. These prices are somewhat higher than the prices received by Nebraska-Western Iowa producers.

Those plants which buy milk from non-member producers purchase such milk at prices comparable to those paid for milk purchased from the cooperative association.

Inclusion of the panhandle counties in a marketing area would tend to stabilize marketing conditions, remove inequities that may now exist between panhandle dairy farmers and member producers under the order, and facilitate the task of the cooperative association in performing its marketing functions.

At the present time the reserve supplies for plants in the eleven-county area are carried by the producers whose milk is regulated under the present order. The plants in the panhandle area are predominately bottling plants engaged primarily in bottling fluid milk. They have no surplus disposal facilities. They tend to receive from producers only sufficient milk to take care of their bottling requirements. Therefore, the seasonal surplus associated with the supplemental milk needed for bottling in the short season by these plants is identified with the marketing order.

The small seasonal surpluses which may occur in the panhandle plants are transferred to the order pool. Whenever the milk of the farmers in the panhandle is received at regulated plants, they become producers under the order and this milk shares in the market pool. Since this milk is surplus to the needs of the market, it places on the order pool the burden of the seasonal surplus of the panhandle farms.

When milk is needed in the panhandle counties it would be more economical for the cooperative association to shift producers to that area from the westernmost plants now regulated and move milk from Grand Island to the plant from which the milk was taken than to haul milk from the receiving station at Grand

Island to plants at Scottsbluff or Chadron.

However, because the panhandle plants are not now regulated if the producers are transferred to the panhandle plants such producers lose their status as producers while the milk is off the market and the milk ceases to be subject to regulation under the order. If the producers were considered as diverted, their milk would be subject to a location differential which at Scottsbluff would result in a price 25.5 cents lower than the uniform price paid at pool plants.

Similarly, when surpluses occur in the western part of the State it would be more economic to move excess supplies to presently regulated plants which could use it for Class I and direct to the Norfolk manufacturing plant of the cooperative nearby supplies of milk which otherwise would go to bottling plants. When this occurs the dairy farmers whose milk is received at regulated plants become producers under the order any day that their milk is received at a regulated plant. Thus, this transfer adds to the milk in the pool only the excess milk from the panhandle plants thereby increasing the percentage of Class II milk in the pool and reducing the uniform price accordingly. On the other hand, if the milk were first received at panhandle plants and then transferred to the Norfolk plant it would be other source milk and would not affect the pool, but the expenses involved in such transportation would be extremely uneconomical. If the entire area were under one order the cooperative would be in a position to move milk in the most economical manner without affecting the pool in any way. Thus the marketing area recommended herein is practicable in view of these marketing conditions.

At the present time handlers in the panhandle area are buying milk at lower prices and have a competitive advantage over handlers regulated under the Eastern Colorado order where the Class I price is substantially higher than the price which they are presently paying for milk. Because the price they presently pay does not reflect the cost of transportation to the panhandle they likewise enjoy a substantial competitive advantage over handlers regulated under the Nebraska-Western Iowa order who dispose of milk in the panhandle counties. As noted above sales by handlers regulated under these orders are approximately one-half of the total sales in the area and of this amount between 65 and 75 percent originates at plants regulated under the Nebraska-Western Iowa order.

Presently regulated handlers who appeared at the hearing, with the exception of two who are affiliated with plants in the panhandle area, favor the expansion of the marketing area. One of the handlers operating both a regulated and an unregulated plant did not oppose expansion of the marketing area but was opposed to any increase in the level of the Class I price in the panhandle counties. The question of class pricing will be discussed below.

It is necessary that all producer milk be fully regulated under the order regardless of whether it is disposed of within or without the marketing area.

Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" milk is subject to classification, pricing and pooling, a handler with sales outside the marketing area could assign any value he chose to such sales and thereby reduce the average cost of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. In short unless all milk of such a handler is fully regulated he would not in fact be subject to effective price regulation at all. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and lead to a complete breakdown of the order.

If a pool handler were free to value a portion of his milk at any price he chose it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential therefore that the order price all producer milk received at a pool plant regardless of the point of disposition.

Limited specified quantities of class I milk may be sold within the regulated marketing area from plants not fully regulated by any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless it has been concluded that the application of "partial" regulation to plants having a very small association with the market (less than the amount required for market pooling) would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9214) supporting amendments to several orders, including the Nebraska-Western Iowa order.

This partial regulation consists of requiring a payment equal to the difference between the Class I price and the weighted average value of producer milk with respect to all Class I sales made in the marketing area. This payment is not assessed, however, if the partially regulated handler exercises either of the alternative options provided him of (1) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area, or (2) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

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

2. *Limitation of diversions.* The present diversion provision of the order

should be amended to provide that up to 50 percent of the production of any producer may be diverted to a nonpool plant during the months of July through February. The present order provides that milk of a producer may be diverted for not more than 16 days during each of these months. It is more appropriate to base the amount of milk which may be diverted on the producer's total production during the month rather than on a specific number of days. Under the present order a dairy farmer might be a producer on the market for only 17 days and yet have his milk diverted on 16 of those days. Under the proposal recommended, half of the producer's milk may be diverted regardless of the number of days that he was a producer during the month. Any milk diverted in excess of 50 percent should be nonproducer milk for that month and should be excluded from pooling under the order. The cooperative association proposed that, if a producer's milk were overdiverted, all of the milk produced by him during the month should be considered other source milk. It does not appear reasonable to adopt such a proposal since producers as individuals often have no control over the diversion of their milk. This is at the discretion of either the cooperative association or the proprietary handler who receives their milk.

The order now provides for unlimited diversion of producer milk during the months of March through June. The cooperative proposed that the month of March be added to the period of limited diversion. They stated that March was not a month of high production. Therefore, there would be no need to divert milk other than on weekends during March. A review of the market statistics, however, indicates that daily average production during the month of March is very nearly as great as during the month of April and in two of the past three years has been greater than production during the month of June. Under these circumstances, it is evident that March from a production standpoint corresponds more closely to the surplus production months of April, May and June than to the other months of the year. The order should continue to provide that milk may be diverted in unlimited quantities during the month of March.

The cooperative also proposed that milk of a producer not be permitted to be diverted during the flush production months unless he had been a producer during the entire month preceding the period of unlimited diversion. It was their contention that, otherwise, the order provisions would be subject to abuse since it would be possible for a plant operator to take on additional producers just before the period of unlimited diversion and then divert the milk to a manufacturing plant during the entire period. In effect this could result in his being reimbursed from the marketwide pool for a supply of milk which was intended only for manufacturing uses.

There is no evidence that any such situations have ever developed nor that one is likely to occur in the future. Too, producers who might not have been on the

market during the entire month preceding would be scattered through the milkshed. Their milk would be picked up on trucks which carried the milk of other producers who had been on the market. Since milk may be diverted only in truck loads, any such producer whose milk was on a route which was diverted to the manufacturing plant would lose his status as a producer for the month. The proposal of the cooperative association in this regard should not be adopted.

3. *Definition of other source milk.* The definition of other source milk provided in the order should be revised to include any disappearance of nonfluid milk products not otherwise accounted for.

The order now includes in the definition of other source milk only those nonfluid products which have been reprocessed or converted to another product in the plant during the month. It can be argued that the handler is not required under the present order to account to the market administrator for such products which have disappeared but which are not shown to have been reprocessed or used in the manufacture of other products. Proper administration of the order requires that the handler account for the disposition of such products. Otherwise, the door is left open for circumvention of the order provisions.

If a handler were to purchase 100 bags of nonfat dry milk solids and report only 90 bags used in fortified products, or otherwise disposed of, and yet have no nonfat dry milk solids remaining on hand, under the terms of the present order there is a question as to whether, technically, the ten bags of powder not accounted for would be other source milk. It is considered other source milk and thus is subject to class pricing under the order, only as the market administrator assumes that the disappearance of the powder and the handler's inability to account for it constitutes evidence that the nonfat solids in question had been used in the production of fluid milk products.

By adding to the definition of other source milk, "any disappearance of products, other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for," there will be no doubt of the market administrator's authority to consider as used for fluid purposes nonfat solids for which the handler was unable or unwilling to account otherwise.

Handlers opposed the change on the ground that they would thereby be accountable for products which might have been stolen by employees or destroyed accidentally in the plant operations. This is no different from their being accountable for cream or milk which might be stolen by employees, or which might be lost in the plant through accident or carelessness on the part of the employees.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If

such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs, as a result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly accounted for all milk and dairy products received at the plant. It is equally necessary that the handler be required to account for all nonfluid dairy products which are in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk products and similar products which he reconstituted into skim milk or other Class I items, could gain a competitive advantage over other handlers in the market.

In their exceptions to the recommended decision handlers expressed concern over the addition of the disappearance of nonfluid milk products which cannot be accounted for to the definition of other source milk. This provision does not change the present requirement that handlers must maintain adequate records to substantiate the reported use of all skim milk and butterfat used to produce manufactured milk products. This provision is designed to include items capable of being converted into fluid milk products which cannot be accounted for through any plant records and, therefore, have "disappeared". Because of the apparent misunderstanding of the parties who have filed exceptions the language in the order is revised to provide greater clarity.

Handler exceptions were also directed to the related matter of limiting other source shrinkage to fluid milk products. However, these exceptions are overruled for the reasons set forth below.

A change should also be made in the manner of prorating shrinkage between milk which is pooled and other source milk. The present order prorates shrinkage over all receipts of other source milk, regardless of the form in which received. Thus the handler is permitted shrinkage on receipts of manufactured dairy products which may merely pass through the plant. In many cases repackaging is the only process performed in the plant. The handler, however, is permitted shrinkage up to two percent of the milk equivalent of such products, just as though he had received the milk and processed it in his plant. This results in excess shrinkage incurred in handling pool milk.

To rectify this matter actual shrinkage should be prorated between pool milk and other source milk received in the form of fluid milk products.

4. *Classification of skim milk which is dumped.* The order should be amended to provide Class III classification for any fluid milk product or cottage cheese which is dumped. Such classification should only apply in those cases where the market administrator has received prior notification of the dumping and been given the opportunity of verification should he deem it necessary. This limitation will prevent any handler from employing this provision to circumvent the shrinkage limitations of the order.

In many cases handlers have small amounts of skim milk remaining after their fluid requirements have been met. The cost of transporting such small quantities to manufacturing plants is often prohibitive. In addition, handlers have the problem of disposing of milk which is found to contain foreign materials. Providing for Class III classification of milk which is dumped will accommodate these and similar situations.

Producers objected to any dumping provision on the basis that adequate outlets are available for the sale of skim milk and also that the market administrator would have difficulty verifying such dumping because of the large marketing area.

In the eleven-county area proposed to be added to the marketing area in this decision there are a number of small handlers who will become fully regulated under the order. The only outlets for surplus skim milk available to many of these handlers are located at considerable distances from their processing plants. Although this area is relatively distant from the office of the market administrator, his employees will be in the general area on a more or less continuous basis in the performance of their duties. Thus, it should be possible for the market administrator to verify dumping without undue difficulty or expense.

5. *Classification and pricing of milk used in manufactured products.* The order should be amended to provide that skim milk and butterfat used to produce cottage cheese be classified as Class II and priced at the basic formula price plus 15 cents. A new Class III should be defined to include the skim milk and butterfat used to produce manufactured products other than cottage cheese. The Class III price should be the basic formula price which is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department.

The Class II price under the present order is computed from a butter-powder formula. For the period from July 1963 through June 1964, the most recent twelve months for which statistics were available, the order Class II price averaged \$3.03 while the average Minnesota-Wisconsin price was \$3.13.

The Nebraska-Iowa Nonstock Cooperative Milk Association proposed the Class II classification for cottage cheese and ice cream and the new Class III classification for other manufactured products presently classified as Class II. They proposed that the Class II price be the basic formula price plus 25 cents and that the Class III price be the basic formula price. Related proposals submitted by the association provided for a Class II butterfat differential priced midway between the present Class I and Class II differentials and amendment of the transfer provisions to provide for Class II classification of transfers or diversions to nonpool plants producing both Class II and Class III products.

At the hearing proponents modified their Class II proposals by deleting ice cream and ice cream mix from the Class

II classification and combining the Class II and Class III butterfat differentials at the level of the present Class II differential. Since no further testimony concerning the proposals to include ice cream in Class II and to provide for a separate Class II butterfat differential was presented by any interested parties, they are not considered in this decision.

Regulated handlers generally objected to the proposed increases in the price of milk used for cottage cheese and other manufactured products. A number of handlers testified that since October 1963 they had been paying the cooperative 15 cents over the present Class II price for milk used in cottage cheese and the order should reflect only this premium. One large handler, however, with pool plants located at Lincoln and Omaha, Nebraska, and who produces cottage cheese and distributes it over a wide area, in large measure, supported the position of the cooperative association.

It was the position of this handler that the manufactured milk price should be raised to the level of the Minnesota-Wisconsin pay price. This handler also favored the establishment of a separate Class II classification for cottage cheese but stated that the competitive situation would not justify a Class II price more than 15 cents over the basic formula price.

The Nebraska-Iowa Nonstock Cooperative Milk Association has assumed the responsibility for supplying the regulated handlers in this market with their needs for fluid milk and cottage cheese. Testimony indicates that it has been the practice in this market for handlers to utilize local supplies of fluid milk to manufacture cottage cheese. In a few cases when supplies were short certain handlers have paid Class I prices to obtain fluid milk for use in cottage cheese.

Cottage cheese is the principal manufactured dairy product made by proprietary handlers in the Nebraska-Western Iowa market. During the period from July 1963 through June 1964, an average of 4.6 million pounds of milk per month, which amounts to 10 percent of total receipts, was used to produce cottage cheese. Thus, this is an important outlet for local supplies of skim milk.

If local skim milk is priced too low relative to the cost of alternative supplies of cottage cheese or dairy products for making cottage cheese, producers do not receive the full market value for their milk. However, if milk used in cottage cheese is priced higher than the alternative product cost, use of skim milk in cottage cheese might be discouraged.

Nebraska health regulations require that cottage cheese produced or sold within the State be made from Grade A milk. Although some cottage cheese not bearing a Grade A label is being sold within the Nebraska portion of the marketing area, there is no evidence to show that such cottage cheese is not being produced from Grade A milk. Council Bluffs, the major population center in the Iowa portion of the marketing area, also requires that Grade A milk be used for cottage cheese.

The proposed Class II price for cottage cheese (basic formula plus 15 cents) would have averaged \$3.28 per hundredweight for milk containing 3.5 percent butterfat during the period from July 1963 through June 1964. The applicable butterfat differential for the same period would have resulted in an average value for butterfat of 67 cents per pound. Deducting this butterfat value, the proposed Class II price for skim milk would have been approximately 97 cents per hundredweight. Assuming a yield factor of 13 pounds of curd per hundred pounds of skim, the product cost of curd would have averaged about 7.5 cents per pound. When production costs are added to this, the resulting price would still be less than the cost of curd from any other source.

A potential alternative source of Grade A cottage cheese curd is the Twin City Milk Producers Association, St. Paul, Minnesota. They quote a delivered price of 14.5 cents per pound of curd when transportation costs are less than one cent per pound.

Nonfat dry milk is also an alternative to fluid skim milk for the manufacture of cottage cheese. The lowest price quoted for Grade A nonfat dry milk was 16.25 cents per pound delivered to Nebraska plants in truckload lots. This is the cooperative's price for powder produced at its Norfolk plant. At the rate of 8.5 pounds of nonfat solids per hundredweight of skim milk, the price per hundredweight of the skim milk equivalent would be \$1.38.

One handler who objected to the higher price for milk used in making cottage cheese cited comparable prices for milk used in cottage cheese under other Federal orders. However, there are now no movements of cottage cheese into the marketing area from plants regulated under other Federal orders. Opponents presented no testimony indicating other available sources of Grade A cottage cheese or what it might cost to transport cottage cheese from other Federal order markets to this market.

The price of 15 cents per hundredweight over the Minnesota-Wisconsin price series should encourage the continued use of local supplies of Grade A skim milk in the production of cottage cheese. It is not so high that it could lead to cottage cheese being imported from other areas at times when local supplies are available for such use. This is the identical price provided under the Eastern Colorado order and, therefore, would tend to promote better pricing alignment between that marketing area and the Nebraska-Western Iowa marketing area.

The proposal to provide that milk moved to a nonpool plant engaged in the production of cottage cheese be classified as Class II at the transferor plant to the extent such assignment is possible at the nonpool plant should not be adopted. At the present time no milk is transferred or diverted by regulated handlers to nonpool plants qualified to produce Grade A cottage cheese. At the present time there are no such outlets available for the disposal of surplus fluid milk. Should any of the present outlets for

surplus milk begin the production of cottage cheese, it is possible that such a provision would interfere with the orderly disposition of the market's reserves.

The Class III price under the order should be the basic formula price which is the Minnesota-Wisconsin price series. During the period from July 1963 through June 1964, this series averaged ten cents per hundredweight more than the present butter-powder formula Class II price.

The Minnesota-Wisconsin price series reflects the prices paid for manufacturing grade milk by plants located in the two states. A substantial portion of the total manufacturing grade milk sold off farms in the United States is produced in these two states. Since this series measures the competitive value of ungraded milk used in a variety of products, it better reflects the overall value of milk used for manufacturing purposes than does the present formula which is tied to butter and powder prices.

Fluid milk markets must have a supply of milk which includes a reserve over fluid sales to accommodate daily and seasonal variations in demand. When this reserve is not used for fluid purposes it must be disposed of in manufactured products. The price for such reserve milk, in excess of that used to produce cottage cheese, should be established at a level low enough to permit its orderly disposition for manufacturing but not so low as to encourage additional supplies to be used only for manufacturing.

The proponent cooperative association has assumed the responsibility for marketing the surplus in this market. It operates a butter-powder plant at Norfolk, Nebraska, where it handles most of the market's Grade A surplus. In addition this plant receives milk from approximately 800 manufacturing milk producers on a regular basis. The pay price at this plant for both surplus Grade A milk and manufacturing milk is the Minnesota-Wisconsin series.

The reported paying prices per hundredweight for ungraded milk containing 3.5 percent butterfat at nearby manufacturing plants during the first six months of 1964 ranged from \$3.25 at Sioux Falls, South Dakota, and Sibley, Iowa, to \$3.15 at Sebeetha, Kansas. Manufacturing plants located within the marketing area were reported to be paying on the basis of the Minnesota-Wisconsin series for their supplies. Since this price series appears to be in line with the prices which have been, and are being paid by the majority of manufacturing plants in the area, it would be improper to provide a lower price for producer milk used in the manufacture of the same products.

Some handlers supported a proposal to establish a special price for butterfat disposed of to butter plants. It was their contention that at times they had excess cream which could be disposed of only through such outlets and that the price received for such cream was less than the Class II price now fixed in the order.

The order cannot be expected to guarantee that a handler will make a profit, or even break even, on every busi-

ness transaction. There will always be some sales that will be consummated at a loss just as there will be others which will prove highly profitable. The Class III price recommended herein is an appropriate price for milk used in the manufacture of butter.

6. *Class I price.* The Class I differential should be maintained at its current level at plants in the eastern portion of the present marketing area. At plants in the western portion of the present marketing area, however, the Class I differential should be increased 15 cents to \$1.55 per hundredweight, while in the extreme western portion of Nebraska the differential should be fixed at \$1.80 per hundredweight.

Specifically the differential of \$1.55 should apply at plants located in Dawson, Furnas, Frontier, Gosper, Keith, Lincoln, and Red Willow Counties, Nebraska. These counties have been designated as the Central zone. The differential of \$1.80 would be applicable in the panhandle counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux and Scotts Bluff. These counties have been designated as the Western zone. At plants located outside the marketing area (all plants which would be regulated under the order at the present time are located in the marketing area) the Class I price would be that applicable at the nearest pricing zone in the marketing area, subject to a location differential.

The addition to the marketing area of the eleven counties in the Nebraska panhandle points out and intensifies the need for a reconsideration of the pricing pattern in the Nebraska-Western Iowa marketing area. At the present time the Class I price is identical throughout the marketing area. The price in the western portion of the area does not reflect the cost of moving milk from the areas where supplemental supplies must be obtained. Neither does it reflect a proper alignment with other markets in the vicinity.

During the months of short supply supplemental milk is needed by the plants located in the Central and Western zones. The cost of moving milk from the Grand Island receiving station in the Eastern zone to plants in the Central zone is approximately 15 cents per hundredweight, while the cost of moving milk from Grand Island to plants in the Western zone is approximately 40 cents per hundredweight.

Approximately the same differences would be reflected in the transportation cost of milk moved from the surplus producing areas of Minnesota and Wisconsin. In the past, milk has been procured from these areas when local producer receipts were insufficient to meet the Class I requirements of the market.

The maintenance of proper price alignment between competing markets is also an important consideration in establishing Class I prices under an order. The marketing area as defined herein abuts both the Eastern Colorado and the Black Hills marketing areas.

Although there is presently no milk being sold by handlers located in the Chadron-Scottsbluff area into the Eastern Colorado or Black Hills marketing areas, there is no reason to assume this will continue to be the case when these handlers become fully regulated. The uncertainty regarding the status of partially regulated handlers which existed until August 1, 1964, undoubtedly had an inhibiting effect on the expansion of sales by unregulated handlers into regulated markets.

However, as noted above, Eastern Colorado handlers distribute substantial quantities of milk in the western part of Nebraska. There is a great deal of competition in this area between presently unregulated handlers, and handlers regulated under both the existing Nebraska-Western Iowa order and the Eastern Colorado order. In addition at least one handler regulated under the Nebraska-Western Iowa order distributes milk into the Eastern Colorado order from its plant at North Platte which is in the proposed Central pricing zone.

The receiving station of the Nebraska-Iowa Nonstock Cooperative Association at Grand Island qualified as a pool supply plant under the Eastern Colorado order through shipments from that plant during the fall of 1963. (Official notice is taken of the market administrator's 1963 bulletins for Federal Order No. 137.) During this same period a number of the cooperative's members located in western Nebraska shipped their milk directly to Eastern Colorado pool plants and thereby qualified as producers under that order.

It is evident, therefore, that there must be proper alignment of prices between handlers located in western Nebraska and those regulated under the Eastern Colorado order. If the Nebraska prices are too low relative to those in Eastern Colorado, Order 137 handlers would be at a competitive disadvantage for sales within their own marketing area. Also dairy farmers who constitute the local supply for western Nebraska handlers would be encouraged to become associated with the Eastern Colorado pool to take advantage of the higher prices.

A differential of \$1.80 over the basic formula at Scottsbluff would result in a Class I price at an Order 65 pool plant at that location almost identical to the Class I which would be applicable at such plant if it were fully regulated under the Eastern Colorado order. The proposed differential of \$1.55 at North Platte would result in handlers in this area being on an approximately equal competitive basis with Scottsbluff handlers in the cost of milk delivered to Scottsbluff. At the same time handlers in this \$1.55 zone will not be at a disadvantage with Grand Island distributors because these handlers will have incurred additional transportation costs in delivering milk to North Platte.

The distribution from the plant at North Platte is greater in the areas where an increase in the Class I price is proposed than its eastward distribution. The handler operating this plant

also operates a pool plant at Lincoln so that he may minimize any competitive disadvantage with respect to eastward sales from his North Platte plant.

The supply of milk at North Platte has not been adequate to fulfill Class I needs plus a reasonable reserve. The cooperative has found it necessary to transfer milk from its Grand Island receiving station to the plant at North Platte. A realignment of prices at this location is thus necessary. The proposed increase should tend to attract an adequate supply of milk in this area.

Handlers in the western part of the State opposed the proposed increase in the Class I price. When North Platte and Grand Island were regulated under the Platte Valley marketing order before its merger with the Omaha-Council Bluffs-Lincoln order the price was 10 cents higher than the price at Omaha. Subsequently such price was reduced to the same level as the Class I price in Omaha.

Decisions issued in 1958 (23 F.R. 948) and 1961 (26 F.R. 9717) denied proposals that the Class I price at North Platte be higher than the Omaha Class I price. The reason given for the 1958 denial was that North Platte plants had substantial eastward distribution and they would, therefore, be at a competitive disadvantage with respect to such sales. In 1961 it was concluded that no increase was appropriate since prices equal to those in Omaha had attracted an adequate supply of milk.

There have been a number of significant changes since the evidence on which these decisions were based was received. The Eastern Colorado milk order is now in effect. The Class I price under this order is \$.70 higher than the Class I price applicable at North Platte. This higher price has resulted in producers located in western Nebraska shipping their milk to Eastern Colorado pool plants. The association has found it economical to transfer milk from its Grand Island plant to Denver handlers at the Order No. 137 Class I price, while at the same time paying the Nebraska-Western Iowa Class I price for milk imported from Minnesota to supply handlers in the Omaha-Lincoln area. Also packaged products are being distributed in the Eastern Colorado marketing area from a plant located at North Platte.

A representative of the Denver Milk Producers, Inc., a cooperative representing a majority of the producers in the Eastern Colorado market, proposed a differential of \$1.715 at North Platte. He stated that this price would be necessary to bring about Class I price alignment between North Platte and Denver. The competition for sales in the North Platte zone is mainly between local handlers and those in the Grand Island area, while the volume of sales by the North Platte handler into the Eastern Colorado marketing area is comparatively small. Adoption of a differential higher than \$1.55 in the North Platte zone would place these handlers at a serious disadvantage with their major competitors and is therefore not appropriate.

As noted above the proposed differentials at North Platte, Chadron and

Scottsbluff recognize the additional transportation cost which would be necessary to deliver supplemental milk to these points rather than to Omaha from the usual sources of such milk. During certain months of 1963 and 1964 the major cooperative found it necessary to import supplemental milk. This milk was obtained from sources in Iowa, Minnesota and Wisconsin and supplied to handlers in Omaha and Lincoln, Nebraska. At times when milk is in short supply, the cooperative has redirected bulk tank routes normally received at its Grand Island receiving station for transfer to plants in the Omaha and Lincoln areas to plants in the western part of the State. Otherwise it might have been necessary to import milk to supply these plants. It is obviously more economical to have supplemental milk from Minnesota received at Omaha or Lincoln instead of North Platte.

The proposed Class I differentials would result in substantial equity among all handlers competing for sales in the major population centers in the marketing area. The proposed conforming change in uniform prices to producers would also tend to assure handlers that an adequate supply of milk will continue to be available locally.

Handlers who operate plants in the Central and Western zones of the marketing area raised objections in their exceptions to the proposed Class I prices in these areas. These exceptions are overruled for the reasons set forth above.

7. Location adjustments. The present order provides that Class I and uniform prices at pool plants located more than 80 miles from certain specified points in the marketing area shall be reduced 12 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles.

This provision should be continued. Because of the expansion of the marketing area and the establishment of pricing zones within the marketing area, it is necessary that additional basing points be established and that the prices effective at the affected plant be those which are applicable at the nearest basing point subject to the appropriate adjustment.

Chadron and Scottsbluff should be added as basing points in the Western zone, and Norfolk should be substituted for Columbus as a basing point in the Eastern zone.

At the present time there are no plants located outside the defined zones which would qualify as pool plants under the order.

Scottsbluff is the major population center in the Western zone. Chadron is the largest city in the northern portion of this zone. Use of these two cities will establish a better balance in the pricing pattern than would the use of a single basing point in the Western zone.

For the same reason Norfolk has been substituted for Columbus as one of the basing points in the Eastern zone. There are no pool plants in Columbus, which is located in the same general area as Grand Island, Lincoln and Omaha. Norfolk is directly north of Columbus. It contains two pool plants as well as

the surplus disposal plant operated by the cooperative association. Using it as a basing point will give more balance since it will distribute the basing points more uniformly throughout the marketing area. Its use will not affect prices at any pool plant nor at either of the two plants in Iowa which are presently subject to partial regulation under the order.

8. *Payments to cooperative associations.* The order should be amended to provide that handlers pay a cooperative association at the class prices rather than at the uniform price for milk received from the cooperative association in its capacity as the handler for its members' milk.

From the inception of the original Omaha-Council Bluffs order in April 1939 until November 1961, a cooperative association was the handler for all its member milk. Handlers paid the cooperative association at the class prices and the cooperative association settled with the market administrator through the producer-settlement fund. Since November 1961, handlers have settled directly with the market administrator and the cooperative associations have received the uniform price for their member milk.

The major cooperative association, after three years experience under the present procedure, feels that its marketing efficiency has been impaired. When handlers purchase milk at class prices rather than at the uniform price the association is much better informed as to the fluid needs of the handlers in the market. It is thus in a better position to distribute available supplies among handlers to meet their individual requirements. Since this association represents approximately 95 percent of the producers on the present market, and 85 percent of the producers in the area proposed to be added to the market, the ability of the cooperative association to shift its member milk to the best advantage is of extreme importance to the economy and efficiency of the entire market.

Adoption of this provision will in no way affect handlers' costs for milk. It will result only in their paying the entire cost of their milk to the cooperative association, rather than paying part to the cooperative association and part to the producer-settlement fund in the case of high utilization handlers, or in the case of low utilization handlers, paying the cooperative association more than the use of value of their milk and being reimbursed from the producer-settlement fund.

9. *Conforming changes.* Because of the extensive nature of the amendments discussed above it has been necessary to revise other sections of the order to make them conform to the recommended amendments. Such changes, however, are not substantial and will not affect the order as it applies to handlers and producers.

Addition of the eleven counties to the marketing area would require a conforming change in the basing points provided in the transfer provisions. The order presently requires skim milk and butterfat in the form of bulk fluid milk

products be Class I if transferred or diverted to a nonpool plant located more than 200 miles from the nearer of Omaha or North Platte. In the past surplus milk from the Scottsbluff area has been moved to Johnstown, Colorado, for manufacturing purposes. To accommodate the orderly disposition of surplus milk in this portion of the marketing area, Scottsbluff should be added as a basing point for determining the nonpool plants at which transfers or diversions may be accounted for at less than Class I.

It is further concluded that the order as modified by the amendments above recommended is a proper instrument for regulation of the marketing of milk in the eleven counties to be added to the marketing area.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and 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.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was

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

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

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

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

The month of November 1964 is hereby determined to be the representative period for the conduct of such referendum.

Wayne McPherrin is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on February 4, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area

Sec.	Findings and determinations.
1065.0	
	DEFINITIONS
1065.1	Act.
1065.2	Secretary.
1065.3	Department.
1065.4	Person.

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.

Sec.	
1065.5	Cooperative association.
1065.6	Nebraska-Western Iowa marketing area.
1065.7	Producer.
1065.8	Handler.
1065.9	Producer-handler.
1065.10	Distributing plant.
1065.11	Supply plant.
1065.12	Pool plant.
1065.13	Nonpool plant.
1065.14	Producer milk.
1065.15	Other source milk.
1065.16	Fluid milk product.
1065.17	Route.
1065.18	Butter price.

MARKET ADMINISTRATOR

1065.20	Designation.
1065.21	Powers.
1065.22	Duties.

REPORTS, RECORDS AND FACILITIES

1065.30	Reports of receipts and utilization.
1065.31	Payroll reports.
1065.32	Other reports.
1065.33	Records and facilities.
1065.34	Retention of records.

CLASSIFICATION

1065.40	Skim milk and butterfat to be classified.
1065.41	Classes of utilization.
1065.42	Shrinkage.
1065.43	Responsibility of handlers and reclassification of milk.
1065.44	Transfers.
1065.45	Computation of skim milk and butterfat in each class.
1065.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1065.50	Basic formula price.
1065.51	Class prices.
1065.52	Butterfat differentials to handlers.
1065.53	Location adjustments to handlers.
1065.54	Use of equivalent prices.

APPLICATION OF PROVISIONS

1065.60	Producer-handler.
1065.61	Plants subject to other Federal orders.
1065.62	Handler operating a partially regulated distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

1065.70	Computation of the net pool obligation of each pool handler.
1065.71	Computation of uniform prices.
1065.72	Butterfat differential to producers.
1065.73	Location differentials to producers and on nonpool milk.
1065.74	Notification of handlers.

PAYMENTS

1065.80	Time and method of payment.
1065.81	Producer-settlement fund.
1065.82	Payments to the producer-settlement fund.
1065.83	Payments out of the producer-settlement fund.
1065.84	Adjustment of accounts.
1065.85	Marketing services.
1065.86	Expense of administration.
1065.87	Termination of obligations.

MISCELLANEOUS PROVISIONS

1065.90	Effective time.
1065.91	Suspension or termination.
1065.92	Continuing obligations.
1065.93	Liquidation.
1065.94	Agents.
1065.95	Separability of provisions.

AUTHORITY: The provisions of this Part 1065 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1065.0 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 Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to: producer milk and milk received from a cooperative association as a handler pursuant to § 1065.8(d); other source milk allocated to Class I pursuant to § 1065.46(a) (3) and (7) and the corresponding steps of § 1065.46(b); and Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 4, 1964 (29 F.R. 16920; F.R. Doc. 64-12645), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. In § 1065.15 paragraph (b) is revised.
2. In § 1065.73 paragraph (b) is revised.

DEFINITIONS

§ 1065.1 Act.

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

§ 1065.2 Secretary.

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

§ 1065.3 Department.

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

§ 1065.4 Person.

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

§ 1065.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

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

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of, or marketing, milk or its products for its members;

(c) Has its entire activities under the control of its members.

§ 1065.6 Nebraska-Western Iowa marketing area.

The Nebraska-Western Iowa marketing area, hereinafter called "marketing area" means all the territory within the counties and townships enumerated below, together with all territory within the boundaries so designated which is occupied by Government (municipal, State

or Federal) reservations, installations, institutions or other establishments:

(a) *Eastern zone.* The counties of Harrison and Mills and the townships of Boomer, Crescent, Garner, Hardin, Hazel Dell, Kane, Keg Creek, Lake, Lewis, Minden, Neola, Norwalk, Rockford, Silver Creek, Washington and York in Pottawattamie County, all in the State of Iowa, and the counties of Adams, Boone, Buffalo, Burt, Butler, Cass, Clay, Colfax, Cuming, Custer, Dodge, Douglas, Fillmore, Franklin, Gage, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kearney, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Phelps, Otoe, Platte, Polk, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Washington, Wayne, Webster, Valley, and York, all in the State of Nebraska;

(b) *Central zone.* The counties of Dawson, Frontier, Furnas, Gosper, Keith, Lincoln and Red Willow, all in the State of Nebraska;

(c) *Western zone.* The counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux, all in the State of Nebraska.

§ 1065.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1065.14.

§ 1065.8 Handler.

"Handler" means:

(a) Any person who operates a pool plant. In case a corporation with recognized divisions which are operated as separate business units operates two or more pool plants, each such division shall be the handler with respect to the pool plant(s) it operates;

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

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

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

(e) A producer-handler, or any person who operates an other order plant described in § 1065.61.

§ 1065.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section;

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1065.10 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes in the marketing area.

§ 1065.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1065.12.

§ 1065.12 Pool plant.

"Pool plant" means a plant, other than that of a producer-handler or a handler partially exempt pursuant to § 1065.61, described in paragraph (a) or (b) of this section. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 1065.8(d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 1065.8(d) during such month. A supply plant that qualifies as a pool plant in each of the immediately preceding months of August through December shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool plant status to be effective the first month following such notice and there-

after until the plant again qualifies as a pool plant on the basis of shipments.

§ 1065.13 Nonpool plant.

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

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

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

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

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1065.14 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section;

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

(1) For which such cooperative association is the handler pursuant to § 1065.8(c), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1065.8(d);

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a) (2) and (b) (1) of this section:

(1) Such diversions may be without limit during the months of March through June, but may not be more than 50 percent of the total production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk; and

(2) For the purpose of location adjustments pursuant to §§ 1065.53 and 1065.73, milk so diverted shall be priced at the location of the plant to which diverted.

§ 1065.15 Other source milk.

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

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products (except cottage cheese from pool plants) other than fluid milk

products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products, other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for pursuant to § 1065.33.

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1065.17 Route.

"Route" means any delivery (including delivery by a vendor or through a distribution point, or sale from a plant store) of a fluid milk product to retail or wholesale outlets other than a delivery (a) in bulk to a milk plant, or (b) to a food processing plant pursuant to § 1065.41(c) (4).

§ 1065.18 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1065.20 Designation.

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

§ 1065.21 Powers.

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

- To administer its terms and provisions;
- To receive, investigate and report to the Secretary complaints of violations;
- To make rules and regulations to effectuate its terms and provisions; and
- To recommend amendments to the Secretary.

§ 1065.22 Duties.

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

- Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount

and with surety thereon satisfactory to the Secretary;

- Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

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

- Pay out of the funds provided by § 1065.86 the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1065.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

- Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

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

- Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

- Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records and facilities of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

- On or before the 12th day after the end of the month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

- Publicly announce and notify each handler in writing on or before: (1) The 10th day of each month, the Class I milk price pursuant to § 1065.51(a) and the Class I butterfat differential pursuant to § 1065.52(a) for the current month, and the Class II and Class III prices pursuant to § 1065.51 (b) and (c) and the Class II and Class III butterfat differential pursuant to § 1065.52(b) for the preceding month; and (2) the 12th day after the end of each month, the uniform price pursuant to § 1065.71, and the butterfat differential to be paid pursuant to § 1065.72;

- Whenever required for purpose of allocating receipts from other order plants pursuant to § 1065.46(a) (8) and the corresponding step of § 1065.46(b),

the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

- Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1065.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

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

REPORTS, RECORDS AND FACILITIES

§ 1065.30 Reports of receipts and utilization.

On or before the 7th day, excluding holidays, after the end of each month each handler shall report to the market administrator for such month in the detail and on forms prescribed by the market administrator as follows:

- Each handler operating pool plants shall report the quantities of skim milk or butterfat in:

- Receipts at each such plant in:
 - Producer milk;
 - Milk received from cooperative associations pursuant to § 1065.8(d);
 - Fluid milk products received from other pool plants; and
 - Other source milk;
- Opening inventories of fluid milk products;

- The utilization in each class of the quantities required to be reported; and

- Such other information with respect to receipts and utilization as the market administrator may request;

- Each handler specified in § 1065.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes (other than to pool plants) in the marketing area as Class I milk;

- Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1065.8 (c) or (d) as follows:

- Receipts of skim milk and butterfat in producer milk;
- Utilization of milk for which it is the handler pursuant to § 1065.8(c);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1065.8(d); and

(4) Such other information as the market administrator may require.

§ 1065.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1065.61 or one making payments pursuant to § 1065.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1065.62(a), his payroll for dairy farmers delivering Grade A milk) which shall show for each producer:

(a) The name and address of the producer, dairy farmer or cooperative association;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The location at which received and, for each producer whose milk was diverted to a nonpool plant, the total pounds of milk diverted and the location of the nonpool plant; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1065.32 Other reports.

Each producer-handler and each handler exempt from regulation pursuant to §§ 1065.61 and 1065.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1065.33 Records and facilities.

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

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 1065.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 1065.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give

further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1065.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1065.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1065.41 through 1065.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1065.41 Classes of utilization.

Subject to the conditions set forth in §§ 1065.43 through 1065.46 the classes of utilization shall be as follows:

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

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

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (c) (2), (3) and (4) of this section; or

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

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

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

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

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

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

(4) Disposed of in fluid milk products in bulk form to a commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) Contained in inventory of fluid milk products on hand at the end of the month;

(7) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b) (1), but not to exceed the following:

(i) Two percent of milk received directly from producers; plus

(ii) One and one-half percent of milk received in bulk tank lots from pool plants of other handler; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1065.8(d), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from another order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of 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; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to plants of other handlers (except that in the case of a cooperative association which is a handler pursuant to § 1065.8(d) when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent) and to nonpool plants; and

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b) (2).

§ 1065.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

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

(b) Prorate the resulting amount between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1065.41(c) (8); and (2) skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in § 1065.41(c) (8).

§ 1065.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who received such skim milk or butterfat from producers or cooperative associations can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

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

§ 1065.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such

class in the plant(s) of the transferee handler after computations pursuant to § 1065.46(a) (8) and the corresponding step of § 1065.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a) (3) and the corresponding step of § 1065.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I or Class II utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a) (7) or (8) and the corresponding steps of § 1065.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk or Class II milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

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

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Omaha, North Platte, or Scottsbluff, Nebraska, and more than 50 miles from the pool plant from which transferred or diverted, except that cream so transferred may be classified as Class III if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Omaha, North Platte, or Scottsbluff, Nebraska, or within 50 miles of the pool plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1065.30 for the month within which such transaction occurred;

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

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of

utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

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

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

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

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk;

(e) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 1065.8(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the receiving handler after the computation pursuant to § 1065.46(a) (9) and the corresponding step of § 1065.46(b); and

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

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

(2) If transferred in bulk form, classification shall be in classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1065.41.

§ 1065.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1065.41(c) (8);

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

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

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

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

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

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

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

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such a plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

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

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4) (ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1065.22(1) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1065.44(a);

(10) Subtract pro rata from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from a cooperative association in its capacity as a handler pursuant to § 1065.8(d); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section

into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1065.50 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 computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1065.51 Class prices.

Subject to the provisions of §§ 1065.52 and 1065.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus \$1.40 for pool plants located in the Eastern zone; plus \$1.55 in the Central zone; and plus \$1.80 in the Western zone.

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

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

§ 1065.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1065.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.125; and

(b) *Class II and Class III milk.* Multiply the butter price for the current month by 0.115.

§ 1065.53 Location adjustment to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located outside the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be that effective pursuant to § 1065.51(a) at the nearest of the cities specified below, subject to a reduction of 12 cents if such plant is more than 80 miles from the city hall in such city, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles: Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha and Scottsbluff, all in the State of Nebraska.

(b) For purposes of calculating such adjustment transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1065.8(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply

plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least adjustment would apply.

§ 1065.54 Use of equivalent prices.

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

APPLICATION OF PROVISIONS

§ 1065.60 Producer-handler.

Sections 1065.40 through 1065.46, 1065.50 through 1065.53, 1065.70 through 1065.73, and 1065.80 through 1065.87 shall not apply to a producer-handler.

§ 1065.61 Plants subject to other Federal orders.

Except for §§ 1065.32 through 1065.34 the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A plant qualified pursuant to § 1065.12(a) from which a lesser volume of fluid milk products is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any plant qualified pursuant to § 1065.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1065.30(b) and 1065.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1065.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I

milk. There shall be included in the obligation so computed a charge in the amount specified in § 1065.70(e) and a credit in the amount specified in § 1065.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1065.30(b) and 1065.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1065.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

DETERMINATION OF PRICES TO PRODUCERS

§ 1065.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1065.46(c), by the applicable class prices (adjusted pursuant to §§ 1065.52 and 1065.53).

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to

§ 1065.46(a)(11) and the corresponding step of § 1065.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1065.46(a)(8) and the corresponding step of § 1065.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(7) and the corresponding step of § 1065.46(b).

§ 1065.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1065.70 for all handlers who filed the reports prescribed by § 1065.30 for the month and who made the payments pursuant to §§ 1065.80 and 1065.82 for the preceding month;

(b) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1065.73 (a) and (b);

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1065.73(b);

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1065.72 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk;

(2) The total hundredweight for which a value is computed pursuant to § 1065.70(e);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract during each of the months of April, May and June, an amount equal to eight percent of the remainder;

(j) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (i) of this section;

(k) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(l) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1065.72 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1065.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1065.73 Location differentials to producers and on nonpool milk.

(a) The uniform price computed pursuant to § 1065.71 shall be increased 15 cents per hundredweight for producer milk received at a pool plant in the Central zone and shall be increased 40 cents per hundredweight at pool plants in the Western zone.

(b) For producer milk received at a pool plant or diverted to a nonpool plant located outside the marketing area the uniform price shall be that effective at the nearest of the cities listed below subject to a reduction at the rates set forth in § 1065.53 if the plant is more than 80 miles from the city hall in such city: Chadron, Lincoln, Grand Island, Northfork, North Platte, Omaha, and Scottsbluff all in the State of Nebraska.

(c) For purposes of computations pursuant to §§ 1065.82 and 1065.83 the weighted average price shall be adjusted at the rates set forth in § 1065.53 appli-

cable at the location of the nonpool plant from which the milk was received.

§ 1065.74 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 1065.46 and 1065.70;

(b) The uniform price computed pursuant to § 1065.71;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 1065.82, 1065.85 and 1065.86.

PAYMENTS

§ 1065.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) or (d) of this section, at not less than the applicable uniform price pursuant to §§ 1065.71, 1065.72, and 1065.73 and less the following amounts:

(1) The payments made pursuant to paragraph (b) of this section;

(2) Marketing service deductions pursuant to § 1065.85; and

(3) Any proper deductions authorized by the producer: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1065.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month to each producer:

(1) For whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) or (d) of this section; and

(2) Who had not discontinued shipping milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of the month an amount per hundredweight not to be less than the uniform price for the preceding month;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section, less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount not less than the sum of the individual pay-

ments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to receipts of milk for which such cooperative association is the handler pursuant to § 1065.8(d) as follows:

(1) On or before the 26th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the weighted average price for the preceding month; and

(2) On or before the 14th day after the end of each month not less than the value of such milk at the applicable class prices, less payment made pursuant to subparagraph (1) of this paragraph;

(e) In making payments to producers pursuant to paragraphs (a) and (c) of this section, each handler shall furnish each producer or cooperative association with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1065.71, 1065.72 and 1065.73;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1065.85 together with a description of the respective deductions; and

(6) The net amount of payment to the producer; and

(f) Nothing in this section shall abrogate the right of a cooperative association to make payments to its member producers in accordance with the payment plan of such cooperative association.

§ 1065.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1065.62 (a) and (b), 1065.82 and 1065.84 and out of which he shall make all payments to handlers pursuant to §§ 1065.83 and 1065.84.

§ 1065.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1065.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1065.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1065.70(e).

§ 1065.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1065.82(b) exceeds the amount computed pursuant to § 1065.82(a). The market administrator shall offset any payment due any handler against payments due from such handler.

§ 1065.84 Adjustment of accounts.

Adjustments of accounts shall be made as follows:

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 1065.82 and 1065.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within five days, make payment to the market administrator of the account so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within five days, make such payment to such handler; and

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payments of less than is required by § 1065.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1065.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1065.80 shall deduct six cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such service shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph

(a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1065.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including that classified pursuant to § 1065.44(e)) and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1065.46(a) (3) and (7) and the corresponding steps of § 1065.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1065.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service if such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producer(s) or association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies the handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, or the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1065.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1065.91.

§ 1065.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1065.92 Continuing obligations.

If, upon suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 1065.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to

contributing handlers and producers in an equitable manner.

§ 1065.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1065.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 65-1400; Filed, Feb. 9, 1965; 8:46 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 31]

EXCHANGE OF UNSERVICEABLE AND SPOILED DOUBLE POSTAL CARDS

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed amendment to § 31.5 of Title 39, Code of Federal Regulations, in order to provide that unserviceable and spoiled double postal cards are acceptable for exchange at the post office, only if neither half is detached from the other.

To effect its purpose the Department proposes to amend regulations codified in § 31.5 (c) and (d) of Title 39, Code of Federal Regulations. Although the procedures in 39 CFR 31.5 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Assistant Postmaster General, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 31.5 *Exchanges of stamps*, amend paragraphs (c) and (d) to read as follows:

§ 31.5 Exchanges of stamps.

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, and postal cards, may be exchanged for other postage-stamped paper as follows:

- (1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated aerogrammes (air-letter sheets), for postage value less 1 cent for each aerogramme redeemed.

(3) Unmutilated single postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Double postal cards are acceptable only if neither half is detached from the other for 85 percent of postage value.

(5) Sheet postal cards spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(6) Stamps affixed to commercial envelopes and post cards, for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(7) Unused precanceled stamps in full coils or in full sheets redeemed from precanceled permit holders, for 90 percent of postage value. Stamped envelopes or aerogrammes (air-letter sheets) with a printed return address and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210 for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and postcards.

(2) Stamps cut from postal cards, stamped envelopes, or aerogrammes (air-letter sheets).

(3) Parts and pieces of postal cards.

(4) Either half of double postal cards.

(5) Postal cards, stamped envelopes and air-letter sheets received for reply purposes.

(6) Mutilated and defaced stamps.

Notes: The corresponding Postal Manual sections are 141.53 and 141.54.

[R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 2502]

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-1413; Filed, Feb. 9, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-CE-104]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering certain amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Enid, Okla., terminal area.

The following controlled airspace is presently designated in the Enid, Okla., area:

(1) The Enid, Okla., control zone is designated as that airspace within a 5-mile radius of Vance AFB, Enid, Okla. (latitude 36°20'20" N., longitude 97°55'-00" W.); within 2 miles either side of the Vance AFB TACAN 185° radial extending from the 5-mile radius zone to 8 miles S of the TACAN, and within 2 miles either side of the Vance AFB VOR 134° radial, extending from the 5-mile radius zone to the VOR, see Airman's Guide for hours of designation.

(2) The Enid, Okla., control area extension is designated as that airspace bounded on the N by V-190, on the E by V-77, on the S by V-140, on the SW by V-17 and on the NW by V-12.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Enid, Okla., terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes the following airspace action:

(1) Alter the Enid, Okla., control zone by redesignating it as that airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'-00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course, extending from the 5-mile radius zone to the LOM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance VOR 134° radial, extending from the 5-mile radius zone NW to the VOR; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Woodring Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Woodring VOR 011° radial, extending from the 5-mile radius zone to 12 miles N of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Designate a transition area in the Enid, Okla., terminal area to comprise that airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the

Woodring VOR 185° radial, extending from the VOR to 12 miles S; and that airspace extending upward from 1,200 feet above the surface beginning SE of Enid at the intersection of the W edge of V-77, and the N edge of V-140, thence W along the N edge of V-140, to and NW along the NE edge of V-17, to and N along longitude 98°30' W, to and W along the S edge of V-190, to and NE along the SE edge of V-12, to and SE along the SW edge of V-74, to and S along the W edge of V-77 to the point of beginning, excluding the Oklahoma City and Ponca City transition areas; and that airspace extending upward from 5,000 feet MSL bounded on the E by longitude 98°30', on the S by the NE edge of V-17, on the N by the SE edge of V-12, and the S edge of V-190, excluding the Gage transition area.

(3) Revoke the Enid, Okla., control area extension in its entirety.

The portions of Federal Airways which traverse the recommended transition area will automatically assume the floors of the transition area.

Communication capabilities now exist to provide control zone services at the Enid, Okla., Woodring Airport. Weather service for the entire recommended Enid control zone will be provided by the U.S. Air Force at Vance AFB. The recommended control zone will provide the necessary controlled airspace for aircraft executing departures and missed approach procedures at Vance AFB and Woodring Airport. The proposed control zone extensions will contain the phases of the instrument approach procedures at Vance AFB and Woodring Airport when descending below an altitude of 1,000 feet above the surface. The transition area extending upward from 700 feet above the surface will contain all instrument procedures when operating at altitudes between 1,000 feet and 1,500 feet above the surface. The proposed transition area extending upward from 1,200 feet above the surface is required to contain the portions of instrument approach procedures when above 1,500 feet above the surface and provides controlled airspace for random radar vectoring of arrivals and departures. The transition area extending upward from 5,000 feet MSL will complement the lower based transition areas and provides controlled airspace for random radar vectoring of arrivals and departures, transitioning, and military standard instrument departure procedures. The Department of the Air Force has requested that the Federal Aviation Agency alter the effective hours of the Enid control zone to implement training requirements at Vance Air Force Base, Enid, Okla., and to correspond to the hours the Enid control tower is in operation. Operational requirements will necessarily cause changes in the hours of designation. Therefore, advance notice of such changes will be given to the public by a Notice to Airmen and continuously published in the Airman's Information Manual.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed

herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 1, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-1389; Filed, Feb. 9, 1965;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 63-EA-54]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the control zones at John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., LaGuardia Airport, New York, N.Y., Morristown Airport, Morristown, N.J., Teterboro Airport, Teterboro, N.J., and designate a transition area in the New York, N.Y. terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation

Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

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

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

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the New York Metropolitan Terminal Complex (John F. Kennedy International, LaGuardia, Newark, Teterboro, and Morristown Airports), including studies attendant to the implementation of the provisions of CAR Amendments

60-21/60-29, proposes the airspace actions hereinafter set forth.

1. In § 71.171 (29 F.R. 17581), the following control zones would be altered to read:

a. New York, N.Y. (John F. Kennedy International Airport). Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'30" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N.Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport northeast localizer course, extending from the 5.5-mile radius zone to the northeast outer marker; within 2 miles each side of the Kennedy VORTAC 053° True radial, extending from the 5.5-mile radius zone to 7 miles east of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° True radial, extending from the 5.5-mile radius zone to 6 miles southeast of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles east of and parallel to the Kennedy VORTAC 141° True radial to a line 2 miles west of and parallel to the Kennedy VORTAC 242° True radial; within 2 miles each side of the John F. Kennedy International Airport southwest localizer course, extending from the 5.5-mile radius zone to 8 miles southwest of the outer marker-radio beacon; and within 2 miles each side of the 185° True bearing from the Fort Tilden, N.Y. radio beacon, extending from the NAS New York 5-mile radius zone to 8 miles south of the radio beacon.

b. Morristown, N.J. Within a 5-mile radius of Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.), excluding that portion within a 1-mile radius of Hanover Airport, Hanover, N.J. (latitude 40°50'30" N., longitude 74°20'45" W.); and within 2 miles each side of the 227° True bearing from the Chatham, N.J. radio beacon, extending from the 5-mile radius zone to 7 miles southwest of the radio beacon. This proposed control zone would be effective from 0700 to 2300 hours, local time, daily.

c. Teterboro, N.J. Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.).

d. Newark, N.J. Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles west and 2 miles east of the Newark localizer southwest course, extending from the 5-mile radius zone to 1.5 miles southwest of the outer marker; within 2 miles each side of the Newark localizer northeast course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.) 5-miles radius zone; and within 2 miles each side of the 264° True bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles southwest of the runway.

e. New York, N.Y. (LaGuardia Airport). Within a 5-mile radius of LaGuardia Airport (latitude 40°46'30" N., longitude 73°52'30" W.); and within 2 miles each side of the LaGuardia VOR 034° True radial, extending from the 5-mile radius zone to 5.5 miles northeast of the VOR excluding the portion within the John F. Kennedy International Airport control zone.

2. In § 71.181 (29 F.R. 17643), the New York, N.Y. transition area would be designated as follows:

That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to altitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to altitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'

20° N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N., to the western edge of V-139; thence along the western edge of V-139 to a line extending through latitude 40°13'20" N., longitude 73°21'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 would be excluded.

The control zones and extensions proposed herein are necessary to protect instrument approach and departure procedures for the particular airports concerned.

The New York transition area is required to protect procedure turn areas, transition routes, radar vectoring pattern areas, holding patterns, missed approach procedures, departure procedures, and to conserve critical cardinal altitudes and critical airway altitudes for tower enroute service.

The proposed transition area is contained in part within the present New York, N.Y. control area extension. The control area extension would be retained until adjacent areas are modified in accordance with the CAR 60-21/60-29 airspace review program.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minima be affected adversely.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, John F. Kennedy International Airport, Federal Building, Jamaica, N.Y., 11430.

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-1390; Filed, Feb. 9, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-13]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the NAAS Ream Field, Calif., control zone.

The NAAS Ream Field, Calif., control zone is presently designated within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.), and that airspace W of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico.

The Federal Aviation Agency proposes to redesignate the NAAS Ream Field, Calif., control zone within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico; and that airspace E of Ream Field within the arc of a 6.5-mile radius circle centered on Ream TACAN, extending clockwise from a line 2 miles N of and parallel to the Ream TACAN 065° radial to the United States/Mexican border.

The action proposed herein would provide protection to helicopters executing prescribed instrument procedures at Ream Field.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal

Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

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

Issued in Los Angeles, Calif., on February 2, 1965.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 65-1391; Filed, Feb. 9, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-14]

CONTROL ZONE, TRANSITION AREA
AND FEDERAL AIRWAYS

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone and alter the transition area at Cortez, Colo., pursuant to the commissioning of a VOR at latitude 37°23'23" N., longitude 108°33'40" W., in July 1965, and would also realign V-211 and V-187 via the new facility.

The following controlled airspace is presently designated in the Cortez, Colo., area:

1. The Cortez, Colo., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the 306° and 126° bearings from the Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.) extending from 20 miles NW to 9 miles SE of the airport excluding the airspace within Federal airways.

2. V-187 is designated, in part, from Farmington, N. Mex., to Dove Creek, Colo.

3. V-211 is designated, in part, from Durango, Colo., to INT of Durango 284° and Dove Creek, Colo., 117° radials, excluding the airspace below 1,200 feet above the surface.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Cortez, Colo., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 and the need for pertinent VOR airways to and from Cortez, proposes the following airspace actions:

1. Designate the Cortez control zone as that airspace within a 5-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. Alter the Cortez transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'35" W.).

W.), and within 2 miles each side of the Cortez VOR 003° and 183° True radials, extending from the 7-mile radius area to 6 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles E and 8 miles W of the Cortez VOR 003° and 183° True radials, extending from 3 miles S to 14 miles N of the VOR.

3. Redesignate V-211, in part, from Cortez, Colo., VOR to Durango, Colo., VOR via the Cortez 115° T and Durango 286° T radials, excluding the airspace below 1,200 feet above the surface.

4. Redesignate V-187, in part, from Farmington, N. Mex., VORTAC direct Cortez, Colo., VOR direct Dove Creek, Colo., VORTAC, excluding the airspace below 1,200 feet above the surface.

The control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Montezuma County Airport during the hours that weather reporting service is available. Such service will be provided by duly certified personnel of Frontier Airlines.

Communications service will be furnished by the FAA's Farmington, N. Mex., Flight Service Station through remote facilities located at the Cortez VOR.

The 700-foot portion of the transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures conducted beyond the limits of the control zone and during the time the control zone is not effective.

The 1,200-foot portion of the transition area would provide protection for aircraft executing prescribed instrument approach, departure, and holding procedures at altitudes above 1,500 feet above the surface in the Cortez terminal area.

The proposed realignment of V-211 and V-187 would provide airway continuity to and from the Cortez terminal area. The segment of V-187 from Farmington, N. Mex., to Cortez, Colo., and the segment of V-211 from Durango, Colo., to Cortez would connect permanently certified air carrier stops.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

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

Issued in Los Angeles, Calif., on February 2, 1965.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[P.R. Doc. 65-1392; Filed, Feb. 9, 1965;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WA-96]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Myrtle Beach, S.C., via the intersection of the Myrtle Beach 033° and Fayetteville, N.C., 164° True radials (Dock Intersection) to Fayetteville.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20533. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the rules docket for examination by interested persons, both before and after the closing date for comments.

The airway, as proposed, would provide a connecting airway between Myrtle Beach and Fayetteville which are certified permanent air-carrier stops. The extension of this airway from Dock Intersection to Myrtle Beach would provide a single numbered airway for simplification of flight planning and air traffic control.

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[P.R. Doc. 65-1393; Filed, Feb. 9, 1965;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WA-99]

FEDERAL AIRWAYS

Proposed Designation and Realignment

The Federal Aviation Agency is considering amendments to Part 71 of the

Federal Aviation Regulations that would designate a VOR Federal airway from London, Ky., via Holston Mountain, Tenn., the intersection of the Holston Mountain 104° and Greensboro, N.C., 280° True radials, to Greensboro, and that would realign VOR Federal airway No. 259 east alternate from Holston Mountain to Hickory, N.C., via the Holston Mountain 104° True radial.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20533. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. The proposals contained in the notice may be changed in the light of comments received. All comments submitted will be available in the rules docket for examination by interested persons, both before and after the closing date for comments.

Designation of the proposed airway would provide a connecting airway between London and Greensboro. Realignment of V-259 east alternate via the Holston Mountain 104° True radial, in lieu of the 103° True radial, would permit this airway segment to coincide, in part, with the segment of the proposed airway between Holston Mountain and Greensboro.

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[P.R. Doc. 65-1394; Filed, Feb. 9, 1965;
8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 63-EA-115]

JET ROUTE AND FEDERAL AIRWAY

Proposed Alteration

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 and Part 75 of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the *FEDERAL REGISTER* will

be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

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

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

The FAA is proposing the designation of a jet route from the Norfolk, Va., VORTAC via the intersection of the Norfolk VORTAC 023° and the Sea Isle, N.J., VORTAC 212° True radials; Sea Isle VORTAC; intersection of the Sea Isle VORTAC 049° and the Hampton, N.Y., VORTAC 223° True radials; Hampton VORTAC; Providence, R.I., VOR; to the intersection of the Providence VOR 045° and the Boston, Mass., VORTAC 067° True radials. This route would provide a means of by-passing the New York City metropolitan area.

Between Sea Isle and Hampton the proposed jet route would overlie VOR Federal airway No. 139 which at the present time has no upper limit outside the United States. In order to identify the associated controlled airspace with

this jet route, it is proposed to list the jet route under § 71.161 and to alter the description of VOR Federal airway No. 139 by deleting the sentence which reads: "The portion outside the United States has no upper limit."

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

Issued in Washington, D.C., on February 3, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-1395; Filed, Feb. 9, 1965;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Pocatello, Idaho, transition area.

The Pocatello transition area, as presently described, does not provide adequate controlled airspace for the protection of aircraft executing the authorized transition route via the Idaho Falls, Idaho, VOR 206° radial to intercept the Pocatello ILS localizer NE course.

To provide protection for this transition route, the FAA proposes to add the following controlled airspace to the existing Pocatello transition area:

That airspace NE of Pocatello extending upward from 1,200 feet above the surface bounded on the SE by a line 5 miles SE of and parallel to the Idaho Falls, Idaho, VOR 206° radial, on the SW by a line extending from latitude 43°06'30" N., longitude 112°13'30" W., to latitude 43°09'00" N., longitude 112°17'00" W., on the NW by V-21 and on the NE by latitude 43°17'00" N.

If the action proposed herein is taken, the Pocatello transition area will be designated as follows:

That airspace extending upward from 700 feet above the surface within 5 miles SE and 4 miles NW of the Pocatello ILS localizer NE course, extending from the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport (latitude 43°54'35" N., longitude 112°35'25" W.) to 8 miles NE of the OM; within the area bounded on the W by a line 2 miles W of and parallel to the Pocatello VOR 015° radial, on the SE by a line 4 miles NW of and parallel to the Pocatello ILS localizer NE course, on the NE by the arc of a 13-mile radius circle centered on the Pocatello VOR, and on the S by the arc of a 5-mile radius circle centered on the Pocatello Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Pocatello VOR 167° radial, extending from the VOR to 18 miles S of the VOR; within 9 miles N and 8 miles S of the Pocatello VOR 252° radial, extending from the VOR to 27 miles SW of the VOR; within 6 miles SE and 10 miles NW of the Pocatello VOR 045° radial, extending from the VOR to 27 miles NE of the VOR, and that airspace NE of Pocatello bounded on the SE by a line 5 miles SE of and parallel to the Idaho Falls, Idaho, VOR 206° radial, on the SW by a line extending from latitude 43°06'30" N., longitude 112°13'30" W., to latitude 43°09'00" N., longitude

112°17'00" W., on the NW by V-21 and on the NE by latitude 43°17'00" N.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

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

Issued in Los Angeles, Calif., on February 2, 1965.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

[F.R. Doc. 65-1396; Filed, Feb. 9, 1965;
8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 64-SO-53]

TEMPORARY RESTRICTED AREA

Withdrawal of Proposal for Designation

In a notice of proposed rulemaking published in the FEDERAL REGISTER on October 8, 1964 (29 F.R. 13906) it was stated that the United States Air Force had submitted a proposal to amend § 73.62 of the Federal Aviation Regulations by establishing a restricted area southwest of Nashville, Tenn. The area was to be used to encompass air maneuvers in support of a joint U.S. Air Force-U.S. Army exercise referred to as GOLD FIRE II. A supplemental notice was published on December 8, 1964 (29 F.R. 16836) which reopened the comment period from December 8, 1964 to December 18, 1964.

Subsequent to the publication of these notices, the Department of Defense notified the Federal Aviation Agency that military exercise GOLD FIRE II had been cancelled and, therefore, the proposed restricted area would not be required.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 64-SO-53 is withdrawn.

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

Issued in Washington, D.C., on February 4, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-1397; Filed, Feb. 9, 1965;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 15722]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

1. The Commission has before it a request, filed February 3, 1965, by the Communications Satellite Corp. (Com Sat) to extend the time for filing reply comments in the above-captioned notice of proposed rulemaking (FCC 64-1109, released Dec. 4, 1964) to and including February 15, 1965. Reply comments are now due to be filed on February 4, 1965.

2. In support of the requested extension, Com Sat alleges that despite the Commission's recent 10 day extension of time to file reply comments, the time presently available for the preparation of a fully considered and detailed reply to the comments filed by other parties is insufficient because of the temporary unavailability of personnel directly concerned with this matter and because of the complexity and importance of the issues raised. In addition, Com Sat alleges that oral consent to the requested extension has been obtained from counsel for American Telephone and Telegraph Co., Aeronautical Radio, Inc., the Air Transport Association of America, Hawaiian Telephone Co., and the National Academy of Sciences.

3. It appearing, that good cause has been shown that Com Sat and other in-

terested parties require additional time for the preparation of meaningful reply comments in Docket No. 15722 and that said comments will be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered*, This 4th day of February 1965, pursuant to §§ 0.251(b), 0.303(c) and 0.331(b)(4) of the Commission's rules, that the time for filing reply comments in Docket No. 15722 is extended from February 4, 1965, to February 15, 1965.

Released: February 4, 1965.

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

[F.R. Doc. 65-1415; Filed, Feb. 9, 1965;
8:47 a.m.]

[47 CFR Parts 21, 25]

[Docket No. 15723]

SHARED USE OF CERTAIN FRE- QUENCY BANDS BY FIXED, MOBILE AND COMMUNICATION-SATELLITE SERVICES

Order Extending Time for Filing Reply Comments

In the matter of amendment of Parts 21 and 25 of the Commission's rules to provide for the shared use of the frequency bands 3700-4200, 5925-6425, 7250-7750 and 7900-8400 Mc/s by the fixed, mobile, and communication-satellite services.

1. The Commission has before it a request, filed February 3, 1965, by the Communications Satellite Corp. (Com Sat) to extend the time for filing reply comments in the above-captioned notice of proposed rulemaking (FCC 64-1110, released December 4, 1964) to and including February 15, 1965. Reply comments are now due to be filed on February 4, 1965.

2. In support of the requested extension, Com Sat alleges that despite the Commission's recent ten day extension of time to file reply comments, the time presently available for the preparation of a fully considered and detailed reply to the comments filed by other parties is insufficient because of the temporary unavailability of personnel directly concerned with this matter and because of the complexity and importance of the issues raised. In addition, Com Sat al-

leges that oral consent to the requested extension has been obtained from counsel for American Telephone and Telegraph Co., Hawaiian Telephone Co., and Western Union Telegraph Co.

3. It appearing, that good cause has been shown that Com Sat and other interested parties require additional time for the preparation of meaningful reply comments in Docket No. 15723 and that said comments will be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered*, This 4th day of February 1965, pursuant to §§ 0.251(b), 0.303(c) and 0.331(b)(4) of the Commission's rules, that the time for filing reply comments in the above-captioned proceeding is extended from February 4, 1965 to February 15, 1965.

Released: February 4, 1965.

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

[F.R. Doc. 65-1416; Filed, Feb. 9, 1965;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-37 (Sub-No. 9); 62 M.C.C.
510]

BALTIMORE, MD., COMMERCIAL ZONE

Proposed Redefinition; Extension of Time for Filing Comments

JANUARY 28, 1965.

At the request of interested persons, the time for filing written statements of data, views, and argument in favor of or against the petition in the above-captioned matter is further extended to February 11, 1965. The presently assigned date is February 4, 1965 (30 F.R. 16). An original and 5 copies of such statements should be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-1431; Filed, Feb. 9, 1965;
8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 030859]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has amended their application Arizona 030859, published as Federal Register Document 61-8091, vol. 26, page 7987, August 24, 1961, to eliminate therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 12 N., R. 16 E.,
 Sec. 14, lot 1, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 24, lots 1 to 8, inclusive, and E $\frac{1}{2}$;
 Sec. 26;
 Sec. 35, lots 1 to 7, inclusive, and E $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 12 N., R. 17 E.,
 Sec. 20;
 Sec. 28, lot 1, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1 to 6, inclusive, and NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, lot 1.

The area described above totals approximately 4,245.97 acres.

There are approximately 150.00 acres remaining in the application.

As of 10:00 a.m., February 15, 1965, the above lands will become open to such forms of disposition as may by law be made of national forest lands.

Dated: February 3, 1965.

FRED J. WEILER,
 State Director.

[P.R. Doc. 65-1421; Filed, Feb. 9, 1965; 8:47 a.m.]

ARIZONA

Revocation of Small Tract Classification

Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 P.R. 10526), I hereby revoke Arizona Small Tract Classification, published May 9, 1964 (29 P.R. 6188) in its entirety:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 23 S., R. 24 E.,
 Section 8, Lot 2

Containing 36.27 acres.

Dated: February 1, 1965.

FRED J. WEILER,
 State Director.

[P.R. Doc. 65-1422; Filed, Feb. 9, 1965; 8:47 a.m.]

No. 27—7

[Bureau Order No. 698, Amdt. 6]

DIRECTORS, JOB CORPS CONSERVATION CENTERS, ET AL.

Delegation of Authority; Contracts and Leases

A new subparagraph (5) is added to section 1(b), as follows:

SECTION 1. *Authority of certain offices to enter into contracts and leases.*

(b) (5) The Directors, Job Corps Conservation Centers, under the jurisdiction of BLM are authorized to issue orders, regardless of amount, for equipment, supplies and services, obtainable from General Services Administration Stores Stock, Federal Supply Schedules, and other established sources of supply. They are also authorized to make open market purchases for supplies, equipment and services, not exceeding \$2,500 per transaction (\$2,000 if for construction), pursuant to Sec. 302(c) (3) of the Federal Property and Administrative Services Act of 1949, as amended, provided that the supplies and services are not available from established sources.

Section 2(a) is amended to read as follows:

Sec. 2. *Redelegation of authority.*

(a) The Field Administrative Officers, the Chief, Division of Administrative Services, the State Directors, and the Directors, Job Corps Conservation Centers may, in writing, redelegate to any qualified employees under their jurisdiction the authority delegated to them under Sec. 1 above. Each redelegation, except redelegations for procurement by means of S.P. 44 Purchase Order-Invoice-Voucher, shall be published in the FEDERAL REGISTER.

H. R. HOCKMUTH,
 Associate Director.

FEBRUARY 4, 1965.

[P.R. Doc. 65-1423; Filed, Feb. 9, 1965; 8:47 a.m.]

[Utah 0144525]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 28, 1965.

The United States Department of the Interior, Bureau of Sport Fisheries and Wildlife has filed the above application, Utah 0144525, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws, subject to valid, existing rights.

The applicant desires the land for use as a part of the Jones Hole National Fish Hatchery; to provide building sites for proposed facilities; give control over areas which are subject to runoffs and permit erosion control measures to protect development of withdrawn area; and control of sources of water supply for the Fish Hatchery.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah, 84111.

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 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:

SALT LAKE MERIDIAN, UTAH

T. 3 S., R. 25 E.,

Sec. 1: Lots 1, 4, 5, 6, 7, and 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$

Containing 465.77 acres.

R. D. NIELSON,
 State Director.

[P.R. Doc. 65-1424; Filed, Feb. 9, 1965; 8:47 a.m.]

1879

Office of the Secretary

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of January 18, 1965.

Dated: January 18, 1965.

C. H. WILLIAMS.

[F.R. Doc. 65-1425; Filed, Feb. 9, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

Designation of Area for Emergency Loans

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 Missouri natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Butler.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of February 1965.

ORVILLE L. FREEMAN,

Secretary.

[F.R. Doc. 65-1401; Filed, Feb. 9, 1965; 8:46 a.m.]

NORTH DAKOTA, SOUTH DAKOTA AND WEST VIRGINIA

Designation of Areas for Emergency Loans

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 counties in the States of North Dakota, South Dakota and West Virginia natural disasters have caused a need for agricultural credit not readily available

from commercial banks, cooperative lending agencies, or other responsible sources.

Stutsman. NORTH DAKOTA

Brown. SOUTH DAKOTA

WEST VIRGINIA

Berkeley.
Greenbrier.
Jefferson.
Mason.Monroe.
Morgan.
Pocahontas.
Summers.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named North Dakota, South Dakota, and West Virginia counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of February 1965.

ORVILLE L. FREEMAN,

Secretary.

[F.R. Doc. 65-1402; Filed, Feb. 9, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

INTERNATIONAL SALT CO.

Notice of Filing of Petition for Food Additive Yellow Prussiate of Soda

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 5N1656) has been filed by International Salt Company, Clarks Summit, Pa., proposing an amendment to § 121.1032 Yellow prussiate of soda * * * to provide for the safe use of 13 parts per million of yellow prussiate of soda as an anticaking agent in salt for human and animal consumption.

Dated: February 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-1456; Filed, Feb. 9, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-224]

REGENTS OF UNIVERSITY OF CALIFORNIA

Notice of Issuance of Construction Permit

Please take notice that, no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-83 authorizing construction of a TRIGA Mark

III-type nuclear reactor on the University's campus at Berkeley, California.

The permit, as issued, was substantially as set forth in the Notice of Proposed Issuance of Construction Permit published in the FEDERAL REGISTER January 15, 1965, 30 F.R. 559.

Dated at Bethesda, Md., this 3d day of February 1965.

For the Atomic Energy Commission.

SAUL LEVINE,

Chief, Test and Power Reactor
Safety Branch, Division of
Reactor Licensing.

[F.R. Doc. 65-1443; Filed, Feb. 9, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11077; Order E-21760]

CATALINA AIR LINES, INC.

Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1965.

In the Service to Santa Catalina Island Case, 30 CAB 1060 (1960), the Board awarded Avalon Air Transport, Inc., which has since changed its name to Catalina Air Lines, Inc. (Catalina), a temporary certificate of public convenience and necessity of 3 years' duration to provide air transportation between Los Angeles, Calif., and Santa Catalina Island. The certificate became effective on January 11, 1960, and continued in effect until Catalina's petition for renewal was denied on June 13, 1963.

Prior to its temporary certification, Catalina operated between Los Angeles and Catalina Island under the exemption provided by Part 298 of the Economic Regulations for air taxi operators. It also carried mail to Catalina Island pursuant to a star route mail contract with the Postmaster General. However, after Catalina was awarded certificate authority to carry mail, the Postmaster General petitioned the Board to establish a service mail rate for that carrier's certificated service between Los Angeles and Catalina Island, and a temporary rate was established by Order E-15714, August 31, 1960 (31 CAB 906).¹ This temporary rate was subsequently increased to reflect mail services by Catalina to Inyokern, Calif., pursuant to exemption authority,² but such increase was canceled when Catalina ceased serving Inyokern upon the institution of certificated service by Pacific Air Lines.³ These temporary rates have never been finalized.

As indicated above, Catalina's certificate was terminated in June of 1963.

¹ Order E-19678, June 13, 1963.

² Catalina instituted certificated service for priority and nonpriority mail on June 24, 1960, and the temporary rate was made effective as of that date. Prior to June 24, Catalina was compensated pursuant to its Star Route contract.

³ Order E-18193, April 9, 1962.

⁴ Order E-18679, August 9, 1962.

Immediately thereafter the Postmaster General moved to establish a star route which the Board approved by Order E-19787 July 9, 1963. Catalina began star route services on July 10, 1963, and since that date has been compensated for its mail services under the terms of its star route contract rather than the Board's rate order.

It is now necessary to finalize Catalina's rate for the period of its certificated service and close the docket. The initial temporary rate was fixed at the level requested in the Postmaster General's petition. This rate was in turn based on a projection of Catalina's star route compensation and was acceptable to the carrier. The rate increase related to Catalina's Inyokern, Calif., service was also acceptable to both the carrier and the Postmaster General. On the basis of information before the Board it appears to be fair and reasonable to establish Catalina's final rate at the same level as its temporary rate.

The Board, therefore provisionally finds and concludes that the fair and reasonable final mail rates to be paid Catalina Air Lines, Inc. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith are:

- (1) A rate of \$14,300 per annum for the period June 24, 1960 through January 15, 1961;
- (2) A rate of \$17,600 per annum for the period January 16, 1961 through May 7, 1962; and
- (3) A rate of \$14,300 per annum for the period May 8, 1962 through July 9, 1963.

In view of such provisional findings and conclusions: *It is ordered, That*

1. All interested persons, and particularly Catalina Air Lines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rates specified above as the fair and reasonable rates of compensation to be paid to Catalina Air Lines, Inc. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified above, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions specified above.

4. If answer is filed, the issues involved in determining the fair and reasonable

final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon the Postmaster General and Catalina Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-1459; Filed, Feb. 9, 1965;
8:50 a.m.]

[Docket No. 15353; Order E-21762]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1965.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 15353; Agreement CAB 17666, R-85 through R-90.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unopposed notices to the carriers and promulgated in IATA memoranda, names additional specific commodity rates as set forth in the attachment hereto.¹

The Board, acting pursuant to sections 102, 204(a) and 412 of the act, does not find the subject agreement to be adverse to the public interest or in violation of the act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 17666, R-85 through R-90 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

¹ Filed as part of original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-1460; Filed, Feb. 9, 1965;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15780, 15781; FCC 65M-134]

TELEVISION SAN FRANCISCO AND JALL BROADCASTING CO., INC.

Order Scheduling Prehearing Conference

In re applications of Lillian Lincoln Banta and Deane Devere Banta, doing business as Television San Francisco, San Francisco, Calif., Docket No. 15780, File No. BPCT-3303; Jall Broadcasting Co., Inc., San Francisco, Calif., Docket No. 15781, File No. BPCT-3425; for construction permit for new Television broadcast station (Channel 26).

In accordance with agreements reached at a prehearing conference held on February 3, 1965; *It is ordered*, That 3d day of February 1965, that a further prehearing conference in the above-entitled proceeding will be held on February 17, 1965.

Released: February 3, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1417; Filed, Feb. 9, 1965;
8:47 a.m.]

[Docket Nos. 15548, 15614; FCC 65M-136]

TRIAD STATIONS, INC., AND MARSH- ALL BROADCASTING CO.

Order Continuing Hearing

In re applications of Triad Stations, Inc., Marshall, Mich., Docket No. 15548, File No. BPH-4131; Marshall Broadcasting Company, Marshall, Mich., Docket No. 15614, File No. BPH-4327; for construction permits.

The Hearing Examiner having under consideration a request filed February 2, 1965 by Triad Stations, Inc. (Triad) for postponement of hearing herein, presently scheduled to commence on February 8, 1965, or, in the alternative, to proceed at the February 8 hearing solely with the admission of evidence pertaining to the financial qualifications of Marshall Broadcasting Company (Marshall);

It appearing, that Triad filed a Petition for Notice of Proposed Rule Making on February 2, 1965, requesting that Channel 244A be assigned to Marshall, Mich., and that if, as a result of such a Notice, the requested assignment is effected, Triad "will amend its pending application to specify a new transmitter site and to change from Channel 285A to 244A", thus obviating the necessity for a

comparative determination between it and Marshall; and

It further appearing, that counsel for Marshall and for the Commission's Broadcast Bureau do not oppose a grant of the request for postponement and that the public interest requires immediate consideration thereof:

It is ordered, This 3d day of February 1965, that the subject request is granted, and that hearing herein, presently scheduled to commence on February 8, 1965, is continued to a date to be fixed by subsequent order pending Commission action on the February 2, 1965 Petition for Notice of Proposed Rule Making.

Released: February 4, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1418; Filed, Feb. 9, 1965;
8:47 a.m.]

[Docket Nos. 15679, 15680; FCC 65R-48]

TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCAST- ING CORP.

Memorandum Opinion and Order Amending Issues

In re applications of David F. Stevens, Jr., trading as Tri-Cities Broadcasting Co., Cozad, Nebr., Docket No. 15679, File No. BP-15052; Dawson County Broadcasting Corporation, Cozad, Nebr., Docket No. 15680, File No. BP-15679; for construction permits.

By the Review Board:

1. Dawson County Broadcasting Corporation (Dawson) petitions the Review Board in this comparative proceeding to add the following issues against David F. Stevens, Jr., trading as Tri-Cities Broadcasting Co. (Stevens) to those designated by the Commission (FCC 64-990, released November 2, 1964):

(a) To determine whether David F. Stevens, Jr., has deliberately misrepresented facts to and deliberately concealed facts from the Commission in connection with the prosecution of his application.

(b) In view of the evidence adduced pursuant to the foregoing issue, to determine whether Mr. Stevens has the necessary character qualifications to be a Federal Communications Commission licensee.

(c) To determine whether Mr. Stevens is financially qualified to construct and operate his proposed station.

¹ Before the Review Board are: motion to enlarge issues, filed November 23, 1964, by Dawson; comments on petition to enlarge issues, filed December 7, 1964, by the Broadcast Bureau; opposition, filed December 22, 1964, by Stevens; reply, filed January 5, 1965, by Dawson; motion to strike certain portions of opposition, filed January 5, 1965, by Dawson; comments on motion to strike, filed January 11, 1965, by the Broadcast Bureau; opposition to motion to strike, filed January 21, 1965, by Stevens; and supplement to opposition to motion to enlarge, filed January 28, 1965, by Stevens.

² Dawson also requested addition of a sufficiency of funds (Evansville) issue. This request is not properly addressed to the Re-

2. Because Stevens' original application, filed August 15, 1961, included insufficient information as to assets, the Commission, in a predesignation letter of June 23, 1964, requested additional data as to the adequacy of his cash and other liquid assets and the facts surrounding any loans he intended to secure. On the basis of an August 1964 amendment filed in response to the Commission's letter, an initial determination of financial qualification was made by the Commission in the designation Order. Stevens' cash requirement (adjusted to reflect relevant information included in his amendment) for construction and 3 months' operation totals \$32,550.43. This figure includes: Rental of land (prorated for the initial 3-month period), and rental and remodeling of building totaling \$2,100;² purchase of transmitter and equipment totaling \$16,900.43; other items totaling \$1,850.00; and 3 months' operation costing \$11,700.³ To meet the costs of \$32,550.43 Stevens has two loan commitments for which he could be credited with a total of \$33,000.00 and a deferred equipment credit netting \$11,250.00,⁴ giving a total of \$44,250.00,⁵ if the bank commitments and the deferred credit are allowable.

3. Dawson and the Bureau argue that they are not. The loan commitments offered as part of Stevens' August 1964 amendment are represented by letters of August 18 and 19, 1964, from the Cozad State Bank (\$15,000.00) and the Gothenburg State Bank (\$18,000.00), respectively. Dawson and the Bureau contend that the letters do not evidence a firm

view Board, the Examiner having been authorized in the designation Order (FCC 64-990), released November 2, 1964, to add such an issue at his discretion. See Triangle Publications, Inc. (WNHC), FCC 61-99, 21 RR 187 (1961).

² The rental and remodeling figure includes a full year's rent; since the remodeling cost was not segregated from the rental figure, the rent cannot be prorated.

³ Absent explanation by Stevens it must be assumed that initial payments on the two bank commitments reported in his 1964 amendment are not reflected in the \$36,000.00 first year operating cost reported in the 1961 application. Since no date for commencement of repayment is given, it will be assumed to be concurrent with commencement of station operation. According to the terms of bank letters submitted with Stevens' opposition, 3 months' payments on the two loans, which total \$33,000.00, will be approximately \$2,700.00.

⁴ Although Stevens' August 1961 application specifies \$16,900.43 worth of equipment, the attached letter from Collins Radio Co., written 6 months earlier, speaks only of a credit "in the approximate amount of \$15,000.00". It must therefore be inferred that expenditures over \$15,000.00 will be met in some other manner. Under the terms of the agreement, Stevens will make a down payment of 25 percent, or \$3,750.00, which reduces the \$15,000.00 total to \$11,250.00.

⁵ Stevens' opposition attempts to show a third loan in the amount of \$60,000.00 which was to have been completed in December 1964. Such a loan should properly have been the subject of an amendment and therefore will not be considered in connection with Stevens' financial qualifications. See Triad Stations, Inc., FCC 64R-540, released November 27, 1964.

commitment to lend money to Stevens. However, their challenges are largely disposed of by additional letters from both banks, included with Stevens' opposition, which affirm that the previous letters did constitute firm commitments subject only to the standard condition of renegotiation at the time of advancement of funds in the event of alteration in Stevens' financial posture.⁶ Finally, in view of the fact that security for the loans must be presumed to have been reviewed and found satisfactory by the banks themselves, it is not necessary that it be listed. See Springfield Television Broadcasting Corporation, FCC 64R-243, 2 RR 2d 843; Massillon Broadcasting Co., Inc., FCC 61-1164, 22 RR 218. Even if serious doubts were found to exist with respect to specific claimed assets, the value of Stevens' assets exceeds his liabilities, and the bank loan commitments are sufficient to meet the proposed construction and initial operating costs. See Massillon Broadcasting Co., Inc., supra; Martin Karig, 30 FCC 557, 21 RR 439 (1961).

4. In its request for misrepresentation and character qualification issues, Dawson submits an affidavit of its attorney, William P. Trusdale, based on "studies of public records, review of a credit evaluation report" and other reliable sources," arguing that the financial information filed by Stevens is misleading in that he has claimed assets he does not in fact hold and has understated many of his liabilities. It is alleged, inter alia, that: The Dawson County Registry of Deeds shows Stevens' parents to be owners of record of a parcel of real estate at 921 Avenue "C", Cozad, included in Stevens' financial statement; Stevens is not owner of record of a parcel at 1436 Avenue "O", Cozad, mentioned in his financial statement, nor are his parents; records of the Cozad County Clerk's office list 11 unpaid chattel mortgages against Stevens totaling in excess of \$75,000 in original amounts; and the Registry of Deeds records a real estate loan in the original amount of \$19,607.00. This information, says Dawson, conflicts with Stevens' August 1964 enumeration of liabilities in the amount of open accounts payable of \$1,750; chattel mortgages of \$2,150; and three real estate mortgages totaling \$24,050. Dawson notes that in December 1962 Stevens reported current liabilities of \$30,000 and long-term liabilities of \$40,000. The af-

⁶ Dawson's reply attacked the supplemental bank letters on the grounds that they constitute new matter at variance with the application and cannot therefore be considered by the Review Board. A motion to strike these and other portions of Stevens' opposition was filed concurrently with the reply. Except insofar as it challenges Stevens' attempt to rely upon his post-amendment loan (see footnote 6, supra), Dawson's motion will be denied; as noted by the Bureau, material filed with the opposition is explanatory in nature and strictly responsive to Dawson's motion. See Smackover Radio, Inc., FCC 62-81, 22 RR 865.

⁷ Assertions allegedly based on this report are properly challenged by the Bureau, as in violation of Section 1.229(c) of the Commission's Rules. See Smackover Radio, Inc., supra.

affidavit challenges Stevens' ownership of two of the three parcels claimed by him and indicates that his August statement that \$18,000 was owed on the third was inaccurate in view of the fact that \$19,987 was owed on November 1, 1964. These discrepancies are not consistent with candor, concludes Dawson.

5. The Bureau would add the requested misrepresentation and character issues if Stevens is unable to give satisfactory explanation of the apparent discrepancies between Stevens' report of existing liabilities and real estate ownership and the records of the Registry of Deeds and Office of County Clerk of Dawson County. In its comments the Bureau takes the position that the Registry would show Stevens' reported ownership of the 921 Avenue "C" and the 1436 Avenue "O" property and that the county clerk's office would show the extent to which the chattel mortgages have been paid off or reduced to the sums alleged in the August 18, 1964 financial statement.

6. The challenges to Stevens' record of his liabilities appear to be satisfactorily answered in his opposition, which lists in detail the nature and amount of outstanding liabilities. In addition, Stevens attaches an affidavit of the County Clerk stating that payments or discharges of mortgages are not matters of record unless filed and that many of Stevens' liens are in favor of non-residents and no local agency could report outstanding balances. Also attached is an affidavit of Stevens' accountants detailing amounts paid on all chattel mortgages and listing those retired. The existing balance due is reflected as \$28,120.29 rather than the \$75,000 alleged by Dawson. The mortgages were included in the August financial statement; while not listed separately, they were all considered in calculating the \$100,893.05 net worth figure set forth therein.

7. However, problems raised with respect to the two parcels of real estate are not satisfactorily resolved. The opposition does state that due to a typographical error in his financial statement Stevens improperly claimed as an asset property at 915 Avenue "C", Cozad; the property is in fact at 921 Avenue "C". However, Stevens admits that neither this property nor the property at 1436 Avenue "O" is owned of record by him. An affidavit of Stevens' mother is attached, affirming that Stevens has for some time managed the property and it is understood and agreed that he has full use of the property, including right of sale and appropriation of the proceeds, for the purpose of acquiring funds to construct and operate a radio station.* Stevens' own affidavit states that an unfiled deed gave his mother title to the Avenue "O" property in 1952 and that a similar deed was drawn up December 16, 1964, and is being filed. As noted in Dawson's reply, Stevens' explanation of title to the two parcels of real estate is

less than complete. While the actual state of title is not important in connection with Stevens' financial qualification in view of our disposition of that portion of the Motion to Enlarge, the possibility that Stevens has been less than candid in his explanation of ownership cannot be considered immaterial. FCC v. WOKO, Inc., 329 U.S. 223 (1946). Dawson's reply pleading suggests a direct conflict with Stevens' opposition, which makes no allegation with respect to the ownership of the Avenue "C" property but does allege that the Avenue "O" property is "also owned" by his mother. Dawson replies, however, that according to the Registry of Deeds title to the Avenue "C" property is in both parents, rendering the affidavit of Mrs. Stevens meaningless. Stevens not only fails to explain why his father did not join in this instrument but also does not suggest that he will join in the affidavit to be filed in connection with Avenue "O". The actual state of title cannot be determined from these conflicting pleadings. While it is true that neither party has offered the best evidence of the true state of title, the fact remains that there is a direct conflict, unexplained by Stevens, which can only be resolved at this stage of the proceeding by addition of the requested issue. See Beamon Advertising, Inc., FCC 63R-467, 1 RR 2d 285.

Accordingly, it is ordered, This 3d day of February 1965, that the Motion to Enlarge Issues, filed November 23, 1964, by Dawson County Broadcasting Corp., is granted to the extent indicated below and is denied in all other respects; and it is further ordered, That the issues in this proceeding are enlarged by addition of the following: To determine whether David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., has misrepresented or concealed facts in connection with the prosecution of his application, and whether in light of the evidence adduced relative thereto Mr. Stevens has the requisite qualifications to be a licensee of the Federal Communications Commission;

It is further ordered, That the Motion to Strike, filed January 5, 1965, by Dawson County Broadcasting Corp., is granted, to the extent reflected herein and is denied in all other respects.

Released: February 4, 1965.

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

[F.R. Doc. 65-1419; Filed, Feb. 9, 1965;
8:47 a.m.]

[Docket Nos. 15679, 15680; FCC 65M-131]

TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

Statement and Order After Further Prehearing Conference

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebr., Docket No. 15679, File No. BP-15052; Dawson County Broadcasting

Corp., Cozad, Nebr., Docket No. 15680, File No. BP-15679; for construction permits.

At today's further prehearing conference, among other things, the following new dates were set:

1. Exchange of remaining direct affirmative written cases of applicants (engineering cases were exchanged today)—February 17, 1965.

2. Receipt of notification of engineering witnesses for cross-examination—February 12, 1965, of lay witnesses—March 3, 1965.

3. Notices to take depositions—March 3, 1965.

4. Hearing—March 15, 1965 (rescheduled from February 17, 1965).

So ordered, This 2d day of February 1965.

Released: February 3, 1965.

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

[F.R. Doc. 65-1420; Filed, Feb. 9, 1965;
8:47 a.m.]

[Docket Nos. 15824, 15825; FCC 65-84]

GROSS BROADCASTING CO. AND CALIFORNIA WESTERN UNIVERSITY OF SAN DIEGO

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jack O. Gross, tr/as Gross Broadcasting Co., San Diego, Calif., Docket No. 15824, File No. BPCT-3346; California Western University of San Diego, San Diego, Calif., Docket No. 15825, File No. BPCT-3421; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of February 1965:

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on channel 51, San Diego, Calif.; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on information contained in the application of California Western University of San Diego, the cost of construction of the proposed new station will be approximately \$557,000, and cash in excess of \$607,000 will be required for the construction and initial operation of the proposed station. The exact amount of cash required cannot be determined, however, because the applicant has not furnished any information with respect to the availability of deferred credit or the costs of freight, painting, foundations, miscellaneous costs, and

* The only affidavit filed with the opposition relates to the Avenue "O" property. On Jan. 28, 1965, a similar affidavit, inadvertently omitted, was filed relating to the Avenue "C" property.

contingencies. The applicant has made no financial showing and no information is available as to how the applicant will obtain the necessary funds for the construction and operation of the proposed new station. It cannot be determined, therefore, that the applicant is financially qualified.

(b) California Western University of San Diego proposes to broadcast a total of 59.5 hours per week, of which 84 percent, or approximately 50 hours, will be devoted to local live programming. The applicant proposes to employ a station manager, a chief engineer, and technical and administrative help as required. It is also proposed to supplement this staff with members of the faculty and student body. Except with respect to the station manager and chief engineer, insufficient information has been furnished with respect to the applicant's staffing proposal to enable a determination to be made as to whether the staff proposed would be adequate to effectuate the type of operation proposed. Additionally, no information has been submitted with regard to the citizenship of the station manager and department heads as required by Section IV, Paragraph 12, FCC Form 301. An issue will be specified, therefore, to determine whether the staff proposed would be adequate to effectuate the type of operation proposed and to determine the citizenship of the station manager and department heads.

(c) Based on engineering information contained in the above-captioned applications of Gross Broadcasting Co. and California Western University of San Diego, it appears that there may be a significant disparity in the areas and populations included within the proposed grade A and grade B contours of the two proposed stations. On the basis of these proposals, therefore, a question is raised as to which would represent a superior utilization of the frequency on a comparative basis. Comparative coverage issues will, accordingly, be specified with respect to the proposed grade A and grade B contours of the proposed stations. Roswell Television, FCC 64R-374, 3 RR 2d 569; United Artists Broadcasting, Inc., FCC 64R-565, 3 RR 2d —; Ultravision Broadcasting Co., FCC 64R-192, 2 RR 2d 271; Cleveland Broadcasting, Inc., FCC 64R-41, 1 RR 2d 949.

It further appearing, that the transmitter proposed by Gross Broadcasting Co. has not been type-accepted by the Commission and that, in the event of a grant of the application, such grant should be made subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules; and

It further appearing, that, except as indicated above, Jack O. Gross, tr/as Gross Broadcasting Co., is legally, financially, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station; and, except as indicated above, California Western University of San Diego is legally, technically and otherwise qualified to construct, own and operate

the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Jack O. Gross, tr/as Gross Broadcasting Co. and California Western University of San Diego are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether California Western University of San Diego is financially qualified to construct, own, and operate the proposed television broadcast station;

2. To determine whether the staff proposed by California Western University of San Diego would be adequate to effectuate the type of operation proposed and to determine the citizenship of the proposed station manager and department heads of the proposed station.

3. To determine the location of the proposed grade A and grade B contours of the applicants in this proceeding.

4. To determine, on a comparative basis, the areas and populations within the respective proposed grade A and grade B contours of the proposed stations.

5. In the event the proof under issues 3 and 4, above, shall establish that the proposed grade A and grade B contours of either applicant will include areas and populations not included by that of its competitor, to determine the number of television services, if any, presently available to such areas and populations.

6. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would better serve the public interest, convenience, and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of Jack O. Gross, tr/as Gross Broadcasting Co., such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance of the proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the examiner with respect to the application of Jack O. Gross, tr/as Gross Broadcasting Co., on his own motion or upon petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, Jack O. Gross, tr/as Gross Broadcasting Co., and California Western University of San Diego, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 5, 1965.

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

[P.R. Doc. 65-1450; Filed, Feb. 9, 1965;
8:40 a.m.]

[Docket Nos. 14411, 14412; FCC 65M-140]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Co., Lubbock, Tex., Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corp., Lubbock, Tex., Docket No. 14412, File No. BP-15073; for construction permits.

The hearing examiner having under consideration an oral motion made this date by counsel for Mid-Cities Broadcasting Corp. in the above-entitled matter for a postponement until February 25, 1965 of the hearing now scheduled for February 5, 1965, and

It appearing, that all counsel agree to the postponement and good cause for granting the motion has been shown:

It is ordered, This 4th day of February 1965, that the aforesaid motion is granted and that, accordingly, the hearing now scheduled for February 5, 1965 be, and it hereby is, rescheduled to commence at

¹ Commissioners Bartley and Lee absent.

10 a.m., February 25, 1965, in the Commission's offices in Washington, D.C.

Released: February 4, 1965.

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

[F.R. Doc. 65-1451; Filed, Feb. 9, 1965;
8:49 a.m.]

[Docket Nos. 15820, 15821]

RADIO DISPATCH SERVICE AND CHAPMAN RADIO & TELEVISION CO.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of William E. Glasscock, d/b as Radio Dispatch Service, Docket No. 15820, File No. 6034-C2-P-64, for a construction permit to modify the facilities of station KIJ352 in the Domestic Public Land Mobile Radio Service at Birmingham, Ala.; William A. Chapman and George K. Chapman, d/b as Chapman Radio & Television Co., Docket No. 15821, File No. 6985-C2-P-64, for a construction permit to modify the facilities of station KIE366 in the Domestic Public Land Mobile Radio Service at Birmingham, Ala.

1. The Commission, by its Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to section 0.292(a) of the Commission's rules, has before it (1) An application filed March 16, 1964, by William E. Glasscock, d/b as Radio Dispatch Service (Glasscock), for a construction permit to modify the facilities of Station KIJ352 in the Domestic Public Land Mobile Radio Service at Birmingham, Ala., by adding a third channel for two-way communication service using frequencies 152.06 Mc/s (base) and 158.52 Mc/s (mobile); and (2) an application filed May 1, 1964, by William A. Chapman and George K. Chapman, d/b as Chapman Radio & Television Co. (Chapman), for a construction permit to modify the facilities of Station KIE366 in the Domestic Public Land Mobile Radio Service at Birmingham, Ala., by adding a second channel for two-way communication on frequencies 152.06 Mc/s (base) and 158.52 Mc/s (mobile). Glasscock and Chapman are each seeking to provide two-way communication service on the same frequencies in the same general area (the base stations would be approximately 0.75 mile apart), and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

¹ Station KIJ352 now provides: (a) Two-way communication service on paired frequencies 152.09 Mc/s (base) and 158.55 Mc/s (mobile); and (b) two-way communication service on paired frequencies 152.15 Mc/s (base) and 158.61 Mc/s (mobile).

² Station KIE366 now provides two-way communication service on paired frequencies 152.03 Mc/s (base) and 158.49 Mc/s (mobile).

2. It also appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in two-way communication service, and that the Commission's Report No. T.R.R. 4.3.8., entitled, "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50.50) and interference contours of the facilities involved in this proceeding.

3. It also appears that § 21.516 of the rules and regulations of this Commission requires that an additional showing be made with each application for an additional channel and itemizes various data useful in the determination as to whether or not an additional channel would be required in the public interest, convenience, or necessity.

4. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally, and otherwise qualified to render the services they have proposed.

5. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations) would result from simultaneous operations on the frequency 152.06 Mc/s by Glasscock and Chapman, and, if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the areas and populations that Glasscock and Chapman propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas based upon data which includes the information elicited by § 21.516 of the Commission's rules.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience, or necessity will be served by a grant of one or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

6. *It is further ordered*, That the burden of proof on each of the issues in paragraph 5 is placed upon the applicants so far as the same relates to their respective applications; and

7. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in

accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: February 1, 1965.

Released: February 5, 1965.

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

[F.R. Doc. 65-1452; Filed, Feb. 9, 1965;
8:49 a.m.]

[Docket Nos. 15460, 15461; FCC 65M-142]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Scheduling Hearing

In re applications of Symphony Network Association, Inc., Fairfield, Ala., Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, d/b as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

A further prehearing conference having been held on February 4, 1965, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

It is ordered, This 4th day of February 1965, that:

(1) The written exhibits constituting Symphony's rebuttal to Chapman Exhibit H-12 will be exchanged on or before February 25, 1965;

(2) That in the event any party wishes to call for cross-examination any witness sponsoring any of Symphony's said exhibits notification thereof shall be given on or before March 4, 1965;

(3) That the sponsor of Chapman Exhibit H-11 shall be present for examination at the hearing hereinafter ordered, and that, in the event any party proposes to present further evidence through oral testimony, such party shall give notice of the identity of his witnesses and the general scope of their testimony on or before March 4, 1965; and,

It is further ordered, That hearing herein shall recommence on March 8, 1965 at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 4, 1965.

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

[F.R. Doc. 65-1453; Filed, Feb. 9, 1965;
8:49 a.m.]

[Docket No. 15713; FCC 65M-139]

TREE BROADCASTING CO.

Order Continuing Hearing

In re application of Oris Gowen & Howard Edwards d/b as Tree Broadcasting Co., Greensburg, Ind., Docket No. 15713, File No. BP-15084, for construction permit.

The hearing examiner having under consideration a motion in behalf of the

applicant, filed February 3, 1965, for a continuance of the hearing in the above-entitled proceeding which heretofore was scheduled to commence February 8, 1965;

It appearing, that the motion is not opposed by Clear Tone Broadcasting Corp. (WTRE), respondent, or the Commission's Broadcast Bureau, the only other parties to the proceeding;

It appearing further, that, prior to commencement of the hearing herein, the engineering consultants for the applicant and respondent will attempt to resolve the differences shown in their exhibits which were exchanged January 25, 1965, and thereby avoid extensive cross-examination;

It appearing further, that additional extensions of the date for commencement of the hearing in this proceeding will not be authorized in the absence of extraordinary circumstances, and, in the event the applicant plans to take field strength measurements on Radio Station WFIN, Findlay, Ohio, or any other station, he should do so forthwith and present the results thereof to counsel for the respondent and the Broadcast Bureau on or before March 1, 1965;

It is ordered, This 4th day of February 1965, that the motion is granted and that the hearing in the above-entitled proceeding is hereby continued from February 8 to March 9, 1965.

Released: February 4, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-1454; Filed, Feb. 9, 1965;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:
Port of Seattle,
Post Office Box 1209,
Seattle, Wash. 98111.

Agreement No. T-59-2, between the Port of Seattle and Alaska Steamship Co. (Company), is the second amendment to approved agreement No. T-59.

This amendment provides for a reduction in the fee paid annually by Company for use of the truck scales at Pier 46.

Dated: February 5, 1965.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-1427; Filed, Feb. 9, 1965;
8:47 a.m.]

PORT OF SEATTLE AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:
Port of Seattle,
Post Office Box 1209,
Seattle, Wash. 98111.

Agreement No. T-57-1, between the Port of Seattle and Matson Navigation Co. (Matson), is an amendment to approved agreement No. T-57.

This amendment provides for a flat sum to be paid monthly by Matson for use of the truck scales at Pier 46.

Dated: February 5, 1965.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-1428; Filed, Feb. 9, 1965;
8:47 a.m.]

[Fact Finding Investigation No. 5]

SOUTH ATLANTIC AND GULF PORTS Terminal Practices; Notice of Hearing

FEBRUARY 4, 1965.

Terminal practices at South Atlantic and Gulf ports (from, but excluding,

Hampton Roads, Va., to Brownsville, Tex.).

A hearing in this proceeding will be held by the undersigned beginning at 10 a.m., February 16, 1965, in the Customs Court Room, U.S. Custom House Building, Wilmington, N.C.

The hearing will be public.

JAMES A. KEMPER,
Investigative Officer.

[F.R. Doc. 65-1429; Filed, Feb. 9, 1965;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-6822 etc.]

SUNRAY DX OIL CO.

Order Conditionally Approving Rate Settlement Proposal, Terminating Proceedings and Prescribing Re- funds

JANUARY 29, 1965.

There is before us for consideration a Motion for Approval of Settlement Proposal and Termination of Proceedings filed on December 29, 1964, by Sunray DX Oil Co. (Sunray) encompassing the rates for 155 of Sunray's currently effective FPC Gas Rate Schedules. Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration. In summary, the settlement proposal as filed by Sunray provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings with three exceptions hereinafter discussed;

(2) Sunray waives the right to file for contractually authorized increased rates until June 1, 1972, for Rate Schedule Nos. 159, 186, 215, and 216 and January 1, 1968, for the remainder of the rate schedules. Sunray reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Sunray would delete any favored nation, price redetermination and periodic escalation clauses contained in Rate Schedule Nos. 1, 3, 5, 20, 37, 53, 60, 72, 74, 151, 190, 194, and 208, and additionally, would delete the favored nation and price redetermination clauses in Rate Schedule Nos. 45 and 175.

(4) Refunds with interest, at the applicable rates, to December 31, 1964, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with December 31, 1962, to the date upon which the settlement rates become effective. No refunds will be made on the tax reim-

*The additional dockets involved herein are set forth in Appendices A, B, and C attached hereto.

bursement under Rate Schedule Nos. 109, 161, and 189.³

(5) Exclusion from the settlement proposal of sales in the Permian Basin; 15 sales related to previous offers of settlement accepted by the Commission; 7 sales to other producers who make jurisdictional sales for resale; 1 sale consolidated in certificate proceedings that are presently under court review; 2 sales in an area where the Commission has fixed no area rate ceiling, and those matters relating to Rate Schedule Nos. 109, 161, and 189, insofar as the dockets thereunder pertain to the New Mexico Emergency School Tax reimbursement portions of the rates.

In support of its proposal, Sunray states that the settlement rates, refunds, moratorium periods and other provisions thereof, not specifically noted herein, are in the public interest in that they are reasonable, and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences utilized cost of service studies and company revenues to determine Sunray's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after December 31, 1962. Applicable interest shall be paid on all of the refunds through December 31, 1964. Such refunds will be approximately \$2 million, exclusive of interest. Sunray's future revenues will be decreased approximately \$1,400,000 annually as a result of the settlement.

Sunray's total refund obligation under the settlement shall be computed as hereinafter described. For the purpose of distributing the total refunds amount, Sunray shall compute: (1) The excess revenue collected (subject to refund) above the settlement rate under each rate schedule to January 1, 1965; (2) The total of all excess revenues collected under (1) above. The total refund amount shall be refunded to each purchaser (where collections have been made subject to refund) in the proportion that each rate schedule's excess revenue computed under (1) above bears to the total excess revenue computed under (2) above. When the refund obligation is determined, such refund shall be first applied to Sunray's sales in the most recent month and then to each preceding month until the full refund amount under that rate schedule is made.

The purchasers of gas under the various rate schedules to which this settlement proposal relates are all natural gas pipeline companies subject to our jurisdiction under the National Gas Act, and many of such purchasers in turn have customers who are natural gas pipelines. Some of these pipeline customers of Sunray or Sunray's customers are required under express provisions of outstanding

orders of this Commission to flow-through to their jurisdictional customers all or any part of the refunds they may receive from Sunray as a result of this settlement; others may choose so to do in the absence of such express provisions. For all of the reasons set forth in our order in Humble Oil & Refining Co. Dockets Nos. G-9287 and G-9288, et al., FPC (order issued July 8, 1964) we shall require Sunray to retain the amounts of refund ordered herein until further order directing the nature of their disposition, and also to submit within 45 days of this order to the Commission and each jurisdictional customer a detailed report setting out, by purchasers, the amount of refund related to each rate schedule, the volume of gas sold thereunder and the period covered. We shall also by separate action direct each of the pipeline purchasers within ten days from the receipt of such report, to submit a report of their own setting forth whether they intend to pass on all or part of such refund amounts to their jurisdictional customers and the names of such customers and amounts of refund each would receive, or, if they claim the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by Sunray (unless a state regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Sunray (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

Settlement rates which are exceptions to the applicable area ceiling are proposed by Sunray for a sale to United Gas Pipe Line Co. (United) in the Gibson and East Gibson Fields, Terrebonne Parish, under Sunray's FPC Gas Rate Schedule No. 186, and two sales to Transcontinental Gas Pipeline Corp. (Transco), one being a sale in the South Duxon Field, Lafayette Parish, under Sunray's FPC Gas Rate Schedule No. 215, and the other a sale in the Church Point Field, Acadia Parish, under Sunray's FPC Gas Rate Schedule No. 216. Each of the sales are made in South Louisiana. The circumstances surrounding the sale to United are substantially the same as those we considered in Sinclair Oil & Gas Co., Dockets Nos. G-9291, G-9292, et al., 30 FPC 5, where we there approved the same settlement rate for a sale to United in the same field as Sunray herein proposes. Therefore, we shall approve Sunray's proposal to reduce the currently effective rate of 23.3 cents per Mcf to 18.5 cents per Mcf for this sale.

As to the sales to Transco, Sunray proposes to reduce the currently effective

rates of 23.55 cents per Mcf to 18.0 cents per Mcf. The permanently certificated initial rate for each of these sales is 17.5 cents per Mcf. As justification for approval of settlement rates above the applicable increased rate ceiling, or the last firm rate, Sunray cites the fact that it agreed to elimination of the indefinite pricing provisions from its contracts with Transco when such contracts were renegotiated in 1961. Sunray states that such elimination prevented favored-nation increases in rates paid by Transco for its purchases of natural gas in the area from other producers. Additionally, Sunray states that the renegotiated contracts were for terms of 20 years which were to run until 1974 and 1975, and that by renegotiation it agreed to new 20-year contracts to expire in 1981, thus, in effect, extending the old contracts for a period of approximately 7 years in addition to eliminating the indefinite pricing provisions. However, in no past producer rate settlements which we have approved, have exceptions to the applicable area ceilings been made solely on the grounds of past elimination of indefinite pricing provisions. In fact, a similar proposal was made in Shell Oil Co., et al., Docket Nos. G-9446 et al., 28 FPC 257, for a sale by Shell in South Louisiana under its FPC Gas Rate Schedule No. 153, and we there conditioned our approval of Shell's settlement proposal to require that the settlement rate should conform to the area ceiling. Indeed, it should be noted that in Shell it proposed to eliminate the indefinite pricing provisions as a part of its proposal, and only if we approved the proposed settlement rate. We stated in Shell that although we recognized the desirability of a firm rate over an extended period of time, we did not find it sufficiently persuasive to warrant a breach of the applicable ceiling (ibid., p. 259). Here, we do not have the elimination of the indefinite pricing provisions proposed as a part of the settlement, but have merely the fact that they were removed in the past as a part of contract renegotiations as justification for departure from our established policy.

For the reasons set forth in our order in Shell, and also because we are asked here to approve a settlement rate which is 0.5 cent per Mcf above the initial rate, which is itself above the prescribed increased rate ceiling, we do not find that the reasons given for a departure from past policy warrant our so doing. Additionally, there is no instance where such an exception has been approved because of the extension of the term of a renegotiated contract with or without elimination of such pricing provisions.

We shall therefore condition our approval of Sunray's settlement proposal to require it to charge a settlement rate of 17.5 cents per Mcf, the initial rate, for its sales of natural gas to Transco under its FPC Gas Rate Schedule Nos. 215 and 216, subject to the filing moratorium on rate increases until January 1, 1968.

The settlement proposal includes rates for which issuance of related permanent certificates is pending, some of which are for sales presently being made under temporary certificates. We shall set

³ Sunray proposes that 4(e) proceedings involving Rate Schedule Nos. 109, 161, and 189 (Dockets Nos. RI63-482, RI63-488, and RI64-390) be settled as to all questions except the proper reimbursement of the New Mexico Emergency School Tax, which became effective April 1, 1963.

such applications for abridged hearing in accordance with section 7 of the Natural Gas Act, providing that the settlement rate, in each instance, shall be the initial rate.

Our approval of Sunray's proposal results in Sunray refunding approximately 56 percent of the amounts it has collected subject to refund above the settlement rates and the reduced rates of approximately \$1,400,000 annually will constitute disallowance of approximately 46 percent of the increased rates currently being collected in section 4(e) proceedings. In addition, approximately \$69,000 annual reduction will result from our approval of a settlement rate for one sale where the settlement rate is below the "last firm rate", and no section 4(e) proceeding is pending therefor.*

We believe that the principles underlying the present settlement proposal, as conditioned herein, are consistent with those utilized in previous major independent producer rate settlements.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Sunray's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed by Sunray on December 29, 1964, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act, that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for severing and terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed by Sunray on December 29, 1964, and as conditioned herein, is approved.

(B) The applicable settlement rates set out in Appendix A hereto, and those involving section 4(e) proceedings set forth in Appendix B below, are approved, subject to the conditions herein, and such rates shall be effective as of January 1, 1965. Sunray shall substitute in lieu of its proposed settlement rate of 18 cents per Mcf a rate of 17.5 cents per Mcf under its FPC Gas Rate Schedule Nos. 215 and 216, which shall be subject to the filing moratorium on rate increases until January 1, 1968.

(C) The approved settlement rates shall be applicable, during the moratoria periods herein provided for, to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Sunray, its successors or assigns.

(D) Sunray shall compute the difference between the rates collected subject to refund and the related settlement rates for the period from December 31, 1962 to the date of this order, together with interest as specified by order of the Commission in each docket to December 31, 1964. Sunray shall within 45 days from the date of this order submit a report to the Commission, and serve a copy on each of the purchasers involved, setting out by purchasers the amount of refunds related to each rate schedule (showing separately the principal and applicable interest), the bases used for such determination, the periods covered, the proposed distribution of such amounts and letters from the purchasers agreeing to the correctness of such amounts.

(E) Sunray shall retain the amounts shown in the report required under paragraph (D) above, subject to further order of the Commission directing the disposition of those amounts.

(F) If Sunray elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from March 19, 1965 to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(G) If Sunray elects to deposit the retained refunds in a special escrow account, Sunray shall tender for filing on or before March 19, 1965, an executed Escrow Agreement, conditioned as set out below, accompanied by certificate showing service of a copy thereof upon each of its jurisdictional customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Sunray and any bank or trust company used as a depository for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Sunray, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such Agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the trust company for the quarterly period.

(H) The pending certificate proceedings set out in Appendix B below shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act.

(I) Sunray shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the rate as conditioned herein, and the subsequent increased refund requirements under its Rate Schedule Nos. 215 and 216.

(J) Any party to the proceedings or settlement negotiations having objections to the terms of this Order shall within 30 days from the date of issuance of this Order set forth such objections in writing to the Commission (original and one copy), and by serving copies on the other parties.

(K) If as a result of any objections filed pursuant to paragraph (J) hereof, the Commission by subsequent order changes Sunray's duties and obligations hereunder, Sunray's acceptance of this settlement order shall not be binding on it without its express agreement.

(L) Within 90 days from the date of this order, Sunray shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal as modified, including those Rate Schedules in Appendix B below.

(M) Upon full compliance by Sunray with all the terms and provisions of this order, the section 4(e) proceedings listed in Appendices A and B hereto shall terminate except those related to Rate Schedule Nos. 109, 161, and 189 (Dockets Nos. RI63-482, RI63-488, and RI64-390) insofar as those proceedings relate to the proper tax reimbursement of the New Mexico Emergency School Tax; and except for the interests of Ashland Oil & Refining Co. and Seneca Oil Co. in Docket No. RI62-178, insofar as that proceeding pertains to the sale of natural gas to Northern Natural Gas Co. in the Southeast Dower Field, Beaver County, Okla., from properties assigned to said producing companies by Sunray.

(N) Upon termination of the section 4(e) proceedings listed in Appendix C below, in accordance with paragraph (M) above, said proceedings shall be severed from the consolidated proceedings in Dockets Nos. AR61-2, AR64-1, and AR64-2, respectively; the section 7(c) proceed-

* Sunray's Rate Schedule No. 159 which involves a sale to United in the Ridge Field, Lafayette Parish, South Louisiana.

ings listed in Appendix C are hereby severed from the consolidated proceeding Sunray DX Oil Co. et al., Docket Nos. G-4281, et al., subject to final determination in Docket No. R-200.

(O) This order is without prejudice to any findings or orders which have been

or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Sunray, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter insti-

tuted by or against Sunray or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRAIDE,
Secretary.

APPENDIX A—SUNRAY DX OIL CO.

FPC RATE SCHEDULES—DOCKET NO. G-6822 ET AL.

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to B.I.U. adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1964	Settlement rate***
Arkansas—15.085 p.s.i.g.							
187	Capps Plant	Arkansas-Louisiana	G-14861		*9.45	9.45	9.45
Colorado—15.085 p.s.i.g.							
181	Little Hoot	Kansas-Nebraska	G-13349	R163-266	*12.82622 *14.0 *10.0	13.7424 13.0 10.0	13.7424 13.0 10.0
226	Minto	do	C163-554				
Kansas—14.65 p.s.i.g.							
81	Hugoton	Cities Service	G-5178		10.7196	10.7196	10.7196
102	do	Colo. Interstate	G-4208	G-17883 R164-326	*12.0	13.5	12.0
112	do	Kansas-Colorado	G-9782	R161-119	*12.0	13.0	12.0
116	Greenwood-Sparks	Colo. Interstate	G-10379 G-12566 G-10332	G-17524 R164-449 R161-498	*15.0	17.0	**15.0
117	Leslie Pool Area	Panhandle East	G-15115		*15.0	16.0	15.0
120	Hardner-Rhodes	Cities Service	G-10757	G-20062	*12.0	13.0	12.0
129	Harper Ranch	Northern Nat'l	G-11762 G-16010	R162-178	*15.0	16.0	15.0
141	Embry Area	do	G-12901	R162-519	*13.5	14.5	13.5
145	Harper Ranch	do	G-13125	R162-178	*14.0	15.0	14.0
164	Hugoton	do	G-14288	R161-117	*12.0	17.0	12.0
174	do	Colo. Interstate	G-3806	G-18173 R163-202	12.0	13.5	12.0
177	do	do	G-18614	R164-597	*12.5	13.5	12.5
180	do	Kansas-Colorado	G-3808	G-18891 R163-202	12.0	13.5	12.0
184	South Hopewell	Panhandle East	G-19409	R164-686	*15.0	*15.0	15.0
204	Hugoton	do	G-5176		11.0	11.0	11.0
206	Dower	Cities Service	C161-133		*13.0	13.0	13.0
214	Harper Ranch	Northern Nat'l	C162-462		*16.0	16.0	16.0
217	Dower	Cities Service	C161-1385		*13.0	13.0	13.0
218	Hugoton	do	C161-1366		*12.0	12.0	12.0
220	do	do	C162-286		*12.0	12.0	12.0
242	Various	Kansas-Nebraska	C163-1407		*12.5	12.5	12.5
Louisiana-North—15.085 p.s.i.g.							
9	Athens	Ark.-Louisiana	G-5932		14.32	14.32	14.32
47	Bear Creek	do	G-6050		12.37	12.37	12.37
51	Cotton Valley	United Gas	G-6067		12.55076	12.55076	12.55076
68	do	do	G-6045		12.06076	12.06076	12.06076
78	Sentell	Ark.-Louisiana	G-6056		13.961	13.961	13.961
146	Cotton Valley	United Gas	G-13094		12.55076	12.55076	12.55076
168	Carlton Area	do	G-16716		*13.25	13.25	13.25
179	Blackburn Area	do	G-18294		*13.25	13.25	13.25
188	Rocky Mount	Ark.-Louisiana	G-20062		13.961	13.961	13.961
191	Calhoun	United Gas	C160-63		*13.75	13.75	13.75
202	do	Tex. Gas Tr.	C160-800		*13.75	13.75	13.75
Louisiana-South—15.085 p.s.i.g.							
13	Egan	Transcon. Gas	G-6045	G-6822 G-17727	*9.79715	23.55	15.75
132	Colas Gulley	United Fuel Gas	G-11577	G-13741 G-16484 G-19006 R161-63 R162-32 R163-91 R164-172 R165-238	*17.5	*21.1	17.5
150	Ridge Area	United Gas	G-12211		22.25	22.25	18.5
178	Valentine	United Fuel Gas	G-13011	G-19904 R161-63 R162-32 R163-91 R164-172	*19.1	21.1	19.1
196	Gibson	United Gas	G-6063	G-19906	10.497	23.3	18.5
197	South Bearhead Creek	Trunkline	C160-353		*18.3	18.3	18.3
215	South Dusen	Transcon. Gas	G-8286	G-17726 R161-463	17.5	23.55	17.5
216	Church Point	do	G-9265	G-17727 R161-463	17.5	23.55	17.5
243	Egan	Tex. Gas Tr.	C164-639		*12.7965	12.7965	12.7965
Mississippi—15.085 p.s.i.g.							
80	Pistol Ridge-Marle	United Gas	G-9043	G-20187	*20.0	23.0	20.0
New Mexico-San Juan—15.085 p.s.i.g.							
109	Gallegos Canyon (Pietured Cliffs)	El Paso	G-9267	(7)	11.00123	*12.22665	*12.22665
161	Twin Mounds (Dakota)	do	G-12800	(7)	12.0	13.2486	13.2486
189	Bisti	do	G-15774	(15)	*13.0	14.26775	*13.0
228	Bisti (Dakota)	So. Union	C164-158	R164-390	*13.0	14.2678	13.0

See footnotes at end of table.

APPENDIX A—SUNRAY OIL CO.—Continued

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to B.T.U. adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1964	Settlement rate**
	<i>Oklahoma-Carter Knox—14.65 p.s.i.a.</i>						
193	Deep Knox	Lone Star	CI60-163	R163-436	*16.5	17.9	16.8
	<i>Oklahoma-Panhandle—14.65 p.s.i.a.</i>						
57	Keyes	Colo. Interstate	G-5182	G-17316 R164-326	*15.0	17.0	**15.0
58	Hugoton	Northern Nat'l.	G-5181	G-14931	*9.8262	12.0	11.0
219	Mocane	Panhandle Eastern	CI61-1819		*17.0	17.0	17.0
59	Floris	Mich.-Wisconsin	G-5180		*10.0	10.0	10.0
62	Guymon-Hugoton	Northern Nat'l.	G-5173	G-14931	*9.8262	12.0	11.0
73	Keyes	Colo. Interstate	G-8711	G-17316 R164-326	*15.0	17.0	**15.0
111	do.	do.	G-6606	G-17316 R164-347	*15.0	17.0	**15.0
114	Camrick	Natural Gas P.L.	G-10325	G-11992 R163-57	*16.0	17.6	16.0
119	Keyes	Panhandle Eastern	G-10776	R164-617	*15.0	16.0	**15.0
123	Northeast Glenwood	Cities Service	G-10943	R160-125 R162-178	*12.0	13.0	12.0
135	Camrick	Natural Gas P.L.	G-12400	G-15177 G-17880	*16.2	17.6	16.2
				R160-131 R161-356 R162-325 R163-341 R164-617			
188	Laverne	Colo. Interstate	G-11122	R162-502	*15.0	16.0	**15.0
182	Beaver Co., Okla. & Ochiltree Co., Tex. Area	Northern Nat'l.	G-13634	R161-119 R162-178	*15.5	17.5	15.5
207	Guymon-Hugoton	Cities Service	G-3815		11.0	11.0	11.0
162	Camrick	Natural Gas P.L.	G-15520	G-17880 R160-131	*16.4	17.6	16.4
				R161-390 R162-325 R163-341 R164-617			
166	Guymon-Hugoton	Northern Nat'l.	G-16104	R163-436	*12.0	13.0	12.0
167	Camrick	Natural Gas P.L.	G-16134	R163-38 R164-66	*10.0	17.6	16.0
				R164-617			
170	do.	do.	G-17032	G-18097 R160-131	*16.4	17.6	16.4
				R161-360 R162-325 R163-341 R164-617			
165	do.	Panhandle Eastern	G-14347	G-16317 G-17881	*16.0	17.4	16.0
				R160-131 R161-360 R162-325 R163-341 R164-617			
223	Doby Springs	Northern Nat'l.	CI63-181		*15.0	15.0	**15.0
224	Various	do.	CI63-190		*17.0	17.0	17.0
228	Laverne	Colo. Interstate	CI63-889		*17.0	17.0	17.0
240	Southeast Como	Northern Nat'l.	CI64-535		*17.0	17.0	17.0
241	do.	do.	CI64-543		*15.0	15.0	15.0
211	Various	Mich.-Wisconsin	CI61-1147		*17.0	17.0	**17.0
	<i>Oklahoma-Other—14.65 p.s.i.a.</i>				*15.0	15.0	**15.0
60	Doyle	Lone Star Gas	G-5179	R165-226	11.0	11.0	12.0
69	West Edmond	Cities Service	G-6046		10.5	10.5	10.5
106	do.	do.	G-3816		10.5	10.5	10.5
134	Eureka District	do.	G-10706	G-20062	*12.0	13.0	12.0
				G-16444			
143	Northwest Avar	do.	G-12959	R163-51	*12.0	13.0	12.0
194	East Kremlin	Ark.-Louisiana	CI60-205	R163-341	*11.0	12.0	12.0
222	Ringwood	Okla. Nat. Gath. & National Fuels	CI62-1412		*11.0	11.0	11.0
229	Northwest Waynoka	Cities Service	CI63-1118		*13.0	13.0	13.0
232	Southeast Custer City	Ark.-Louisiana	CI64-40		*15.0	15.0	15.0
233	Anthony	do.	CI64-32		*15.0	15.0	15.0
234	Lacy	do.	CI64-33		*15.0	15.0	15.0
235	Thomas	do.	CI64-34		*15.0	15.0	15.0
237	Northwest Trail	Panhandle East	CI64-137		*15.0	15.0	**15.0
239	North Cooper	Ark.-Louisiana	CI64-201		*15.0	15.0	15.0
244	Thomas	Nat'l. Gas P.L.	CI64-835		*15.0	15.0	15.0
245	North Enid	Ark.-Louisiana	CI64-875		*12.0	12.0	12.0
246	Numa	CRA, Inc.	CI64-1462		*11.0	11.0	11.0

See footnotes at end of table.

APPENDIX A—SUNRAY DX OIL Co.—Continued

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject) to B.t.u. adjustment where applicable		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1964	Settlement rate***
Texas-RRC Dist. No. 1-14.65 p.s.i.a.							
208	North Hostetter	Tennessee Gas	G-9530	RI61-323 RI65-182	14.6	17.24347	14.15.0
Texas-RRC Dist. No. 2-14.65 p.s.i.a.							
2	South Cottonwood Creek	Texas Eastern	G-3885		12.1344	12.1344	12.1344
5	Placido, etc.	Tennessee Gas	G-5123	G-17078 RI64-349	11.02818	18.0	14.15.0
6	Wyrick	do	G-5124	G-17078	11.02818	15.3333	14.0
7	McFaddin	United Gas	G-5931		13.1664	13.1664	13.1664
18	Hordes Creek	do	G-4952		7.596	7.596	7.596
19	Boyce, Brandt, etc.	do	G-4948		13.2002	13.2002	13.2002
20	North McFaddin	do	G-5175	RI62-196 RI63-351	13.1348	15.6	15.0
21	Marshall	do	G-4954		13.2002	13.2002	13.2002
22	Burnell	do	G-4946		14.0	14.0	14.0
24	Mineral	Transcon. Gas	G-4912		9.779972	9.779972	9.779972
25	Boyce	United Gas	G-4949		13.2002	13.2002	13.2002
26	Brandt	do	G-4950		13.2002	13.2002	13.2002
29	Slick-Wilcox	do	G-4945		13.2002	13.2002	13.2002
31	Boyce & Brandt	do	G-4947		13.2002	13.2002	13.2002
41	South Mineral	Transcon. Gas	G-4917		9.779972	9.779972	9.779972
42	Cabeza Creek	United Gas	G-5134		13.2002	13.2002	13.2002
43	Slick-Wilcox	do	G-4951		13.2002	13.2002	13.2002
44	Goebel	Transcon. Gas	G-4919		9.779972	9.779972	9.779972
53	Keeran-North Keeran	United Gas	G-6052	RI62-196 RI63-351	9.1024	15.6	15.0
76	South Porter	do	G-6873		13.1664	13.1664	13.1664
76	McFaddin	do	G-8826		13.1664	13.1664	13.1664
79	North Charco	do	G-8907		13.1664	13.1664	13.1664
124	Southeast Charco	Texas Eastern	G-11029		10.51648	10.51648	10.51648
130	Burnell	United Gas	G-11760		7.0704	7.0704	7.0704
137	Yoward	Texas Eastern	G-12784		10.9206	10.9206	10.9206
172	East Cabeza Creek	United Gas	G-17489		13.1664	13.1664	13.1664
190	North La Ward	do	CI60-42	RI63-385	*14.1792	15.1920	15.0
202	Ramirena	Valley Gas Trans.	CI60-543		*14.0	14.0	14.0
227	Karon	Texas Eastern	CI63-721		12.0	12.0	12.0
Texas-RRC Dist. No. 3-14.65 p.s.i.a.							
17	Sheridan	Iroquois Gas	G-5133	G-13470 RI62-32	16.65853	18.6776	16.65853
27	North Lisle	Tennessee Gas	G-5125	G-17284 RI64-428	13.37125	19.11402	15.0
198	Cypress Creek	Trunkline	CI60-377		*15.0	15.0	15.0
Texas-RRC Dist. No. 4-14.65 p.s.i.a.							
1	Edinburg	Tennessee Gas	G-3884	G-20000 RI60-303 RI65-182	12.12268	17.24347	14.15.0
3	Premont	do	G-3886	G-19988 RI60-304 RI65-183	12.12268	17.24347	14.17.15.0
23	La Gloria	Transcon. Gas	G-5135		11.1485	11.1485	11.1485
43	Mustang Island-Red Fish Bay	United Gas	G-4953	G-13386 RI63-164	12.645	17.7478	14.6
72	Beaurifine	Tennessee Gas	G-5063	G-20000 RI60-303 RI65-182	*12.12268	17.24347	14.15.0
74	Rincon-Flores	do	G-8791	G-20000 RI60-303 RI65-182	*12.12268	17.24347	14.15.0
78	El Panal	Tennessee Gas	G-8825	G-19988 RI60-304 RI65-183	*12.12268	17.24347	14.0
154	Premont	Coastal States	G-13365		9.7672	9.7672	9.7672
171	Northwest Corpus Channel	United Gas	G-17461		15.0	15.0	15.0
175	Seeligson	Tennessee Gas	G-3887	G-19905 RI60-303 RI65-182	12.12268	17.24347	14.19.14.6
185	North Monte Christo	South Texas Nat.	G-19511	RI64-11	*15.0	15.0	15.0
199	Javelina	do	CI60-428		15.0	15.0	15.0
Texas-RRC Dist. No. 5-14.65 p.s.i.a.							
85	Rhodessa	Ark.-Louisiana	G-2980		6.6440	6.6440	6.6440
86	Carthage	Texas Gas Tr.	G-2991		11.6288	11.6288	11.6288
115	do	Ark.-Louisiana	G-10336		12.7566	12.7566	12.7566
209	Tecula	United Gas	CI61-1088		10.8876	10.8876	10.8876
213	Troup	do	CI61-1229		10.8880	10.8880	10.8880
247	Penn-Griffith	Lone Star	CI65-134		*14.49	14.49	14.49
Texas-RRC Dist. No. 9-14.65 p.s.i.a.							
130	Wise County Area	Natural Gas P.L.	G-4281	RI61-260 RI64-347	*13.25	15.25	** 14.5
See footnotes at end of table							

See footnotes at end of table.

APPENDIX A—SUNRAY DX OIL CO.—Continued

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to B.t.u. adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1964	Settlement rate***
	Texas-RRD Dist. No. 10-14.65 p.s.i.a.						
118	North Hansford	Northern Nat'l	G-10623	RI62-178	16.5	17.5	16.5
152	Ochiltree Co. (Tex.) & Beaver Co. (Okla.) ¹²	do	G-13634	RI61-119	*15.5	17.5	15.5
153	Hansford Co.	do	G-13614	RI62-178	*16.5	17.5	16.5
	Utah-15.025 p.s.i.a.						
225	Diamond Ridge	Grand Valley Trans. Co.	C162-1478		*12.0	12.0	12.0

*Initial Rate.

**Rate subject to upward Btu adjustment.

***The settlement rates set out herein, unless otherwise noted, are base rates, subject to reductions in the manner and in the amounts set out in the respective rate schedules, where applicable under conditions of sale and/or delivery.

† Sunray to delete any favored nation, price redetermination and fixed price escalation provisions from the rate schedule.

‡ Rate at contract pressure base, 16.4 p.s.i.a.

§ Supplement adding acreage.

|| Supplement adding acreage in Beaver County, Okla.

¶ 16.0 cents rate in effect Nov. 1, 1964, Docket RI64-686.

‡ 21.5 cents rate suspended until Apr. 1, 1965, Docket RI65-238.

§ The last firm rate of 11.00123 cents for this rate schedule (100) consists of a 11.0 cents base rate and 0.00123 cent tax reimbursement. In RI63-482, a rate of 11.23286 cents was made effective, consisting of 11.0 cents base rate and 0.23286 cent tax reimbursement. On Jan. 1, 1964, the rate became 12.23085 cents under the contract, consisting of 12.0 cents base rate and 0.23085 cent tax reimbursement, though through error, a rate of 12.22965 cents was filed in RI64-381 (see footnote 8). The computation of tax reimbursement is, of course, based upon Sunray's construction of the contract.

|| The proposed settlement rate represents a corrected computation of the current contract rate, inclusive of tax reimbursement, pursuant to Sunray's construction of the contract. The rate shown in effect Oct. 1, 1964 is the filed rate, which contains an arithmetical error in computation of current contract rate.

¶ The last firm rate of 12.0 cents for this rate schedule (161) consists of a 12.0 cents base rate only. In RI63-488, a rate of 12.2295 cents became effective, consisting of 12.0 cents base rate and 0.2295 cent tax reimbursement. In RI64-390, the rate became 13.3465 cents, consisting of 13.0 cents base rate and 0.3465 cent tax reimbursement. In addition, this contract provides a minimum guarantee of 1.0 cent per Mcf for liquids (see footnote 10). The computation of tax reimbursement is, of course, based upon Sunray's construction of the contract.

‡ Sunray to delete the provision of the contract which guarantees 1.0 cent/Mcf for liquids.

§ The last firm rate of 13.0 cents for this rate schedule (189) consists of a 13.0 cents base rate only. In RI63-482, a rate of 13.34856 cents became effective, consisting of 13.0 cents base rate and 0.34856 cents tax reimbursement. In RI64-390, the rate became 14.26775 cents, consisting of 14.0 cents base rate and 0.26775 cents tax reimbursement. The computation of tax reimbursement is, of course, based upon Sunray's construction of the contract.

|| Listed under both Oklahoma Panhandle and Texas RRC Dist. No. 10.

¶ 17.0 cents settlement rate for gas sold in Oklahoma Panhandle area and 15 cents settlement rate for gas sold in Oklahoma Other area.

‡ 17.0 cents rate in effect Nov. 2, 1964, Docket No. RI65-182.

§ Sunray to amend its contract so as to extend the term to expire five (5) years from Dec. 29, 1964.

|| Abandonment authorized in Docket No. CI62-308.

¶ 17.0 cents rate in effect Nov. 2, 1964, Docket No. RI65-183.

‡ Rate stated at 16.7 p.s.i.a.

§ Sunray to delete any favored nation or price redetermination provisions in the rate schedule.

|| Rates include 0.25 cents per Mcf reimbursement for dehydration which is paid by seller to plant processor.

¶ 12.0 cents rate suspended until Mar. 5, 1965, Docket No. RI65-226.

‡ Rate increase suspended and made effective subject to refund in Rate Schedule No. 77, which was superseded by Rate Schedule No. 215.

§ Rate increase suspended and made effective subject to refund in Rate Schedule No. 108 which was superseded by Rate Schedule No. 216.

|| The section 4(e) proceedings for this Rate Schedule shall remain open for the determination of the portion of the New Mexico Emergency School Tax which Sunray is entitled to by way of reimbursement.

¶ Docket No. RI62-178 terminated except for the interests of Ashland Oil & Refining Co. and Seneca Oil Co.

APPENDIX B—SUNRAY DX OIL CO.

FPC RATE SCHEDULES—DOCKET NOS. G-6822 ET AL.

CERTIFICATE APPLICATIONS, AMENDMENTS AND RELATED SECTION 4(e) INCREASES

Rate schedule No.	Field (area)	Purchaser	Docket number		Cents/Mcf at area pressure base (subject to B.t.u. adjustment where applicable)		
			Certificate	Section 4(e) rate increase	Not subject to refund	Rate in effect Oct. 1, 1964	Settlement rate ***
	Kansas-14.65 p.s.i.a.						
182	Leslie.....	Panhandle East.....	G-19051.....	RI60-125.....	*15.0	16.0	**15.0
	Oklahoma-Panhandle-14.65 p.s.i.a.						
138	Laverne.....	Colo. Interstate.....	G-11122.....	RI62-502.....	*15.0	16.0	**15.0
155	Northeast Glenwood.....	Northern Natural.....	G-14143.....	RI62-619.....	*15.0	16.0	**15.0
160	Moene.....	Colo. Interstate.....	G-16109.....	RI62-455.....	*15.0	17.0	**15.0
176	Laverne.....	Mich.-Wisconsin.....	G-18630.....		*17.0	17.0	**17.0
206	Various.....	Transwestern.....	G-18142.....		*17.0	17.0	**17.0
212	Edith South.....	Mich.-Wisconsin.....	CI61-1201.....	RI64-440.....	*15.0	19.5	**15.0
	Oklahoma-Other-14.65 p.s.i.a.						
230	Northwest Aard.....	Panhandle East.....	CI63-1154.....		*15.0	15.0	**15.0
	Texas-RRC Dist. No. 4-14.65 p.s.i.a.						
201	Jay Simmons.....	South Texas Nat.....	G-17896.....	RI64-11.....	*15.0	16.0	15.0
	Texas-RRC Dist. No. 9-14.65 p.s.i.a.						
150	Wise County Area.....	Natural Gas Pl.....	G-15148..... G-4281.....	RI61-260..... RI64-347.....	*13.25	15.25	**14.5

*Initial rate.

**Rate subject to upward B.t.u. adjustment. Certificate, with respect to the B.t.u. adjustment provision, shall be subject to ultimate disposition in Docket No. R-200, prospectively, from effective date of final order in Docket No. R-200.

***The settlement rates set out herein, unless otherwise noted, are base rates, subject to reductions in the manner and in the amounts set out in the respective rate schedules where applicable under conditions of sale and/or delivery.

† Consolidated in Sunray DX Oil Co., et al., Docket No. G-4281, et al., certificate proceedings.

‡ Applicable only to acreage added by Supplement No. 4.

§ Higher rate shown applicable to gas sold in Oklahoma Panhandle; lower rate applicable to gas sold in Oklahoma-Other.

|| Applicable only to acreage added by Supplement No. 4.

¶ Applicable only to acreage added by Supplement No. 10.

APPENDIX C—SUNRAY OIL CO.

DOCKET NOS. G-6822 ET AL.

Dockets in AR61-2		Dockets in AR64-1		Dockets in AR64-2	
Docket No.	R.S. No.	Docket No.	R.S. No.	Docket No.	R.S. No.
G-6822	13	G-11092	114	G-13470	17
G-13741	132	G-14031	88	G-13586	45
G-16484	132	G-14031	95	G-17078	5
G-17726	215 (77)	G-15177	135	G-17078	6
G-17727	13	G-16317	165	G-17284	37
G-17727	216 (108)	G-17316	57	G-19905	178 (4)
G-19094	178	G-17316	73	G-19988	3
G-19605	132	G-17316	111	G-19988	1
G-19606	186 (54)	G-17524	116	G-20000	72
R161-90	132	G-17880	135	G-20000	74
R161-90	178	G-17880	162	G-20000	1
R161-402	215 (77)	G-17881	165	R160-303	72
R161-403	216 (108)	G-17883	102	R160-303	74
R162-32	132	G-18097	170	R160-303	175
R162-32	178	G-18173	174 (107)	R160-304	3
R163-91	132	G-18891	180 (90)	R160-304	75
R163-91	178	G-20062	134	R162-32	17
		G-20062	130	R162-196	20
		R160-128	119	R162-196	53
		R160-128	182	R163-164	45
				R163-351	20
				R163-351	53
				R163-385	190
		R160-131	135	R164-11	185
		R160-131	162	R164-11	201
		R160-131	165	R164-340	8
		R160-131	170	R164-428	37
		R161-117	164		
		R161-119	112		
		R161-119	182		
		R161-356	135		
		R161-360	162		
		R161-360	165		
		R161-360	170		
		R161-498	117		
		R162-176	193		
		R162-178	123		
		R162-178	129		
		R162-178	145		
		R162-178	152		
		R162-178	118		
		R162-325	135		
		R162-325	162		
		R162-325	165		
		R162-325	170		
		R162-456	163		
		R162-502	138		
		R162-519	141		
		R162-519	135		
		R163-38	167		
		R163-51	143		
		R163-57	114		
		R163-202	174 (107)		
		R163-202	180 (90)		
		R163-341	135		
		R163-341	162		
		R163-341	165		
		R163-341	170		
		R163-436	166		
			193		
		R164-66	167		
		R164-326	57		
		R164-326	73		
		R164-326	102		
		R164-347	111		
		R164-347	150		
		R164-440	116		
		R164-440	212		
		R164-507	177		
		R164-617	114		
		R164-617	135		
		R164-617	162		
		R164-617	165		
		R164-617	167		
		R164-617	170		
		R164-686	184		

() Number enclosed in parentheses is rate schedule number that has been superseded.

¹ Only insofar as B. La. sales concerned.

¹ Docket No. R162-178 terminated except for the interests of Ashland Oil and Refining Co. and Semecca Oil Co.

SECTION 7(c) PROCEEDINGS TO BE KEPT FROM
DOCKET NO. G-4281 ET AL.

Docket No.	Rate schedule No.	Supplement No.
G-4281	150	
G-15148	150	1
G-11127	138	
G-14143	155	
G-16109	163	
G-19650	176	
G-19061	182	
G161-1201	212	

[Dockets Nos. RI63-212, CP65-58]

JUPITER CORP. AND TENNESSEE
GAS TRANSMISSION CO.

Order Granting Motion for Continuance

FEBRUARY 3, 1965.

On January 26, 1965, the Jupiter Corp. (Jupiter), filed its third motion for continuance in Docket No. RI63-212 in which it requests the Commission to continue all procedural dates, including the date for the service of Jupiter's evidence

herein. Long Island Lighting Co., intervenor herein, indicated its opposition to this motion by filing dated February 1, 1965.

Docket No. RI63-212 was initiated by the Commission on December 5, 1962, pursuant to the provisions of section 5(a) of the Natural Gas Act, to determine the justness and reasonableness of Jupiter's rates. After a long period of negotiation on the staff level had failed to resolve the rate questions presented, the docket was consolidated for hearing by order of October 30, 1964 with the application in Docket No. CP65-58 by Tennessee Gas Transmission Co. (Tennessee) to lease the facilities owned and operated by Jupiter, which are the subject of the rate proceeding. The order provided for the service of evidence by the Commission staff, Tennessee Gas Transmission Co. (Tennessee), Jupiter, and the various interveners. Upon motion by Tennessee, these dates were extended for a period of two weeks. The Commission staff and Tennessee served their evidence on December 8, 1964.

On December 16, 1964, Jupiter filed with the Commission a motion to terminate these proceedings, and a motion for extension of filing dates. Jupiter requested that the time for the filing of its evidence be extended from January 6, 1965 to February 15, 1965, in view of its pending motion to terminate. By Notice of the Secretary dated December 29, 1964, the time for filing Jupiter's evidence was extended to January 21, 1965.

On January 8, 1965, Jupiter filed a second motion for continuance requesting that the date for serving its evidence be continued until the Commission had ruled upon its motion to terminate, and the following pleadings also filed on January 8, 1965: Petition for Declaratory Order and Motion to Dismiss Proceedings in Docket No. RI63-212, Alternative Motion to Sever and to Stay Proceedings, and a Motion for Oral Argument on these and its Motion to Terminate. By Notice of the Secretary dated January 18, 1965, Jupiter's date for service of its evidence was extended from January 21, 1965 to February 4, 1965. On that same date, the Commission issued an order denying Jupiter's motion to terminate the proceedings.

In its third and latest motion for continuance filed January 26, 1965, Jupiter requests that the procedural dates be further continued until the Commission has ruled on Jupiter's pending petition and alternative motion, upon a petition for rehearing of the Commission's January 18, 1965 order denying Jupiter's motion to terminate and upon the pending certificate matters in Union Texas Petroleum, Docket No. G-13221 et al. Jupiter contends that the proceedings in that latter docket relative to the issuance of permanent certificates for the sale of gas by Phillips Petroleum Company-Kerr-McGee Industries, Inc., to Jupiter, and Jupiter's sale to Tennessee, is related to the instant proceedings. Jupiter states that it has not prepared its evidence in this proceeding because it is convinced that, in view of its contentions in the aforesaid pleadings and the pending matters in Docket No. G-

13221 et al., it should not, and will not, be forced to go to the very substantial expenditure of time, effort and monies involved in such preparation.

The date for service of Jupiter's evidence in these proceedings has been extended three times. In our order denying Jupiter's Motion to Terminate, issued the same date as we granted the last extension, we explicitly stated that these proceedings should be expedited in accordance with the procedures for formal hearing provided in our order issued October 30, 1964. We do not believe that any justification exists for postponing and re-postponing Jupiter's filing of its evidence while we consider a series of belated motions or petitions for reconsideration of denials of motion which Jupiter may wish to file; the additional expense to which Jupiter might be put to should action on one of these motions result in mooting the hearing is, we are convinced, more than outweighed by the delay in bringing this 5(a) proceeding to a posture in which we could grant appropriate relief to the gas consumers involved. Accordingly, we do not expect to extend further the short additional period we are here granting to permit Jupiter to prepare its case, irrespective of whether there are motions or petitions pending before us at the end of such period.

The Commission orders:

(A) The time within which Jupiter shall serve its prepared testimony and exhibits upon all parties is extended to, and including, February 15, 1965.

(B) The time within which those interveners, who so desire, may serve proposed testimony and exhibits upon all parties is hereby extended to, and including March 1, 1965.

(C) The pre-hearing conference presently scheduled to commence in these proceedings on February 23, 1965 is hereby continued to March 9, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTHRIE,
Secretary.

[F.R. Doc. 65-1407; Filed, Feb. 9, 1965;
8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. No. F-3]

SECRETARY OF DEFENSE

Delegation of Authority

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 in the Matter of Investigation of Gulf Power Company, Earnings and Electric Rates, Florida Public Utilities Commission Docket No. 7763-EU.

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 January 5, 1965.

4. *Expiration date.* Unless sooner revoked, this regulation expires with termination of the subject proceeding.

Dated: February 2, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 65-1379; Filed, Feb. 9, 1965;
8:45 a.m.]

[Temporary Reg. No. F-4]

SECRETARY OF DEFENSE

Delegation of Authority

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 in the Matter of Investigation of Tampa Electric Company, Earnings and Electric Rates, before the Florida Public Utilities Commission.

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 January 5, 1965.

4. *Expiration date.* Unless sooner revoked, this regulation expires with termination of the subject proceeding.

Dated: February 2, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 65-1380; Filed, Feb. 9, 1965;
8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Entry and Withdrawal from Warehouse

FEBRUARY 4, 1965.

By an exchange of notes dated January 13, 1965, amending the bilateral cotton textile agreement of October 1963, the United States and the Republic of China have agreed to increase to 105,000 dozen the quantity of cotton briefs and undershorts in Category 57 which may be entered into the United States for consumption and withdrawn from warehouse for consumption during the 12-month period beginning October 1, 1964 and extending through September 30, 1965.

This exchange of notes also provides that goods in Category 57, produced or manufactured in the Republic of China and exported from the Republic of China to the United States prior to October 1, 1964, which are currently in the United States in a bonded warehouse, a general order warehouse or a foreign trade zone, will be entered for consumption into the United States and withdrawn from warehouse for consumption without being charged against the new ceiling designated in Category 57.

There is published below a directive of February 4, 1965, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending and supplementing a previous directive of September 28, 1964 concerning cotton textile produced or manufactured in the Republic of China, to implement the aforementioned provisions contained in the exchange of notes of January 13, 1965.

Interested parties should contact the appropriate Customs officers as soon as possible concerning the admissibility of their goods.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile
Administrative Committee,
and Deputy to the Secretary
of Commerce.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

Washington 25, D.C.

FEBRUARY 4, 1965.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements and amends retroactively as of October 1, 1964, the directive of September 28, 1964 from the Chairman of the President's Cabinet Textile Advisory Committee, which directed you to prohibit the entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products produced or manufactured in the Republic of China, including those in Category 57, in excess of designated levels for the twelve month period beginning on October 1, 1964.

Effective as soon as possible, the twelve month level of restraint and the corrected level of restraint designated in this aforementioned directive for imports of cotton textile products in Category 57 are each increased retroactively to 105,000 dozen.

You shall permit entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textile products in Category 57 produced or manufactured in the Republic of China and exported from the Republic of China to the United States prior to October 1, 1964, which are currently in the United States in a bonded warehouse, a general order warehouse or a foreign trade zone and such entries are not to be counted against the amended level designated for Category 57, even if not filled at the time of entry.

Category 57 includes the following T.S.U.S.A. numbers: 378.1016, 378.1034, 378-1516, 378.1834, 378.2012, and 378.2512.

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman,
President's Cabinet Textile
Advisory Committee.

[F.R. Doc. 65-1439; Filed, Feb. 9, 1965;
8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN KOREA

Limitation of Exports

FEBRUARY 4, 1965.

On January 26, 1965, the U.S. Government, in furtherance of the objectives of, and under the terms of, the long term arrangement regarding international trade in cotton textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Government of the Republic of Korea concerning exports of cotton textiles from Korea to the United States over a 3-year period. Under this agreement the Republic of Korea has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The first year of the agreement commenced on January 1, 1965, and extends through December 31, 1965. The categories which are subject to specific export limitation under the agreement are as follows: 9, 18-19, 22, part of 26 (duck only), parts of 26 (other than duck), parts of 31 (wiping cloth only), 34, 45, 46, 48, 49, 50, 51, 52, 54, 60, parts of 64 (tablecloths and napkins only) and parts of 64 (zipper tapes only).

There is published below a letter of February 4, 1965, from the Chairman of the President's Cabinet Textile Advisory

Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in the aforementioned categories produced or manufactured in the Republic of Korea which may be entered, or withdrawn from warehouse for consumption in the United States from January 1, 1965, through December 31, 1965, be limited to certain designated levels. The levels set forth in this letter are those designated under the bilateral agreement for the first calendar year with certain adjustments.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile
Administrative Committee,
and Deputy to the Secretary
of Commerce.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

Washington 25, D.C.
FEBRUARY 4, 1965.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Effective as soon as possible this directive supersedes all previous directives issued to you concerning entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Korea.

Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit effective as soon as possible, and for the period extending through December 31, 1965, entry into the United States for consumption, and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18-19, 22, part of 26 (duck only), part of 26 (other than duck), part of 31 (T.S.U.S.A. No. 366.2740 only), 34, 45, 46, 48, 49, 50, 51, 52, 54, 60, part of 64 (T.S.U.S.A. Nos. 366.4500, 366.4600 and 366.4700 only) and part of 64 (T.S.U.S.A. No. 347.3340 only), produced or manufactured in the Republic of Korea in excess of the following corrected levels of restraint:

Category	18-month level of restraint	Corrected level of restraint
9	2,000,000 sq. yds.	2,000,000 sq. yds.
18-19	1,500,000 sq. yds.	1,500,000 sq. yds.
22	525,000 sq. yds.	483,080 sq. yds.
26 (duck only)	9,750,000 sq. yds.	9,750,000 sq. yds.
26 (other than duck)	750,000 sq. yds.	750,000 sq. yds.
31—(T.S.U.S.A. No. 366.2740 only) 34	862,100 pcs. 80,645 pcs.	862,100 pcs. 80,645 pcs.
45	26,500 doz.	26,500 doz.
46	21,000 doz.	20,519 doz.
48	10,000 doz.	10,000 doz.
49	15,000 doz.	15,000 doz.
50	38,000 doz.	34,901 doz.
51	51,000 doz.	45,536 doz.
52	25,000 doz.	25,000 doz.
54	30,000 doz.	29,650 doz.
60	20,000 doz.	15,075 doz.
64—(T.S.U.S.A. Nos. 366.4500, 366.4600 and 366.4700 only)	365,000 lbs.	365,000 lbs.
64—(T.S.U.S.A. No. 347.3340 only)	50,000 lbs.	50,000 lbs.

¹ These levels have not been adjusted to reflect entries made on or after Jan. 1, 1965 if any.

² T.S.U.S.A. Nos. 320...01 through 04, 06, 08; 321...01 through 04, 06, 08; 322...01 through 04, 06, 08; 323...01 through 04, 06, 08; 327...01 through 04, 06, 08; and 328...01 through 04, 06, 08.

In carrying out this directive, cotton textiles and cotton textile products in Categories 9, 18-19, 26, and 52, produced or manufactured in Korea and exported from Korea to the United States prior to January 1, 1965, which have been or may be entered into the United States for consumption or withdrawn from warehouse for consumption on or after January 1, 1965, will not be charged against the corrected levels of restraint designated under this directive to the extent of the balances which remained unfilled on December 31, 1964, under the respective levels of restraint in effect on that date, but any entries in excess thereof will be so charged.

Cotton textiles and cotton textile products in Categories 22, 45, 46, 50, 51, 54 and 60, produced or manufactured in Korea which have been or may be entered into the United States for consumption or withdrawn from warehouse for consumption on or after January 1, 1965, will be charged against the corrected levels of restraint designated under this directive regardless of the date on which these were exported from Korea to the United States.

Cotton textiles and cotton textile products in Categories 31 (T.S.U.S.A. No. 366.2740), 34, 48, 49 and 64 (T.S.U.S.A. Nos. 366.4500, 366.4600, 366.4700 and 347.3340), produced or manufactured in Korea and exported from Korea to the United States prior to January 1, 1965, are not subject to the directives set forth in this letter. You will permit their entry for consumption into the United States and withdrawal from warehouse for consumption, regardless of whether the corrected levels of restraint designated under this directive have been filled and such goods are not to be charged against these corrected levels, if not filled at the time of entry.

All cotton textiles and cotton textile products in the categories or parts of categories for which corrected levels are designated under this directive, produced or manufactured in Korea and exported from Korea to the United States on or after January 1, 1965, will be charged against these corrected levels even though entered into the United States for consumption or withdrawn from warehouse for consumption prior to the effective date of this directive.

A detailed description of the above mentioned categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman,
President's Cabinet Textile
Advisory Committee.

[F.R. Doc. 65-1440; Filed, Feb. 9, 1965;
8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration DESCRIPTION OF AGENCY AND PROGRAM

Section I, Description of Agency and Program, is amended by changing paragraphs C1, C3, and C4 to read as follows:

C1. The PHA is headed by a Public Housing Commissioner appointed by the President by and with the advice and consent of the Senate. The Commissioner's principal staff members are enumerated below. The Commissioner also has a small staff in her immediate office which is responsible for the liaison activities of the PHA with the Congress, coordinating the handling of Congressional communications, and related activity.

C3. The General Counsel is the chief law officer of the PHA, responsible for providing legal counsel, assistance, and services in the formulation and development of PHA policies and programs, and in connection with litigation, Federal and State legislation, executive orders and other actions, public regulations, and legal instruments. He is also responsible for matters relating to financing of low-rent housing. The Legal Division, which he heads, consists of following branches:

- a. Operations and Financing;
- b. Opinions, Legislation, and Administration.

C4. The Assistant Commissioner for Administration is responsible for matters relating to administrative management, including organization planning, budget and personnel administration, accounting and fiscal management, directives management, machine data processing services, the procurement and management of administrative property, and general office services. The Administration Division, which he heads, consists of the following branches:

- a. Administrative Planning;
- b. Budget;
- c. Fiscal;
- d. Machine Data Processing;
- e. Office Services;
- f. Personnel.

MARIE C. MCGUIRE,
Commissioner.

Approved: February 3, 1965.

[F.R. Doc. 65-1409; Filed, Feb. 9, 1965;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4251]

ALABAMA POWER CO. ET AL. Notice of Proposed Issuance of Notes

FEBRUARY 4, 1965.

Notice is hereby given that the Southern Co. ("Southern"), 3390 Peachtree

Road NE., Atlanta, Ga., 30326, a registered holding company, and its subsidiary companies, Alabama Power Co. ("Alabama"), Georgia Power Co. ("Georgia"), Gulf Power Co. ("Gulf"), and Mississippi Power Co. ("Mississippi"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

Southern proposes to issue, from time to time in 1965, its unsecured promissory notes to a group of banks in an aggregate amount of up to \$25,000,000. The notes will be dated when issued, will mature not more than 2 years after the date of the initial issuance, and will bear interest at the prime rate (currently $4\frac{1}{2}$ percent per annum) on the date of issue. Southern may prepay the notes, in whole or in part, without penalty or premium. A list of the lending banks, setting forth the maximum amount to be borrowed from each, is to be filed by amendment.

Southern proposes to use the proceeds of such notes, together with treasury funds in the estimated amount of \$5,500,000, to acquire, from time to time in 1965, additional shares of common stock (without par value) of the following subsidiary companies, which propose to issue and sell such shares:

	Number of shares	Price
Alabama.....	140,000	\$14,000,000
Georgia.....	95,000	9,500,000
Gulf.....	30,000	3,000,000
Mississippi.....	40,000	4,000,000
Total.....		30,500,000

The filing states that Southern presently intends to pay the principal of its proposed notes, at or before maturity, out of the proceeds of the sale of additional shares of its common stock in 1967, which will be the subject of a later filing with this Commission. The most recent sale of common stock by Southern was made in February 1964, at which time 510,000 shares were sold to underwriters for \$27,522,150.

Gulf and Mississippi propose to issue, from time to time prior to November 1, 1965, unsecured promissory notes to a number of banks in an aggregate amount for each company of up to \$10,000,000. Included within the respective amounts of \$10,000,000 are the notes which each company may issue pursuant to the 5 percent exemptive provision of section 6(b) of the Act. The notes will be dated in each case on the date of issue and will mature not more than 9 months thereafter. The notes of Gulf and Mississippi will bear interest at the prime rate in effect on the date of issue. It is intended that all of such notes will be paid prior

to the end of 1965 through the sales of long term securities, subject to approval of the Commission. Lists of the lending banks, setting forth the maximum amounts to be borrowed from each, are to be filed by amendment to the joint application-declaration.

Gulf, Mississippi, Alabama, and Georgia will apply the proceeds from their proposed sales of additional shares of common stock and, in the case of Gulf and Mississippi, from their proposed sales of notes, to finance their respective 1965 construction programs. Their total construction expenditures for 1965 are estimated as follows: Alabama, \$91,638,000; Georgia, \$81,607,000; Gulf, \$14,047,000; and Mississippi, \$27,897,000.

It is further stated that the proposed issuances and sales of common stock by Alabama and Georgia require express authorization by the State commission of the State in which each company is organized and doing business; that the issuance and sale by Gulf of its common stock and promissory notes must be expressly authorized by the Florida Public Utilities Commission; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses incident to the proposed transactions are estimated at \$2,000 for Southern, \$6,700 for Alabama, \$4,200 for Georgia, \$3,800 for Gulf, and \$2,000 for Mississippi.

Notice is further given that any interested person may, not later than March 1, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-1403; Filed, Feb. 9, 1965;
8:46 a.m.]

[File No. 54-237]

GENESEE VALLEY GAS CO., INC.

Order Approving Plan and Fixing Time for Filing Applications

FEBRUARY 3, 1965.

Genesee Valley Gas Co., Inc. ("Genesee"), Genesee, N.Y., a registered holding company, has filed an application and amendments thereto for approval of a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") for the stated purpose of simplifying the holding-company system of which Genesee is a part. In brief the plan, described below, provides for the pro rata distribution by Genesee to its stockholders of the common stock of the Pavilion Natural Gas Co. ("Pavilion").

Genesee, a New York corporation, is solely a holding company. It has one direct subsidiary company, Pavilion, which is a gas utility company and an exempt holding company having one subsidiary company, Valley Gas Corp. ("Valley"). Pavilion and Valley, both New York corporations, are engaged in the distribution of natural gas in western New York State.

Genesee's sole outstanding securities consist of 22,655 shares of \$1 par value common stock, held by 39 stockholders; its only substantial asset consists of Pavilion's outstanding common stock; and its income is derived solely from dividends received from Pavilion. At September 30, 1964, Pavilion had outstanding 25,000 shares of \$13.20 par value common stock, all held by Genesee, and \$489,000 principal amount of first mortgage bonds, held by insurance companies. Valley's sole outstanding securities consist of 50 shares of no par value common stock, all held by Pavilion. At September 30, 1964, the consolidated assets of Pavilion and Valley, less reserves for depreciation, total \$1,681,198; for the 12 months then ended, their consolidated revenues and net income were \$1,910,199 and \$61,258, respectively.

Formerly, Genesee supervised and financed the operations of its subsidiary companies, and the indenture securing Genesee's formerly outstanding bonds contained provisions which precluded financing by the subsidiary companies except through Genesee, but these circumstances no longer exist. Genesee does not now and will not hereafter serve any useful purpose, and it appears that its continued existence as a holding company unduly and unnecessarily complicates the Genesee holding-company system.

Under the proposed plan, Genesee will surrender to Pavilion 2,345 shares of the latter's common stock, thereby reducing the number of Pavilion shares of stock held by Genesee to 22,655, a number equal to the number of outstanding shares of Genesee's stock. Following such step, Genesee will distribute the 22,655 shares of Pavilion stock to Genesee's stockholders on a share-for-share basis. Such distribution, which will be effectuated within 30 days after receipt of a ruling, satisfactory to Genesee, as to the tax consequences thereof, will be made to the holders of record of Gene-

see's common stock determined as of the close of business on a date ("record date") to be fixed by the board of directors of Genesee. Genesee will cause to be registered in the names of such record holders the shares of stock of Pavilion to which they shall be entitled, and will cause such shares to be delivered to said record holders. Any certificates for Pavilion shares of stock which for any reason cannot be then delivered will be held by Pavilion for subsequent delivery to the persons in whose names the stock evidenced thereby is registered. Pavilion has consented in writing to those provisions of the plan which require any action by it in connection with the consummation of the plan. Genesee will pay such fees and expenses incurred in connection with the plan as the Commission shall approve.

Genesee has requested that any order approving the proposed plan include appropriate tax recitals to meet the requirements of section 4382 and part VI of subchapter O of chapter I of subtitle A of the Internal Revenue Code of 1954, as amended.

No State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the plan or the transactions incident thereto.

Due notice and the opportunity to be heard having been given (Holding Company Act Release No. 15173) and no hearing having been requested of or ordered by the Commission; and

The Commission having considered the record and having found the proposed plan, as amended, necessary to effectuate the provisions of section 11 (b) (2) of the Act, and fair and equitable to the persons affected thereby and that the other applicable provisions of the Act are satisfied:

It is ordered, Pursuant to section 11 (e) of the Act, that the plan and the transactions therein proposed be, and hereby are, approved, subject to the terms and provisions contained in rule 24 under the Act.

It is further ordered and recited, Pursuant to section 11(e) and other applicable sections of the Act and the rules and regulations promulgated thereunder, that the transactions itemized below proposed in said plan and involved in the consummation thereof, are necessary or appropriate to effectuate the provisions of section 11(b) of the Act, and necessary or appropriate to the integration or simplification of the holding company system of which Genesee, Pavilion and Valley are members:

(1) The surrender by Genesee, as the owner thereof, to Pavilion for its treasury at the time and in the manner proposed in section I of said plan of 2,345 shares of the common stock of Pavilion of the par value of \$13.20 each, and as a result thereof the acquisition by Pavilion for its treasury of the 2,345 shares so surrendered.

(2) The distribution by Genesee, as the owner thereof, at the time and in the manner proposed in section II of said plan, to the holders of record of shares of Genesee's capital stock on a date specified by Genesee's board of directors, on a share for share basis, of 22,655

shares of the common stock of Pavilion of the par value of \$13.20 each, and as a result thereof the acquisition by such holders of the shares of the common stock of Pavilion so distributed.

It is further ordered, That jurisdiction is specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act.

It is further ordered, That all persons who expect to apply for an allowance of fees and expenses in connection with the plan, the transactions incident to the consummation thereof, and the proceeding pertaining thereto, shall file their respective applications for such allowances within 30 days from the date hereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 65-1404; Filed, Feb. 9, 1965;
8:46 a.m.]

[File No. 24B-1378]

MASER-OPTICS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefore, and Notice of Opportunity for Hearing

FEBRUARY 4, 1965.

I. Maser-Optics, Inc., a Delaware corporation located at 89 Brighton Avenue, Boston, Mass., filed with the Commission on April 22, 1964, a notification on Form 1-A and an offering circular relating to an offering of 50,000 shares of its 10 cent par value common stock at \$6 per share for an aggregate offering price of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder. Packer, Wilbur & Co., Inc., 39 Broadway, New York City, agreed to act as underwriter on an "all or none best efforts basis".

II. The Commission has reason to believe that:

A. The offering circular contains untrue statements of material facts regarding:

1. The statement concerning the dollar amount of backlog for all products as of May 1, 1964:

2. The statement concerning the dollar amount of net sales appearing in the statement of profit and loss and retained earnings for the eight months ended February 29, 1964:

3. The statement under the caption "Use of Proceeds" that \$20,000 will be used to reduce a bank loan.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in the following respects:

1. Failure to disclose the decline in open sales order—backlog during May and June of 1964.

[File No. 70-4253]

MICHIGAN CONSOLIDATED GAS CO.**Notice of Proposed Acquisition of Utility Assets**

FEBRUARY 4, 1965.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan Consolidated"), 1 Woodward Avenue, Detroit, Mich., 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Michigan Consolidated proposes to acquire from the city of Ypsilanti ("city"), a Michigan municipal corporation, the municipally owned gas distribution facilities located in that city. These facilities have been leased by Michigan Consolidated since July 1, 1948 pursuant to a lease agreement dated October 24, 1947.

The filing states that under the terms of the lease, Michigan Consolidated has maintained the leased property and made numerous replacements and additions thereto, which remain the property of the company; and that, as a result, the present gas distribution system serving the city consists of interconnected and integrated segments of facilities partly owned by Michigan Consolidated and partly leased from the city. The proposed acquisition involves approximately 39 miles of various size gas mains, 2,439 gas service installations, 2,883 gas meters, all regulators, valves, vaults, manholes, services, house regulators and appurtenances, remaining in service at the date of purchase, and all private easements, rights-of-way, leaseholds, or other land rights used in the city's gas distribution system.

The price to be paid for the leased properties is \$415,000. The filing states that the purchase price, which was mutually agreed upon after extensive negotiations, is based upon the present fair value of the city-owned facilities plus the lease rentals due the city for the unexpired term of the existing lease, less, among other things, an allowance for depreciation. The existing lease expires July 1, 1968, and the rental thereunder is \$40,000 per annum. The filing states further that the original cost of the properties to be acquired is not known but that, based on data available in the city's records, such original cost is estimated at approximately \$300,000; and that, subsequent to acquisition of the assets proposed to be acquired, Michigan Consolidated will file acquisition accounting entries with the Michigan Public Service Commission for approval thereof.

Consummation of the proposed transaction is subject to approval by a three-fifths (3/5ths) majority vote of the electors of the city voting at a special election for such purpose, scheduled for March 1, 1965. It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transaction.

The total fees and expenses to be incurred in connection with the transaction are estimated at \$2,500, consisting of \$1,500 reimbursement to the city for the cost of holding a special election, \$500 for fees to counsel, and \$500 of miscellaneous expenses.

Notice is further given that any interested person may, not later than February 23, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 65-1406; Filed, Feb. 9, 1965;
8:46 a.m.]**TAX COURT OF THE UNITED STATES**

[Administrative Order No. 104 (Rev.)]

SPECIAL DIVISION OF THE COURT**Designation**

From and after the date hereof, the Special Division of the Court for review of determinations and redeterminations by any division of the Court involving any question arising under section 721(a) (2)(C) or section 722 of the Internal Revenue Code of 1939, as amended, pursuant to authority contained in section 732(d) of the Internal Revenue Code of 1939, as amended, is constituted as follows:

2. Failure to disclose the decline in net sales during May and June of 1964.

3. Failure to disclose on its financial statement amounts due and owing to sales representatives as sales commissions.

4. Failure to disclose that a substantial portion of operations included the leasing rather than the sale of its product line and the consequent effect of these leases on its general business, sales and inventory.

5. Failure to disclose that the so-called laser gun delivered to the Frankford Arsenal, was not a weapon and was not developed by Maser-Optics.

6. The background description of Harry E. Franks regarding his degree of doctor of philosophy in electrical engineering.

7. Failure to disclose that \$50,000 of the proceeds were to be used to retire an indebtedness owing to the principal officer of the company.

C. The use of the offering circular operated as a fraud and deceit upon the purchasers in violation of section 17(a) of the Securities Act of 1933.

D. The report of sales on Form 2-A is false and misleading in that it omits to state that proceeds from the public offering were used to retire a \$50,000 note outstanding to an officer.

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) subparagraphs (2) and (3) 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 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 consideration and presentation 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 any hearing will promptly be given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 65-1405; Filed, Feb. 9, 1965;
8:46 a.m.]

Judges Tietjens, Raum, and Drennen, and where a case involving a question arising under section 721(a)(2)(C) or section 722 has been assigned to another judge of the Court, then that judge shall, for the purpose of that case, be a member of the Special Division; *Provided, however*, That any three members shall constitute the Special Division.

Effective February 1, 1965.

[SEAL] NORMAN O. TIETJENS,
Chief Judge.

FEBRUARY 4, 1965.

[P.R. Doc. 65-1410; Filed, Feb. 9, 1965;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 16]

FINANCE APPLICATIONS

FEBRUARY 5, 1965.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23480. By application filed January 27, 1965, the Narragansett Pier Railroad Company, Inc., seeks authority under section 20a of the Interstate Commerce Act to issue (1) a promissory note in the amount of \$12,000 secured by a first mortgage on its real estate, and (2) a promissory note in the amount of \$15,000 secured by a second mortgage on its real estate and a mortgage and security interest in all of its tangible and intangible personal property. Applicant's attorney: Robert E. Tucker, President, c/o Hinckley, Allen, Salisbury & Parsons, 2200 Industrial Bank Building, Providence, R.I., 02903. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23481. By application filed January 28, 1965, Schuster's Express, Inc., 48 Norwich Avenue, Colchester, Conn., seeks authority under section 20a of the Interstate Commerce Act to (1) issue a promissory note in the amount of \$400,000; (2) issue 58 shares of its common stock; (3) assume obligations of John R. Dunbar in the approximate amounts of \$89,596 and \$62,404; and (4) assume securities of Downing & Perkins, Inc. not to exceed a total principal amount of \$328,040. Applicant's attorney: S. Harrison Kahn, Esq., Suite 733 Investment Building, Washington, D.C., 20005. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

Note: This application is related to MC-P-6860.

F.D. No. 23483. By application filed January 29, 1965, Piedmont and Northern Railway Company, Power Building, 422 South Church Street, Charlotte, N.C., 28202, seeks authority under Section 20a of the Interstate Commerce Act to issue 300,000 shares of common stock, without nominal or par value for the purpose of exchanging 3 such shares for each of the 100,000 shares of presently issued common stock of \$100 par value, to reflect the reclassification of its common shares from \$100 par to no par. Applicant's attorneys: Carl Horn, Jr., G.C., and William H. Grigg, A.G.C., 422 South Church Street, Charlotte, N.C., 28202, and John F. Donelan, Esq., Pope, Ballard & Loos, Brawner Building, 888 17th Street NW., Washington, D.C., 20006. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23486. By application filed January 29, 1965, the Texas and Pacific Railway Company seeks authority under Section 20a of the Interstate Commerce Act to increase its capital stock from \$44,546,400 to an amount not to exceed \$46,773,800 and to issue stock as a dividend upon its outstanding common capital stock to stockholders of record on the basis of one (1) \$100 par value share of stock for each 20 shares held. Applicant's attorney: William R. McDowell, Vice President and General Counsel, 900 Fidelity Union Tower, 1507 Pacific Avenue, Dallas, Tex., 75201. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23490. By application filed February 4, 1965, Atlantic Coast Line Railroad Company, 500 Water Street, Jacksonville, Fla., 32202, seeks authority under section 20a of the Interstate Commerce Act to issue \$8,850,000 as the first installment of an aggregate principal amount of not exceeding \$17,640,000 of its Serial Equipment Trust Certificates, Series W. Applicant's representatives: F. J. Prinosch, Secretary and Assistant Vice President, 220 East 42d Street, New York, N.Y., 10017 and Leonard G. Anderson, General Solicitor, 500 Water Street, Jacksonville, Fla., 32202. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23488. By application filed February 1, 1965, Northern Pacific Railway Company, Northern Pacific Building, St. Paul, Minn., 55101, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of \$6,390,000 aggregate principal amount of Northern Pacific Railway Equipment Trust of 1965, Serial Equipment Trust Certificates. Applicant's attorney: Earl F. Requa, Vice President and General Counsel, Northern Pacific Building, St. Paul, Minn., 55101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-1432; Filed, Feb. 9, 1965;
8:48 a.m.]

[Notice 339]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 5, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 41432 (Deviation No. 2), EAST TEXAS MOTOR FREIGHT LINES, INC., Post Office Box 26040, 623 North Washington Street, Dallas, 26, Tex., filed January 25, 1965. Carrier proposes to operate as a common carrier, by motor vehicle of general commodities, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to junction Louisiana Highway 9, thence over Louisiana Highway to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 80, and thence over U.S. Highway 80 to Shreveport, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock over U.S. Highway 67 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Texas Highway 77, thence over Texas Highway 77 to junction Louisiana Highway 1, thence over Louisiana Highway 1 to junction U.S. Highway 71, and thence over U.S. Highway 71 to Shreveport, and return over the same route.

No. MC 41432 (Deviation No. 3), EAST TEXAS MOTOR FREIGHT LINES, INC., Post Office Box 26040, 623 North Washington St., Dallas 26, Tex., filed January 26, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Texarkana, Tex., over U.S. Highway 71 to Shreveport, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana over U.S. Highway 59 to junction Texas Highway 77, thence over Texas Highway 77 to

junction Louisiana Highway 1, thence over Louisiana Highway 1 to junction U.S. Highway 71, and thence over U.S. Highway 71 to Shreveport, and return over the same route.

No. MC 41432 (Deviation No. 4), EAST TEXAS MOTOR FREIGHT LINES, INC., Post Office Box 26040, 623 North Washington Street, Dallas 26, Tex., filed January 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Marshall, Tex., over U.S. Highway 59 to Carthage, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Marshall over Texas Highway 43 to junction Texas Highway 149, and thence over Texas Highway 149 to Carthage, and return over the same route.

No. MC 42487 (Deviation No. 34), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., 60680, filed January 25, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, near Youngstown, Ohio, thence over Interstate Highway 80 to junction Interstate Highway 95, near Ridgefield Park, N.J., thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Sharon, Pa., over U.S. Highway 62 to Youngstown, thence over Ohio Highway 18 to Norwalk, Ohio, (2) from Youngstown over U.S. Highway 422 to Worthington, Pa., thence over unnumbered highway (formerly portion U.S. Highway 422) via Walkersburg, Pa., to Kittanning, Pa., thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 322 (formerly shown as U.S. Highway 422) to junction U.S. Highway 422 (near Hummelstown, Pa.), thence over U.S. Highway 422 to Reading, Pa., thence over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway (formerly portion U.S. Highway 22) via Bethlehem, Butztown, Wilson, and Easton, Pa. to Phillipsburg, N.J., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Clinton and Annandale, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Lebanon, N.J., to junction U.S. Highway 22 (west of Potterstown, N.J.), thence over U.S. Highway 22 to Newark, N.J. and thence over U.S. Highway 1 to New York, N.Y., (3) from Harrisburg, Pa. over U.S. Highway 22 to Allentown, Pa., (4) from Boston, Mass. over U.S. Highway 1 to New York

(also from Boston over Massachusetts Highway 1-A to junction U.S. Highway 1 near North Attleboro, Mass.), thence via bridge, ferry or tunnel and U.S. Highway 1 to Newark, thence over U.S. Highway 22 to Cincinnati, Ohio, and thence over U.S. Highway 50 to St. Louis, Mo., (5) from New Castle, Pa., over U.S. Highway 422 to Cleveland, Ohio, (6) from Youngstown over Ohio Highway 18 to Norwalk, thence over U.S. Highway 20 to Chicago, and (7) from New Castle over U.S. Highway 422 to Kittanning, Pa., and return over the same routes.

No. MC 68183 (Deviation No. 8), YANKEE LINES, INC., 1400 East Archwood Avenue, Akron 6, Ohio, filed January 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Baltimore, Md., and Wilmington, Del., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Akron, Ohio, over Ohio Highway 5 to Warren, Ohio, thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., and from Philadelphia over U.S. Highway 1 to Baltimore, and return over the same routes.

No. MC 76266 (Deviation No. 21), ADMIRAL - MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed January 25, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Iowa Highway 92 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 6, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha over U.S. Highway 6 to junction U.S. Highway 71, and return over the same route.

No. MC 107500 (Deviation No. 21), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., 61401, filed January 25, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 67 and former U.S. Highway 67 (near Beardstown, Ill.) over relocated U.S. Highway 67 to junction U.S. Highway 67 northwest of Rushville, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service

route as follows: From junction former U.S. Highway 67 and U.S. Highway 67 near Beardstown, Ill., over former U.S. Highway 67 to junction U.S. Highway 67 northwest of Rushville, Ill., and return over the same route.

No. MC 109538 (Deviation No. 4), CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis., 54702, filed January 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Minneapolis, Minn., over Minnesota Highway 36 to junction Minnesota Highway 95 near Stillwater, Minn., thence over Minnesota Highway 95 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Interstate Highways 90 and 94, thence over Interstate Highways 90 and 94 to junction U.S. Highway 14 near Janesville, Wis., thence over U.S. Highway 14 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis over U.S. Highway 12 to Chicago, and return over the same route.

No. MC 112713 (Deviation No. 9), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo., 64114, filed January 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over the H. E. Bailey Turnpike to the Randlett, Okla., Interchange, thence over U.S. Highway 277 to Wichita Falls, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City over U.S. Highway 277 to Wichita Falls, Tex., thence over U.S. Highway 287 to Bowie, Tex., and return over the same route.

No. MC 123907 (Deviation No. 1), DAHLMAN TRUCK LINES, INC., 1616 Clark Street, Stevens Point, Wis., carrier's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis., filed January 21, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *specified commodities*, over a deviation route as follows: From Oshkosh, Wis., over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport (1) *paper and paper products* from Oshkosh, over U.S. Highway 45 to junction Wisconsin Highway 145, thence over Wisconsin Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 21, and thence over Illinois Highway 21 to Chicago, and (2) *real and eggs* from Oshkosh, over U.S. Highway 45 to junction Wisconsin Highway 175,

thence over Wisconsin Highway 175 to Milwaukee, and thence over U.S. Highway 41 to Chicago, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 220), GREYHOUND LINES, INC. (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed January 25, 1965. Carrier's attorney: W. T. Meinhold (same address as carrier). Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 99 and unnumbered highway (North Lodi Junction), over U.S. Highway 99 to junction unnumbered highway (South Lodi Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over pertinent service routes as follows: from Sacramento over U.S. Highway 99 to junction unnumbered highway northeast of Stockton (North Stockton Junction), thence over unnumbered highway via Stockton to junction U.S. Highway 99 southeast of Stockton (South Stockton Junction), thence over U.S. Highway 99 to junction unnumbered highway north of Manteca (North Manteca), thence over unnumbered highway to Manteca, and return over the same route.

No. MC 1515 (Deviation No. 221), GREYHOUND LINES, INC. (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed January 25, 1965. Carrier's attorney: W. T. Meinhold (same address as applicant). Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, over a deviation route as follows: From junction Interstate Highway 5 and unnumbered highway (Everett), over Interstate Highway 5 to Seattle, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From the International Boundary over U.S. Highway 99 to Seattle, and return over the same route.

By the Commission.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-1433; Filed, Feb. 9, 1965;
8:48 a.m.]

[Notice 729]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 5, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

No. MC 87720 (Sub-No. 21), (REPUBLICATION), filed July 20, 1964, published FEDERAL REGISTER, issue of August 5, 1964, and republished this issue. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: New office furniture, in mixed shipments, crated and uncrated, from Flemington, N.J., to points in Pennsylvania, Delaware, Maryland, New York, Ohio, points in Virginia on the north of U.S. Highway 58, and the District of Columbia, and returned and damaged shipments of new office furniture, on return. An order, Operating Rights Board No. 1, dated January 22, 1965, served February 2, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of (1) new office furniture, crated, from Flemington, N.J., to points in Pennsylvania, Delaware, Maryland, New York, points in Virginia on and north of U.S. Highway 58, and the District of Columbia, (2) new office furniture, from Flemington, N.J., to points in Ohio, and (3) returned and damaged shipments of new office furniture, from points in Ohio to Flemington, N.J., under a continuing contract with Standard Pressed Steel Co., Columbia Hallowell Division, of Jenkintown, Pa., will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATION OF WATER CARRIER

WATER CARRIER OF PROPERTY

No. W-1156 (REPUBLICATION), ALASKA BARGE & TRANSPORT, INC., CONTRACT CARRIER APPLICATION, filed December 30, 1960, published in FEDERAL REGISTER March 8, 1961, and republished, this issue. Applicant: ALASKA BARGE AND TRANSPORT, INC., 601 Main Street, Post Office Box 831, Vancouver, Wash. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington 5, D.C. By application filed December 30, 1960, applicant seeks a permit as a contract carrier by water, under section 309(b) of the Interstate Commerce Act, to operate towing vessels, in the performance of towing of barges, in the transportation of general commodities between points in Alaska, (a) along the Yukon River between its mouth at Kwikpak and Nulato, (b) along the Naknek River between its mouth at Naknek and King Salmon, and (c) along the Kuskokwin River

between its mouth and Bethel. The application was referred to Examiner Henry A. Cockrum for hearing and the recommendation of an appropriate order thereon. Hearing was held August 24, 1964, at Fairbanks, Alaska. The examiner is of the opinion that the operation conducted by applicant is that of a common carrier rather than a contract carrier. A report and order, served November 27, 1964, which became effective January 27, 1965, finds that on and continuously since August 26, 1958, applicant was and has been engaged in interstate or foreign commerce, as a common carrier by non-self-propelled vessels with the use of separate towing vessels, in the transportation of general commodities, in seasonal operations extending from April 1 to November 30, both dates inclusive of each year between (a) points on the Yukon River from its mouth at Kwikpak to Nulato, including Nulato, (b) points on the Naknek River from its mouth at Naknek to King Salmon, including King Salmon, and (c) points on the Kuskokwin River from its mouth to Bethel, including Bethel.

The notice of the application, as filed, was published in the FEDERAL REGISTER on March 8, 1961, and because it is possible that parties who relied upon that publication may have an interest in and would be prejudiced by the lack of proper notice of the common carrier authority granted in the findings herein, a corrected notice of the authority recommended will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 96176 (Sub-No. 9) (PETITION OF APPLICANT (Embraced in Exceptions), FOR FURTHER HEARING), filed October 5, 1964. Petitioner: RAY CARTER, INC., Memphis, Tenn. Petitioner's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo., 63101. By application filed May 13, 1963, and as amended at the hearing, Ray Carter, Inc., seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, which because of size or weight, require special equipment or special handling, and related parts, materials, and supplies, when their transportation is incidental to and in conjunction with the transportation of commodities, the transportation of which, because of size or weight, requires special equipment, between points in Tennessee, Louisiana, Arkansas, Mississippi, Kentucky, and Alabama (the six States) restricted against the transportation (1) of stone, and aircraft and/or missiles and parts thereof, (2) of pipe, pipeline dope, and valves used in or in connection with the construction, operation, repair, maintenance, servicing, or dismantling of pipelines, including the stringing or picking up of pipe in connection therewith, and (3) when originating in, or points within 10 miles of, Anniston,

Birmingham, Decatur, Gadsden, and Tuscaloosa, Ala., of iron and steel, and iron and steel articles, in straight or mixed shipments or in mixed shipments with any other article or articles.

A report and order, recommended by Leonard J. Kassel, hearing examiner, served August 5, 1964, found that Ray Carter, Inc., has failed to establish that the present or future public convenience and necessity require the proposed operations; and that the application should be denied. The examiner's order did not become effective because exceptions and replies thereto were received. Subsequently by an order of the Commission, Division 1, dated January 14, 1965, and served January 19, 1965, the pertinent portions of which is restated and ordered as follows: "No. MC 96176 (Sub-No. 9), RAY CARTER, INC., EXTENSION—HEAVY COMMODITIES (Memphis, Tenn.). Upon consideration of the record in the above-entitled proceeding, and of: (1) Petition of applicant (embraced in exceptions), filed October 5, 1964, for further hearing; (2) reply of Superior Trucking Co., Inc., protestant, filed October 26, 1964; (3) joint reply of J. H. Rose Truck Line, Inc., and Bell Transportation Co., protestants filed November 9, 1964; (4) reply of Dealers Transit, Inc., protestant, filed November 9, 1964; (5) joint reply of Osborne Truck Line, Inc., and Colonial Fast Freight Lines, Inc., protestants, filed November 6, 1964; (6) reply of Gregory Heavy Haulers, Inc., protestant, filed November 9, 1964; and (7) joint reply of U.S.A.C. Transport, Inc., Case Driveway, Inc., W. L. Jeffries Trucking Co., Inc., Heavy & Specialized Haulers, Inc., and Ligon Specialized Hauler, Inc., protestants, filed November 23, 1964; and good cause appearing therefor: *It is ordered*, That applicant's petition for further hearing be, and it is hereby accepted and treated as a request for (a) interpretation of certificate No. MC96176, dated December 11, 1959, and (b) modification of authority described in said certificate; *It is further ordered*, That the proceeding be, and it is hereby, assigned for further hearing, at a time and place to be hereafter fixed, solely for the purpose of permitting the introduction of evidence with respect to the petition described in the first ordering paragraph above." By the instant petition, petitioner prays the Commission to reverse the recommended order of Examiner Kassel and find:

(1) That the proceedings be reopened for further hearing to permit applicant an opportunity to present its evidence concerning the matter of clarification and modification of its certificate in MC 96176, or, as an alternative, that it be found that petitioner has met the burden of proof required for the grant of a certificate of public convenience and necessity and, in the event the Commission believes such proof only warrants a limited grant, then it should be authorized the following extension of operating authority authorizing the transportation, as a common carrier by motor vehicle, over irregular routes, of: "Commodities which, because of size or weight, require special equipment or special handling, and related parts, materials and supplies, when their transportation is

incidental to and in conjunction with the transportation of commodities, the transportation of which, because of size or weight, require special equipment (except stone, and aircraft and/or missiles and parts thereof), (1) between points in Shelby County, Tenn., Crittenden County, Ark., and De Soto County, Miss., and between points in (1) above, on the one hand, and on the other, points in Tennessee, Louisiana, Arkansas, Mississippi, Kentucky and Alabama. RESTRICTION: Authority granted will be restricted against the transportation of iron and steel, and iron and steel articles originating at Birmingham, Gadsden, Decatur, Anniston, Tuscaloosa, Ala., and points within 10 miles of Birmingham, Gadsden, Decatur, Anniston, and Tuscaloosa, Ala., and further restricted against the transportation of pipe, pipeline dope and valves used in or in connection with the construction, operation, repair, maintenance, servicing or dismantling of pipelines, including the stringing or picking up of pipe in connection therewith." Any person or persons, not already a party of record herein, desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 76), filed January 27, 1965. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. Applicant's attorneys: David Axelrod, 39 South La Salle Street, Chicago, Ill., and R. G. May, 316 Northwestern National Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Sioux City, Iowa, and Spirit Lake, Iowa; from Sioux City over U.S. Highway 75 to junction Iowa Highway 33 near LeMars, Iowa, thence over Iowa Highway 33 to junction U.S. Highway 18 at Sheldon, Iowa, thence over U.S. Highway 18 to junction U.S. Highway 71, thence over U.S. Highway 71 to Spirit Lake, and return over the same route; (2) between Sioux City, Iowa, and junction U.S. Highways 18 and 71; from Sioux City over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 18, and return over the same route; (3) between LeMars, Iowa, and Hospers, Iowa; from LeMars over U.S. Highway 75 to junction unnumbered highway south of Sioux Center, Iowa, thence over unnumbered highway to Hospers, and return over the same route; (4) between junction Iowa Highway 10 and U.S. Highway 75 and junction U.S. Highway 71 and Iowa Highway 10; from junction Iowa Highway

way 10 and U.S. Highway 75 over Iowa Highway 10 to junction U.S. Highway 71, and return over the same route; (5) between LeMars, Iowa, and Storm Lake, Iowa; from LeMars over Iowa Highway 5 to Storm Lake, and return over the same route; (6) between Des Moines, Iowa, and Spirit Lake, Iowa; from Des Moines over U.S. Highway 69 to junction U.S. Highway 20.

Thence over U.S. Highway 20 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction Iowa Highway 17, thence over Iowa Highway 17 to junction Iowa Highway 9, thence over Iowa Highway 9 to Spirit Lake and return over the same route; (7) between junction U.S. Highway 169 and Iowa Highway 3 and junction Iowa Highway 10 and U.S. Highway 71; from junction U.S. Highway 169 and Iowa Highway 3, over Iowa Highway 3 to junction Iowa Highway 17, thence over Iowa Highway 17 to junction Iowa Highway 10, thence over Iowa Highway 10 to junction U.S. Highway 71, and return over the same route; (8) between junction U.S. Highways 71 and 20 and Fort Dodge, Iowa; from junction U.S. Highways 71 and 20 over U.S. Highway 20 to Fort Dodge and return over the same route; (9) between junction U.S. Highway 18 and Iowa Highway 17 and junction U.S. Highways 18 and 71; from junction U.S. Highway 18 and Iowa Highway 17 over U.S. Highway 18 to junction U.S. Highway 71 and return over the same route; (10) between Estherville, Iowa, and junction U.S. Highways 18 and 169; from Estherville over Iowa Highway 9 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 18 and return over the same route; (11) between Waterloo, Iowa, and junction U.S. Highways 20 and 69; from Waterloo over U.S. Highway 20 to junction U.S. Highway 69 and return over the same route; (12) between Iowa Falls, Iowa, and junction U.S. Highway 65 and Iowa Highway 64; from Iowa Falls over U.S. Highway 65 to junction Iowa Highway 64 and return over the same route; (13) between Des Moines, Iowa, and Waterloo, Iowa; from Des Moines over Iowa Highway 64 to junction Iowa Highway 330, thence over Iowa Highway 330 to junction Iowa Highway 14, thence over Iowa Highway 14 to junction Iowa Highway 57.

Thence over Iowa Highway 57 to Waterloo and return over the same route; (14) between Davenport, Iowa, and Ames, Iowa; from Davenport over Iowa Highway 150 to junction U.S. Highway 30, thence over U.S. Highway 30 to Ames and return over the same route; (15) between junction U.S. Highway 65 and Iowa Highway 57 and junction Iowa Highways 57 and 14; from junction U.S. Highway 65 and Iowa Highway 57 over Iowa Highway 57 to junction Iowa Highway 14 and return over the same route; (16) between Waterloo, Iowa, and Tama, Iowa; from Waterloo over U.S. Highway 63 to Tama and return over the same route; (17) between junction U.S. Highways 218 and 30 and Waterloo, Iowa; from junction U.S. Highways 218 and 30 over U.S. Highway 218 to Waterloo and return over the same route; (18) between

junction Iowa Highway 146 and U.S. Highway 30 and Ottumwa, Iowa; from junction Iowa Highway 146 and U.S. Highway 30 over Iowa Highway 146 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ottumwa and return over the same route; (19) between Ottumwa, Iowa, and Davenport, Iowa; from Ottumwa over U.S. Highway 34 to junction Iowa Highway 1, thence over Iowa Highway 1 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 61, thence over U.S. Highway 61 to Davenport and return over the same route; (20) between Marshalltown, Iowa, and junction U.S. Highways 6 and 69; from Marshalltown over Iowa Highway 14 to Newton, Iowa, thence over U.S. Highway 6 to junction U.S. Highway 69 and return over the same route; (21) between Cedar Rapids, Iowa, and Maynard, Iowa; (a) from Cedar Rapids over Iowa Highway 150 to Maynard and return over the same route; (b) from Cedar Rapids over U.S. Highway 151 to junction Iowa Highway 38.

Thence over Iowa Highway 38 to junction Iowa Highway 3, thence over Iowa Highway 3 to junction Iowa Highway 154, thence over Iowa Highway 154 to junction Iowa Highway 150, thence over Iowa Highway 150 to Maynard and return over the same route; (22) between Des Moines, Iowa and Oskaloosa, Iowa; from Des Moines over Iowa Highway 163 to Oskaloosa and return over the same route; and (23) between Waterloo, Iowa, and Independence, Iowa; from Waterloo over U.S. Highway 20 to Independence and return over the same route, serving all intermediate points in connection with all of the above described routes and serving the following off-route points in connection with all of the above-described routes: Albion, Archer, Atkins, Baxter, Beaman, Belle Plain, Bennett, Blairtown, Bondurant, Boyden, Buckeye, Calumet, Chelsea, Clutier, Conrad, Cornell, Covington, Dickens, Dysart, Elberon, Eldon, Evansdale, Everly, Fenton, Garrison, Garwin, Gaze, Germantown, Gifford, Gladbrook, Green Mountain, Ira, Keystone, Lawn Hill, Lincoln, Linn Grove, Liscomb, Lone Rock, Luzerne, Mallard, Maple Hill, Marcus, Melbourne, Middleburg, Mingo, Montour, Newhall, New Providence, Norway, Owasa, Oyens, Palo, Plover, Radcliffe, Reinbeck, Rhodes, Ringstead, Rolfe, Royal, Shellsburg, Steamboat Rock, Terril, Union, Van Horne, Vinning, Watkins, Whittemore, and Whitten, Iowa; (24) between Davenport, Iowa, and Cedar Rapids, Iowa; from Davenport over Interstate Highway 80 to junction U.S. Highway 218, thence over U.S. Highway 218 to Cedar Rapids and return over the same route, serving no intermediate points; (25) between Des Moines, Iowa, and Cedar Rapids, Iowa; from Des Moines over Interstate Highway 80 to junction Iowa Highway 146, thence over Iowa Highway 146 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Iowa Highway 149, thence over Iowa Highway 149 to Cedar Rapids and return over the same route, serving no intermediate points;

and (26) between Des Moines, Iowa, and Fort Dodge, Iowa; from Des Moines over Interstate Highway 80 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction U.S. Highway 169, thence over U.S. Highway 169 to Fort Dodge and return over the same route, serving no intermediate points.

NOTE: This is a matter directly related to MC-F 9015, published FEDERAL REGISTER issue of February 3, 1965.

No. MC 106051 (Sub-No. 33), filed January 29, 1965. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Rhode Island.

NOTE: This application is directly related to MC-F 9019.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8826 (WHEATON VAN LINES, INC.—PURCHASE (PORTION)—JOHN BUNNING TRANSFER CO., INC., ET AL.), published in the August 5, 1964 issue of the FEDERAL REGISTER on page 11307. By amendment filed January 26, 1965, applicants' (C) WHEATON VAN LINES, INC., and C. R. JOHNSON TRANSFER, INC., seek to amend the operating rights by inclusion of the following rights: Household goods, between points in Cache County, Utah, and those in Franklin County, Idaho, on the one hand, and, on the other, points in Utah.

No. MC-F-9018. Authority sought for control by CALHOUN LEMON, Post Office Box 385, Barnwell, S.C., of (1) COOPER MOTOR LINES, INC., 301 Hammett Street, Greenville, S.C., through ownership of capital stock and/or management; (2) THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Charleston, S.C., through management; and (3) SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C., through ownership of capital stock and/or management. Applicants' attorneys: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201, and Beverley S. Simms, 910 17th Street NW., Washington 60, D.C. Operating rights sought to be controlled: (1) (COOPER MOTOR LINES, INC.) General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, from points in South Carolina, to Culpeper, Suffolk, Windsor, Norfolk,

Madison Heights, Petersburg, Lester Manor, Richmond, Fredericksburg, Warrenton, Franklin, Lynchburg, Farmville, Smithfield, Danville, South Boston, Victoria, and Roanoke, Va., Washington, D.C., Baltimore and Cumberland, Md., Wilmington, and Cheswold, Del., Philadelphia, Biglerville, and York, Pa., Camden, and Trenton, N.J., New York, N.Y., and points in New Jersey and New York within 25 miles of New York, N.Y., from the above-specified destination points to Charlotte, Rocky Mount, Fayetteville, Durham, Roanoke Rapids, Kinston, Marion, Morganton, Fuquay Springs, Rockingham, Snow Hill, Greenville, Smithfield, Rich Square, Warsaw, Clinton, Kannapolis, Gastonia, Greensboro, Lillington, Dunn, Salisbury, and Concord, N.C., and points in South Carolina, between Philadelphia, Pa., on the one hand, and, on the other, Bristol, Pa., and points in Philadelphia County, Pa., between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania on and south of U.S. Highway 30 within 25 miles of Philadelphia, between points in Philadelphia, Pa.; wool imported from any foreign country, wool tops and noils; and wool waste (carded spun, woven, or knitted), from Charleston, S.C., and Lodi, Paterson, and Roselle Park, N.J., to Aberdeen, Columbus, and Rutherfordton, N.C.

(2) (THE GEO. A. RHEMAN CO., INC.) Petroleum products, in bulk, in tank vehicles, as a common carrier, over irregular routes, between Charleston, S.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Georgia and North Carolina, between Savannah, Ga., and points within 10 miles thereof, on the one hand, and, on the other, points in South Carolina; petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from North Charleston, S.C., to points in Florida; liquor waste, consisting of approximately 50 percent water, 25 percent dissolved wood substances and 25 percent impure spent sodium compounds, in bulk, in tank vehicles, from points in Darlington County, S.C., to points in Columbus, Halifax, and Washington Counties, N.C.; propane and butane, in bulk, in tank vehicles, from the terminal of Trans-Southern pipeline, at or near Anderson, S.C., to certain specified points in Georgia; liquefied petroleum gas, in bulk, in tank vehicles, from the site of the pipe line terminals of the Dixie Pipe Line Company near Columbia and Cheraw, S.C., to points in North Carolina, and points in that part of Georgia on and east of U.S. Highway 19, from the site of the pipe line terminal of the Dixie Pipe Line Co. near Apex, N.C., to points in South Carolina; dry sand, ground and pulverized, in bulk, in tank or covered hopper vehicles equipped for unloading by pneumatic unloading devices, from the plantsite of the Pennsylvania Glass Sand Corporation, at Edmund, S.C. (in Lexington County, approximately 10 miles south of Columbia, S.C.), to points in Georgia, and North Carolina.

(3) (SOUTHERN BULK HAULERS, INC.) Cement, from the plant site of the Giant Portland Cement Co. at Harleyville

(Dorchester County), S.C., to points in Georgia and North Carolina, RESTRICTION: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210a of the act; *cement*, between points in Georgia, between points in North Carolina, RESTRICTION: The operations authorized herein are restricted to shipments having an immediately prior movement by rail from Dorchester County, S.C. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9019. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights and property of NARRAGANSETT TRUCKING, INC., (JOHN E. ORTON III AND JAMES M. JERUE, CO-RECEIVERS), 931 Industrial Bank Building, Providence 3, R.I., and for acquisition by GEORGE VIGEANT, also of New Bedford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98877 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, between points within Rhode Island, over irregular routes. Vendee is authorized to operate as a common carrier in Massachusetts, Rhode Island, New York, New Jersey, Connecticut, and Vermont. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-106051 Sub-33 is a matter directly related.

No. MC-F-9020. Authority sought for purchase by MOTORWAYS (ONTARIO) LIMITED, 1153 Martin Grove Road, Rexdale (Toronto) Ontario, Canada, of the operating rights and property of LEWIS TRANSPORT LIMITED, 32 Taber Road, Rexdale (Toronto) Ontario, Canada, and for acquisition by CANADIAN MOTORWAYS LIMITED, 1153 Grove Road, Rexdale (Toronto) Ontario, Canada, of control of such rights and property through the purchase. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over irregular routes, between points in Buffalo, N.Y., between Buffalo, N.Y., on the one hand, and, on the other, ports of entry on the boundary of the United States and Canada at Buffalo and Niagara Falls, N.Y., between Buffalo, N.Y., and the port of entry on the United States-Canada boundary line at the town of Lewiston, Niagara County, N.Y.; *frozen vegetables*, from Buffalo, Waterport, and LeRoy, N.Y., to ports of entry on the United States-Canada boundary line, at or near Buffalo, N.Y., from Buffalo, Waterport, and LeRoy, N.Y., to the port of entry on the United States-Canada boundary line located in the town of Lewiston,

Niagara County, N.Y.; *meats, meat products, and meat byproducts, dairy products and articles distributed by meat-packing houses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the United States-Canada boundary line, at Buffalo and Niagara Falls, N.Y., to certain points in New York, Pennsylvania, and Ohio, from the port of entry on the United States-Canada boundary line at the town of Lewiston, Niagara County, N.Y., to certain points in New York, Pennsylvania, and Ohio. Vendee is authorized to operate as a common carrier in New York, Pennsylvania, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9021. Authority sought for control by O. H. FRISBIE (as agent on behalf of the beneficial owners of the voting stock of ATLAS VAN-LINES, INC., who are affiliated with or control common carriers engaged in the transportation of household goods in interstate commerce pursuant to authority issued by the Interstate Commerce Commission), 14225 Schaefer Highway, Detroit, Mich., of ATLAS VAN-LINES, INC., 1212 St. George Road, Evansville 3, Ind. Applicants' attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a common carrier, over irregular routes, between points in Colorado, Kansas, Nebraska, New Mexico, Utah, and Wyoming. RESTRICTION: No shipments shall be transported between any two points both of which are in the same State; between points in Colorado, and Wyoming, on the one hand, and, on the other, points in Arizona, Idaho, Iowa, Montana, Oklahoma, South Dakota, and Texas, between points in Colorado, on the one hand, and, on the other, points in Kansas, Nebraska, Wyoming, Idaho, Iowa, Oklahoma, and South Dakota, between Denver, Colo., on the one hand, and, on the other, points in Colorado; between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

RESTRICTION: The operations authorized immediately above are restricted against operations between any two points both of which are in the territory comprised of the States of Colorado, Kansas, and Nebraska; between certain specified points in Texas, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, New Mexico, Nevada, Oklahoma, and Utah, between points in California, Oregon, and Washington and that part of Idaho on and west of U.S. Highway 93, and on and south of U.S. Highway 30, between points in southwestern Minnesota on and south of U.S. Highway 14, and on and west of Minnesota Highway 15 extended to the Minnesota-Iowa State line, on the one

hand, and, on the other, points in Wisconsin, Illinois, Iowa, Missouri, North Dakota, South Dakota, Montana, Nebraska, and Kansas between points in Idaho on the one hand, and, on the other, points in Oregon and Washington, between points in Malheur and Harney Counties, Oreg., on the one hand, and, on the other, points in Washington, between points in Idaho, between points in Malheur and Harney Counties, Oreg.; and *household goods* as defined by the Commission, and *emigrant movables*, between points in Minnesota. Application has not been filed for temporary authority under section 210a(b).

NOTE: This application is filed because of the findings in Docket No. MC-F-6159 (AAA STORAGE COMPANY, INC., ET AL.—CONTROL—ATLAS VAN LINES, INC.), 70 M.C.C. 629, decided August 2, 1957, by the Commission, Division 4, wherein the application was dismissed without prejudice to the filing of another application by the settlors of the trust seeking authority under section 5(2)(a) to acquire control of ATLAS upon the termination of its control by the trustee, which the instant application states will expire November 30, 1967.

No. MC-F-9022. Authority sought for purchase by LOMAR TRANSPORTATION CO., INC., 2440 East Ontario Street, Philadelphia, Pa., 19134, of a portion of the operating rights of KULP AND GORDON, INC., 370 Hall Street, Phoenixville, Pa., and for acquisition by LOUIS MARIANNI, also of Philadelphia, Pa. of control of such rights through the purchase. Applicants' attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102. Operating rights sought to be transferred: *Paper boxes*, as a common carrier over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C., Baltimore, Md., Tarrytown, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission; and *paper boxes*, uncrated, from Croydon, Pa., to points in New York, Maryland, Delaware, the District of Columbia, and New Jersey, except those in Gloucester, Mercer, Burlington, Ocean, Monmouth, Middlesex, and Somerset Counties, N.J., but not excluding service in Glassboro, Milltown, New Brunswick, Perth Amboy, Somerville, and Camden, N.J. Vendee is authorized to operate as a common carrier in Pennsylvania, Delaware, New York, Maryland, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9023. Authority sought for control and merger by JONES MOTOR CO., INC., Bridge Street, and Schuylkill Road, Spring City, Pa., of the operating rights and property of PALMER LINES, INC., Sheffield Road, Sheffield, Mass., and for acquisition by WM. S. JONES, Rural Delivery No. 2, Phoenixville, Pa., R. C. JONES, JR., 1304 Monroe Street, Wyomissing, Pa., H. ELLIS JONES, 440 Highland Road, Pottstown, Pa., ALVIN JONES, 3053 Tremont Street, Allentown, Pa., and H. A. HERSHEY, 751 Spruce Street, Royersford, Pa., of control of such rights and property through the transaction.

Applicants' attorneys and representative: Rice, Carpenter & Carraway, 618 Perpetual Building, Washington 4, D.C.

and H. A. Hershey, Bridge Street, and Schuylkill Road, Spring City, Pa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Williamstown, Mass., and Philadelphia, Pa., between North Adams, Mass., and New York, N.Y., serving all intermediate and certain off-route points; *leather*, from North Pownal, Vt., to Newark, N.J., serving the intermediate point of New York, N.Y.; *fibre board*, from Newark, N.J., to North Pownal, Vt., serving the intermediate point of New York, N.Y.; *advertising matter*, from North Bennington, Vt., to Philadelphia, Pa., serving certain intermediate and off-route points with restrictions; *paper and paper board*, over regular and irregular routes, from Bogota, and Ridgefield Park, N.J., to North Bennington, Vt., serving the intermediate point of New York, N.Y., restricted to pick-up only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Danbury, Conn., on the one hand, and, on the other, points in Connecticut; *brick*, from Watervliet, N.Y., to Canaan, Conn., and points in Berkshire County, Mass.; *cinder blocks*, from Albany, N.Y., to Canaan, Conn., and points in Berkshire County, Mass.; *paper*, from Fort Edward, N.Y., to Great Barrington, Mass.; *petroleum products in containers*, from Marcus Hook, Pa., to Pittsfield and North Adams, Mass.; *dry cells*, from North Adams, Mass., to Philadelphia, Pa., and Camden, N.J.; *radio condensers*, from North Adams, Mass., to Philadelphia, Pa., from Camden, N.J., to North Adams, Mass.; *groceries, chinaware, glassware, furniture, meats, packing house products, and agricultural commodities*, between New York, N.Y., and Wilmington, Vt.; *plastics, heavy machinery, electrical appliances, supplies, and equipment*, from Pittsfield, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; *paper*, from Monroe Bridge, Mass., to North Adams, Mass., traversing Vermont for operating convenience only; and *materials, supplies, and equipment*, used in connection with the manufacture of paper and paper products, except commodities in bulk, from North Adams, Mass., to Monroe Bridge, Mass. JONES MOTOR CO., INC., is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Maryland, Connecticut, Massachusetts, Rhode Island, Delaware, Michigan, Ohio, Illinois, Indiana, West Virginia, Virginia, North Carolina, Tennessee, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 85-1434; Filed Feb. 9, 1965;
8:48 a.m.]

[Notice 731]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 5, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 2452 (Sub-No. 6), filed February 1, 1965. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawn-dale Avenue, Summit, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site of the Bethlehem Steel Co., Burns Harbor Plant, located in Porter County, Ind. and Chicago, Ill.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 22301 (Sub-No. 6), filed February 1, 1965. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Burns Harbor, Ind., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 25869 (Sub-No. 30), filed February 3, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 Que Street, Post Office Box 184, South Omaha, 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 meatpacking houses*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except liquids in bulk, in tank vehicles), from the plant site of Blue Ribbon Beef Pack, Inc., at Mason City, Iowa, to points in Illinois (except Chicago commercial zone), Indiana, Missouri, Wisconsin, and Nebraska.

HEARING: March 10, 1965, in Room 401, Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

No. MC 29886 (Sub-No. 198), filed January 22, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related materials, supplies and parts* of such commodities, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, between the plant site of Bethlehem Steel Co., Inc., Burns Harbor plant, located in Porter County, Ind., on the one hand, and, on the other, points in Iowa, Missouri, and Wisconsin.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Isadore Freidson.

No. MC 29886 (Sub-No. 199), filed January 27, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles

Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *equipment and supplies* used or useful in the production and distribution of such articles, between the plant site of Bethlehem Steel Co., Inc., Burns Harbor Plant, located in Porter County, Ind., on the one hand, and, on the other, points in Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, New York, Pennsylvania, New Jersey, and Connecticut.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Isadore Freidson.

No. MC 33278 (Sub-No. 13), filed January 18, 1965. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., Commerce Building, 418 Olive Street, St. Louis, Mo. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich., 48021. 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, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant site of the Bethlehem Steel Co., Burns Harbor, Ind., located in Porter County, Ind., located on U.S. Highway 12, as an off-route point in connection with applicant's regular route operations in Missouri, Indiana, Illinois, Wisconsin, Michigan, Tennessee, Arkansas, and Iowa.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 44300 (Sub-No. 14), filed January 22, 1965. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: 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: *Steel and steel products*, from the plant site of Bethlehem Steel Co., located at Burns Harbor, Ind., in Porter County, Ind., to points in Michigan and Ohio.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 52751 (Sub-No. 44), filed January 25, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the site of the Bethlehem Steel Co.,

Burns Harbor Plant, located in Porter County, Ind. to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Isadore Freidson.

No. MC 64932 (Sub-No. 348) (AMENDMENT), filed July 28, 1964, published FEDERAL REGISTER issue of August 12, 1964, amended January 28, 1965, and republished as amended this issue. Applicant: ROGERS' CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: 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: *Acids and chemicals*, in bulk, in tank vehicles, from the Tri-City Regional Port District, in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to broaden the scope of the destination territory and to set forth the hearing information as shown below.

HEARING: March 29, 1965, at the Pick-Mark Twain Hotel, 116 North Eighth Street, St. Louis, Mo., before Examiner Wm. N. Culbertson.

No. MC 69833 (Sub-No. 75), filed February 1, 1965. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals*, used in manufacturing, and *metal products*, in bulk, between the plant site of Bethlehem Steel Co., Burns Harbor, Porter County, Ind., on the one hand, and, on the other, (1) points in that part of Michigan south of Saginaw Bay and a line extending from Saginaw Bay along Michigan Highway 247 to Bay City, Mich., thence along unnumbered highway via Auburn and Fisherville, Mich., to junction Business U.S. Highway 10, thence along Business U.S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to Muskegon, Mich., including points on the indicated portions of the highways specified; and (2) points in that part of Ohio north of a line extending from the West Virginia-Ohio State line along U.S. Highway 30 to Canton, thence along U.S. Highway 62 to Columbus, thence along U.S. Highway 40 to West Jefferson, thence along Ohio Highway 142 to London, thence along U.S. Highway 42 to Waynesville, thence along Ohio Highway 73 to junction U.S. Highway 27 and thence along U.S. Highway 27 to the Ohio-Indiana State line, including points on the indicated portions of the highways specified.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 79695 (Sub-No. 29), filed January 22, 1965. Applicant: STEEL TRANSPORTATION COMPANY, INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plant site of the Bethlehem Steel Co., Burns Harbor, Ind., on the one hand, and, on the other, points in Wisconsin.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 73, or, if the Joint Board waives its right to participate before Examiner Isadore Freidson.

No. MC 108449 (Sub-No. 193), filed January 22, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry and liquid, *acids and chemicals* and *fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, in bulk, in tank or hopper-type vehicles, from Fremont, Nebr., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *damaged and rejected shipments*, on return.

HEARING: March 15, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 116325 (Sub-No. 21), filed January 18, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's attorney: 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading), from the plant site of Bethlehem Steel Co., at or near Burns Harbor, Ind., to points in Kentucky, Tennessee, Illinois, Iowa, Missouri, Arkansas, Kansas, Oklahoma, and Nebraska.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Isadore Freidson.

No. MC 126889, filed January 18, 1965. Applicant: GARY TRANSFER COMPANY, INC., 739 West Ridge Road, Gary, Ind. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives,

sives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant site of the Bethlehem Steel Co., Burns Harbor Plant, located in Porter County, Ind., and Chicago, Ill.

HEARING: March 3, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

By the Commission.

[SEAL]

BERTHA F. ARMES,

Acting Secretary.

[P.R. Doc. 65-1435; Filed, Feb. 9, 1965; 8:48 a.m.]

[Notice 730]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 5, 1965.

The following applications are governed by Special Rule 1.247¹ 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 protests 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.

No. MC 623 (Sub-No. 72), filed January 21, 1965. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and supplies*, between the plant site of Hercules Powder Co., near Carthage, Mo.,

on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, and Nevada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 623 (Sub-No. 73), filed January 21, 1965. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, blasting materials and supplies*, between the plant site of the Hercules Powder Co. at or near Carthage, Mo., on the one hand, and, on the other, points in New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 2226 (Sub-No. 95), filed November 23, 1964. Applicant: RED ARROW FREIGHT LINES, INC., 5307 Broadway, Post Office Box 1897, San Antonio 6, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the plant site of Magcobar Minerals, Inc., located approximately nine (9) miles northeast of Kosse, Tex., as an off-route point in connection with applicant's presently authorized regular-route operations, (2) between Kosse and Waco, Tex.; from Kosse over Texas Highway 7 to Marlin, Tex., thence over Texas Highway 6 to Waco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, and (3) between Kosse and Centerville, Tex., over Texas Highway 7, serving no intermediate points, except the plant site of Magcobar Minerals, Inc., with authority to accomplish joinder and perform physical connection within existing route at Marquez, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 2900 (Sub-No. 113), filed January 18, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Baton Rouge, La., and Alexandria, La.; from Baton Rouge over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Alexandria and return over the same route, serving no intermediate

points and serving the junction of U.S. Highways 190 and 71 for the purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) between Alexandria, La., and Shreveport, La.; from Alexandria over U.S. Highway 71 to Shreveport (also from Alexandria over Louisiana Highway 1 to Shreveport), 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: Applicant states that (1) above is to be restricted against the handling of freight received in interchange at Baton Rouge, La., destined to Alexandria, La., or received in interchange at Alexandria, La., destined to Baton Rouge, La., and (2) above is to be restricted against the handling of freight received in interchange at Shreveport, La., destined to Alexandria, La., or received in interchange at Alexandria, La., destined to Shreveport, La. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 4405 (Sub-No. 424), filed January 19, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truck-away service, from Shreveport, La., and points within 10 miles thereof, to points in the United States, excluding Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 5117 (Sub-No. 12), filed January 15, 1965. Applicant: VAN SOMEREN TRANSFER, INC., Post Office Box 94, Baldwin, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. 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, manufactured fertilizer, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Woodville, Wis., as an off-route point in connection with applicant's authorized regular-route operation between St. Paul, Minn., and Baldwin, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 15167 (Sub-No. 31), filed January 22, 1965. Applicant: CULLUM TRUCKING CO., a corporation, 1281 West Side Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plant site of the El Dorado Terminals Corpora-

¹ Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tion in Bayonne, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and the District of Columbia. **RESTRICTION:** The above service is restricted to a service to be performed under a continuing contract, or contracts, with the Bunge Corporation.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 19778 (Sub-No. 69), filed January 19, 1965. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Hawarden, Iowa, to points in South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 19778 (Sub-No. 70), filed January 25, 1965. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cement, contractors' equipment, tools and supplies, electrical equipment, including wire and commodities* which by reason of weight or size require special handling or special equipment, (1) between Lewistown, Harlowton, Denton, Great Falls, Fairfield, Roy, Winifred, Grass Range, Agawam, Choteau, and Farmington, Mont., on the one hand, and, on the other, ICBM missile sites located in Pondera and Toole Counties, Mont., and (2) between Agawam, Choteau, and Farmington, Mont., on the one hand, and, on the other, ICBM missile sites located in Choteau and Teton Counties, Mont., restricted to shipments receiving an immediately prior or subsequent rail haul by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 22046 (Sub-No. 12), filed January 19, 1965. Applicant: W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, N. Mex., 88240. Applicant's attorney: Austin L. Hatchell, 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, supplies, and pipe* used in, or incidental to or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines other than pipelines used for the transmission of natural gas and petroleum and petroleum products, including the stringing and picking up thereof, between points in New Mexico, Oklahoma, Colorado, and points

in that part of Texas on and west of a line beginning at Laredo, Tex., and extending along U.S. Highway 81 to Bowie, Tex., thence along U.S. Highway 287 to Vernon, Tex., thence along U.S. Highway 283 to the Texas-Oklahoma State line.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lubbock or Dallas, Tex.

No. MC 28573 (Sub-No. 27), filed January 21, 1965. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: E. B. Trousdale (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Galata, Devon, Dunkirk, Shelby, Sweet Grass Junction, Ethridge, Nalsmith, Kevin, Sunburst, Sweet Grass, Brady, Conrad, Ledger, Fowler, and Pendroy, Mont., on the one hand, and, on the other, points in Toole, Pondera, Teton, and Chouteau Counties, Mont., including Intercontinental Ballistic Missile Launching sites therein.

NOTE: Applicant states the shipments transported shall be limited to those having an immediately prior or an immediately subsequent movement by railroad from or to points served by the Great Northern Railway Company. Applicant is also authorized to transport passengers in Docket MC 28572 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 32166 (Sub-No. 4), filed January 21, 1965. Applicant: P. H. BRONAUUGH, doing business as BRONAUUGH MOTOR EXPRESS, 1143 Winchester Road, Lexington, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives*, including but not limited to classes A and B explosives, between Lexington, Ky., and Fort Estill, Ky. (Blue Grass Ordnance Depot); (1) from Lexington over Interstate Highway 75 to junction access road, and thence over access road to Fort Estill, and (2) from Lexington over U.S. Highway 25 to junction access road, and thence over access road to Fort Estill, and return over the same routes, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Lexington, or Louisville, Ky.

No. MC 52964 (Sub-No. 9), filed January 21, 1965. Applicant: EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 North Prior Avenue, St. Paul, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul, Minn., 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, commodities* used by packinghouses, *articles* distributed by meat packinghouses, and *such commodities* as are used by meat packers in the conduct of their business as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, Ex Parte, MC-45, 61

MCC 209, as modified in 61 MCC 766 (except hides and commodities in bulk, in tank vehicles) between (1) Columbus Junction, Iowa, and points in Minnesota, (2) Columbus Junction, Iowa and points in that part of South Dakota on and east of the Missouri River, (3) Columbus Junction, Iowa and Omaha, Nebr., and (4) Columbus Junction, Iowa, and Sioux City, Iowa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 55236 (Sub-No. 101), filed January 21, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from South Beloit, Ill., to points in Iowa, Kansas, Michigan, Minnesota, New Jersey, New York, Oklahoma, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 55811 (Sub-No. 82), filed January 25, 1965. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the plant site of the Kellogg Company at Battle Creek, Mich., to points in Indiana, Illinois, Ohio, that part of Iowa within 10 miles of the Iowa-Illinois State line, that part of Missouri within 10 miles of the Missouri-Illinois State line, that part of Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line, and the Kentucky-Ohio State line, that part of West Virginia within 10 miles of the West Virginia-Ohio State line, that part of Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., and points within 10 miles of Jeannette, Schenley and South Connellsville, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 122), filed January 18, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stearn, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* having prior or subsequent movement by water, and *damaged or rejected shipments*, between points in Iowa, Nebraska, Kansas, Missouri, Minnesota, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 64932 (Sub-No. 368), filed January 19, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's at-

torney: Carl Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid dextrose*, in bulk, in tank vehicles, from Decatur, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 369), filed January 21, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: 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: *Spent sulphuric acids and chemicals*, in bulk, in tank vehicles, from Lafayette, Ind., to points in Illinois, Ohio, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 370), filed January 21, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: 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: *Spent phosphoric acid*, in bulk, in tank vehicles, from Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, and Riga, Mich., Cynthiaiana, and Louisville, Ky., to points in Indiana and Ohio, (2) from Indianapolis and Bedford, Ind., to points in Ohio, and (3) from Columbus, Elyria, Sidney, and Wauseon, Ohio, to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65697 (Sub-No. 32) (CLARIFICATION), filed July 31, 1964, published in FEDERAL REGISTER issue of February 3, 1965, and republished as clarified this issue. Applicant: THEATRES SERVICE COMPANY, a corporation, 830 Willoughby Way NE., Atlanta, Ga. Applicant's attorney: David A. Sutherland, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Route (7), shown in the previous publication, should read: Between Atlanta Municipal Airport at or near Atlanta, Ga., and points in Georgia, Alabama, North Carolina and Tennessee. Points in Tennessee were inadvertently omitted from the specified heading only.

No. MC 68539 (Sub-No. 13), filed January 18, 1965. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. 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 MCC 209 and 766 (except liquids in bulk, in tank vehicles, and hides), from the plant site of Platte Valley Packing Company, located in Dawson County, Nebr., to points in Kan-

sas, Oklahoma, South Dakota, and North Dakota, and *damaged and rejected shipments* of the above commodities, on return.

NOTE: Applicant states that the above proposed operation will be restricted to traffic originating at the plant site and/or cold storage facilities utilized by Platte Valley Packing Company in Dawson County, Nebr. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 69492 (Sub-No. 26), filed January 25, 1965. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities requiring special equipment, and those injurious or contaminating to other lading), between Arlington and Clinton, Ky., on the one hand, and, on the other hand, Memphis, Tenn.

NOTE: Applicant states above authority will be restricted against tacking with carrier's other presently held authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 71067 (Sub-No. 9), filed January 18, 1965. Applicant: VAN GORP VAN SERVICE, INC., 994 Longfield Avenue, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and in the same vehicle with livestock, *mascots, personal effects of attendants, trainers, and exhibitors, and supplies and equipment*, used in the care and maintenance of such livestock, between points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that it seeks by this application to enlarge its present authority to make all inclusive in one commodity description the several commodity descriptions specified in its present certificates of public convenience and necessity, and to eliminate the necessity of observing circuitous routing as a result of "tacking" between component parts of the territorial applications of its present certificates. Applicant seeks no duplicating authority by the application herein. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 72444 (Sub-No. 19), filed January 21, 1965. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, and commodities requiring special equipment), (1) between Ashland, Ohio and junction U.S. Highways 250 and 30, over U.S. Highway 250, (2) between Bucyrus and Marion, Ohio, over Ohio Highway 4, (3) between Marion and Mount Gilead, Ohio, over Ohio Highway 95, (4) between Upper Sandusky, Ohio and junction U.S. Highways 224 and 23, over U.S. Highway 23, and (5) (a) between Mansfield and Shelby, Ohio, over Ohio Highway 39, and (b) between Shelby and New Haven, Ohio, over Ohio Highway 61, as alternate routes for operating convenience only in connection with applicant's regular-route operations, and serving no intermediate points, and service requested for joinder purposes only with present authorized regular routes.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 78786 (Sub-No. 257), filed January 18, 1965. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif., 94105. Applicant's attorney: James J. Trabucco, 65 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, in express service, between San Jose, Calif., and Los Angeles, Calif.; from San Jose over U.S. Highway 101 to Los Angeles and return over the same route, serving all intermediate points and the off-route point of Hollister, Calif.

NOTE: Applicant states that the above proposed operation will be subject to the following restrictions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency; (2) shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts; and (3) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency. Applicant is a wholly owned and controlled subsidiary of Southern Pacific Company, a carrier by railroad. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 78787 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Jose, Calif.

No. MC 79496 (Sub-No. 2), filed January 19, 1965. Applicant: WHITE STAR VAN AND STORAGE, INC., 3324 Smith Street, Everett, Wash. Applicant's representative: Stan Score (same address as applicant). Applicant's attorney: George R. LaBissoniere, 33 Central Building, Seattle 4, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Washington, restricted to shipments having a prior or

subsequent movement beyond Washington, in specially designed containers and further restricted to pickup and delivery service incidental to and in connection with the packaging, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 80428 (Sub-No. 41), filed January 26, 1965. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends or mixtures of syrups and sugar, in bulk, in tank vehicles, from town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Rhode Island, and West Virginia, and returned, refused, and rejected shipments of the above commodities, on return.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80428 (Sub-No. 42), filed January 27, 1965. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients, and dry feed additives, in straight or mixed shipments, in bags or in bulk, (1) from Buffalo, N.Y. to points in Pennsylvania, and (2) from Binghamton, N.Y. to points in Pennsylvania on and east of U.S. Highway 15, and returned, refused and rejected shipments of the above commodities, on return.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 130), filed January 18, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: 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 the plantsite of Angelina Plywood Co. located at or near Keltys, Tex., to points in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 83539 (Sub-No. 136), filed January 25, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: 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: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, and 543), from Swan, Tex. to points in Indiana, Michigan and Ohio.*

NOTE: Applicant states that the authority herein sought will permit shipper greater flexibility in combining shipments for stopping in transit for partial unloading in connection with like authority held by applicant to points in surrounding states in MC 83539, Sub 126. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 88368 (Sub-No. 10), filed January 19, 1965. Applicant: SUNVAN LINES, INC., 104 Northwest 36th, Seattle, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission in 17 M.C.C. 467, between points in California.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 89523 (Sub-No. 6), filed January 18, 1965. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, Okla. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, (1) from Golden, Colo., to Lawton, Altus and Ardmore, Okla., under continuing contract with Southwest Sales of Oklahoma, Inc.; (2) from Golden, Colo., to Blackwell and Stillwater, Okla., under continuing contract with J. K. Boersma Beverage Distributor; and (3) from Kansas City, Kans., to Blackwell, Okla., under continuing contract with J. K. Boersma Beverage Distributor.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 93003 (Sub-No. 41), filed January 18, 1965. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, East, Huntington, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Articles, each weighing 15,000 pounds or more, self propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points in West Virginia, and that*

part of Ohio south of U.S. Highway 40, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to junction U.S. Highway 25-W, and thence along U.S. Highway 25-W to the Kentucky-Tennessee State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 93439 (Sub-No. 8), filed January 19, 1965. Applicant: McCLATCHY BROS., INC., Post Office Box 4126, Midland, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, supplies and pipe, used in, or incidental to or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines (other than pipelines used for the transmission of natural gas and petroleum and petroleum products, including the stringing and picking up thereof), (1) Between points in Oklahoma and Kansas; (2) between points in Oklahoma, on the one hand, and, on the other, points in Texas; and (3) between points in Texas and points in Lea, Eddy, Quay, Chaves, Roosevelt, and Curry Counties, N. Mex.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lubbock or Dallas, Tex.

No. MC 94350 (Sub-No. 53), filed January 18, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willmon, Post Office Box 1075, Greenville, S.C. 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 Shelby County, Tenn., to points in the United States, including Alaska and Hawaii, and damaged and rejected shipments on return.*

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 95876 (Sub-No. 39), filed January 25, 1965. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Granite, between points in Llano and Gillespie Counties, Tex., on the one hand, and, on the other points in Burnet County, Tex.*

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 99798 (Sub-No. 5), filed January 18, 1965. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. 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 the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, Mo., and Piedmont, Mo.; from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 34.

Thence over Missouri Highway 34 to Piedmont and return over the same route, serving no intermediate points; (2) between the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, Mo., and Van Buren, Mo.; (a) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction U.S. Highway 60, thence over U.S. Highway 60 to Van Buren and return over the same route, serving no intermediate points; (b) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Carter County Highway D, thence over Carter County Highway D to junction U.S. Highway 60, thence over U.S. Highway 60 to Van Buren and return over the same route, serving no intermediate points; (3) between the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, Mo., and West Plains, Mo.; (a) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction U.S. Highway 60, thence over U.S. Highway 60 to West Plains and return over the same route, serving no intermediate points; (b) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21.

Thence over Missouri Highway 21 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Missouri Highway 17, thence over Missouri Highway 17 to junction U.S. Highway 160, thence over U.S. Highway 160 to West Plains and return over the same route, serving no intermediate points; (4) between the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, Mo., and Springfield, Mo.; from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction U.S. Highway 60, thence over U.S. Highway 60 to Springfield and return over the same route, serving no intermediate points; and (5) between the plant or mine site of Ozark Lead Corp.

approximately 10 miles west of Ellington, Mo., and St. Louis, Mo.; (a) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to St. Louis and return over the same route, serving no intermediate points; and (b) from the plant or mine site of Ozark Lead Corp. approximately 10 miles west of Ellington, over unnumbered county roads to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 102616 (Sub-No. 756), filed January 18, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in Arizona, California, Connecticut, Delaware, the District of Columbia, Idaho, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103435 (Sub-No. 163), filed January 7, 1965. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen fruits, frozen berries, frozen vegetables, frozen juice concentrates, frozen pies and potato products*, from points in Oregon and Washington to American Falls, Boise, Nampa, Pocatello, Caldwell, Heyburn, and Burley, Idaho, and Ontario, Oreg., for storage in transit and subsequent outbound movement to points in Iowa and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 106674 (Sub-No. 10), filed January 21, 1965. Applicant: OSBORNE TRUCKING CO., INC., Vincennes, Ind. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, (1) from Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, and Riga, Mich., and Cynthiana and Louisville, Ky., to points in Indiana and Ohio, (2) from Indianapolis and Bedford, Ind., to points

in Ohio, and (3) from Columbus, Elyria, Sidney, and Wauseon, Ohio, to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 106775 (Sub-No. 20), filed January 18, 1965. Applicant: HEAVY HAULERS, INC., 9520 Easthaven Boulevard, Houston, Tex., 77060. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections and pipe couplings* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts), from Lone Star and Bond, Tex., to points in Alabama, Florida, Georgia, and Tennessee, and returned and rejected shipments thereof, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107064 (Sub-No. 40), filed January 18, 1965. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and materials and anhydrous ammonia*, in tank vehicles, from points in Navarro County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107286 (Sub-No. 14), filed January 21, 1965. Applicant: M. PASCALE TRUCKING, INC., 8-10 Rice Street, South Attleboro, Mass. Applicant's representative: Russell B. Curnett, 38 Circuit Drive, Edgewood Station, Providence, R.I., 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and fibre pipe*, from Attleboro, Mass., to points in Maine, New Hampshire and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 107403 (Sub-No. 602), filed January 18, 1965. Applicant: MATT-LACK, 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*, in bulk, in tank vehicles, from Petrolia, Pa., to Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 603), filed January 18, 1965. Applicant: MATT-LACK, 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*,

in bulk, in tank vehicles, from Petrolia, Pa., to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 604), filed January 21, 1965. Applicant: MAT-LACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from St. Louis, Mich., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, (except points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio), points in Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 107515 (Sub-No. 506), filed January 21, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Clyde W. Carver, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to point in Alabama, Georgia, North Carolina, South Carolina, Tennessee (except Memphis and its commercial zone), Virginia, and Gallipolis, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 108449 (Sub-No. 194), filed January 22, 1965. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer solutions*, in bulk, in tank or hopper-type vehicles, and in bags, from Chicago and Chicago Heights, Ill., to points in Iowa, Indiana, Michigan, Wisconsin, Minnesota, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 195), filed January 22, 1965. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and fertilizer materials*, in bulk, and in bags, from Erie, Ill., and points within five (5) miles thereof to points in Indiana, Iowa, Michigan, Wisconsin, Illinois, Minnesota, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 272), filed January 25, 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: *Liquid fluorine*, in bulk, in shipper-owned tank semitrailers, from Metropolis, Ill. to points in Oregon, and empty, shipper-owned tank semitrailers, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 51), filed January 18, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station "A", San Antonio, Tex., 78207. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza and pizza pie ingredients*, between points in Colorado, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110158 (Sub-No. 7), filed January 18, 1965. Applicant: B. A. PETERS COMPANY, a corporation, Post Office Box 443, Benton Harbor, Mich., 49023. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers* from Chicago, Ill., to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., and extending along Michigan Highway 46 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction U.S. Highway 131, and on and west of a line extending from Cedar Springs, along U.S. Highway 131 to Petoskey, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich. or Chicago, Ill.

No. MC 110193 (Sub-No. 83), filed January 14, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. 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, and supplies, equipment and materials used in the conduct of such business, between Monmouth, Ill. on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, District of Columbia, Missouri, Nebraska, Kansas, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 84), filed January 18, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 liquids in bulk, in tank vehicles, and except hides), from the plant site of Platte Valley Packing Co., located in Dawson County, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C.

NOTE: Applicant states the proposed service is restricted to traffic originating at the plant site and/or cold storage facilities utilized by Platte Valley Packing Co. located in Dawson County, Nebr. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110193 (Sub-No. 85), filed January 25, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, C, and D 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 Garden City, Kans., and points within 10 miles thereof to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and damaged or rejected shipments, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 110354 (Sub-No. 9), filed January 25, 1965. Applicant: V. KAP TRUCKING, INC., Post Office Box 706, Painesville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from Bessemer, Pa., to points in Ohio.

NOTE: Applicant states the proposed operations will be conducted under contract with Diamond Alkali Co., Union Commerce Building, Cleveland, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110420 (Sub-No. 413), filed January 18, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, 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: *Acids and chemicals, fertilizer, fertilizer solutions, and fertilizer ingredients*, in bulk, from Fulton, Ind., and Sullivan, Ill., and points within 5 miles of the named origins, to points in Illinois, Indiana, Iowa, Michigan, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 414), filed January 18, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from Chicago, Ill., to Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116038 (Sub-No. 22), filed January 19, 1965. Applicant: NORTH-ERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and lime*, from points in Albany County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, and Vermont, and *refused or rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 117561 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 110988 (Sub-No. 109), filed January 18, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Wausau, Green Bay and Two Rivers, Wis., to points in the upper peninsula of Michigan, and (2) from Escanaba and Rapid River, Mich., and points within 5 miles of each, to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110988 (Sub-No. 110), filed January 19, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Junction City, Wis. and points within 15 miles thereof, to points in the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 110988 (Sub-No. 111), filed January 19, 1965. Applicant: KAMPO

TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dry*, in bulk, from Ironton and South Point, Ohio to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 31), filed January 21, 1965. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Highway Transport, Inc., Post Office Box XX, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile softeners*, in bulk, in tank vehicles, from Peoria, Ill. to points in Alabama and Georgia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111302 (Sub-No. 32), filed January 21, 1965. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Highway Transport, Inc., Post Office Box XX, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, between Elmwood and Statesville, N.C. and points within ten (10) miles thereof, on the one hand, and, on the other, points in Tennessee.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 33), filed January 21, 1965. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Highway Transport, Inc., Post Office Box XX, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Danville, Ill. to Decatur, Ga.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111302 (Sub-No. 34), filed January 21, 1965. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway (Post Office Box XX), Thomasville, Ga. Applicant's representative: Lamar Kennedy, Highway Transport, Inc., Post Office Box XX, Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga. to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 42), filed January 18, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: 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 and records and audit and accounting media* of all kinds (excluding plant removals), between points in Allegheny County, Pa., on the one hand, and, on the other, points in Wayne County, Mich. RESTRICTION: No service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 sub 1 and other subs; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 116), filed January 21, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Panama City, Fla. to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112617 (Sub-No. 192), filed January 25, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112668 (Sub-No. 37), filed January 18, 1965. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, from Baltimore and Glyndon, Md., to points in Delaware, those in Adams, Cumberland, Chester, Dauphin, Delaware, Franklin, Lancaster, Lebanon, York, Philadelphia, and Montgomery Counties, Pa., and those in Clarke, Culpeper, Frederick, King George, Madison, Orange, Rappahannock, Spotsylvania, Stafford, and Warren Counties, Va., and (2) *salt*, in bags or in packages, from Baltimore and Glyndon, Md., to points in Delaware, Maryland, the District of Columbia, those in Adams, Cumberland, Chester, Dauphin, Delaware, Franklin, Lancaster, Lebanon, York, Philadelphia, and Mont-

gomery Counties, Pa., those in Fauquier, Fairfax, Clarke, Culpeper, Frederick, King George, Loudoun, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren Counties, Va., and those in Jefferson County, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 208), filed January 18, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments including originals and copies of checks, drafts, notes, money orders, travelers' checks, and cancelled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records* (except coin, currency, bullion and negotiable securities) under continuing contracts with banks and banking institutions only, namely, national banks, state banks, Federal Reserve Banks, savings and loan associations and savings banks, between Richmond and Roanoke, Va., on the one hand, and, on the other, points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va.

NOTE: Common control may be involved. Applicant holds temporary authority to conduct common carrier operations under MC 111729 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 51), filed January 21, 1965. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and solvents*, in bulk, in tank vehicles, from Savage, Minn., and points within five (5) miles thereof, to points in Wisconsin, Illinois, and Indiana, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114019 (Sub-No. 126), filed January 25, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: 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: *Liquid dextrose*, in bulk, in tank vehicles, from Decatur, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Min-

nesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114194 (Sub-No. 85), filed January 18, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup coloring and burnt sugar*, in bulk, from Clinton Iowa, to points in Arkansas, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Wisconsin, and Bonner Springs, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114194 (Sub-No. 86), filed January 18, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup coloring, caramel coloring, and burnt sugar*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kansas (except Bonner Springs, Kans.), Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, Vermont, Virginia, and West Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 98), filed January 21, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., and points within five (5) miles thereof, to points in Arizona, Idaho, Montana, New Mexico, Utah, and Alpine, Ashley, El Paso, and Pecos, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 115331 (Sub-No. 97), filed January 25, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, including fertilizer, insecticides, fungicides, and herbicides, from Omaha, Nebr. to points in Nebraska, Iowa, South Dakota, and Minnesota, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115491 (Sub-No. 51), filed January 18, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla., 33802. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Columbus, Ohio to points in Florida, Georgia, Alabama, Mississippi, Louisiana, South Carolina, Tennessee, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115491 (Sub-No. 52), filed January 18, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Drawer J, Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill. to points in Indiana, Ohio, Pennsylvania, New York, Michigan, Kentucky, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 115491 (Sub-No. 53), filed January 18, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Drawer J, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Alabama, Georgia, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115841 (Sub-No. 219), filed January 18, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Kans.-Mo., to points in Kentucky, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Tennessee, and Gallipolis, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116063 (Sub-No. 63), filed January 22, 1965. Applicant: WESTERN TRANSPORT COMPANY, INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from points in Hopkins County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116273 (Sub-No. 40), filed January 18, 1965. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in

bulk, having prior or subsequent movement by rail and/or water, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116602 (Sub-No. 2), filed January 21, 1965. Applicant: JAMES F. HERLIHY, doing business as HERLIHY TRUCKING COMPANY, 113 Clinton Street, Binghamton, N.Y. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment), having a prior or subsequent movement by air, between points in Broome, Chenango, and Tioga Counties, N.Y., and Broome County Airport, Broome County, N.Y.

NOTE: Applicant states that it intends to tack the above authority to the authority granted in Certificate No. MC 116602 Sub 1, which involves the transportation of the same commodities, between Broome County Airport, Broome County, N.Y., and Newark Airport, Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 116602 (Sub-No. 3), filed January 22, 1965. Applicant: JAMES F. HERLIHY, doing business as HERLIHY TRUCKING COMPANY, 113 Clinton Street, Binghamton, N.Y. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment), having a prior or subsequent movement by air, between points in Broome, Chenango, and Tioga Counties, N.Y., and Newark Airport, Newark, N.J.

NOTE: Applicant states that it intends to tack the above authority to the authority granted in Certificate No. MC 116602 Sub 1, which involves the transportation of the same commodities, between Broome County Airport, Broome County, N.Y., and Newark Airport, Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 116763 (Sub-No. 45), filed January 21, 1965. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116763 (Sub-No. 46), filed January 25, 1965. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. (mailing address), North West Street, Versailles, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal food* in containers, from Woburn, Mass. to points in Alabama, Louisiana, Michigan, Mississippi, Ohio, and West Virginia.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117119 (Sub-No. 192), filed January 25, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., to points in Arkansas, Mississippi, Louisiana, Texas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, and Michigan.

NOTE: Applicant states the proposed service is restricted to traffic originating at Russellville, Ark. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117344 (Sub-No. 144), filed January 22, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: Herbert Baker and James R. Stivers, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117574 (Sub-No. 116), filed January 19, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, *parts* and *accessories* for tractors and tractor attachments when moving in mixed loads with tractors or tractors with attachments (not including truck tractors), from points in Ohio and Michigan, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, the District of Columbia, West Virginia, Ohio, Indiana, Kentucky, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 117), filed January 18, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Articles* which because of size or weight require the use of special equipment and (2) *articles* which do not require the use of special equipment

only when moving in the same shipment or same vehicle with articles in (1) above, from points in Illinois on and north of U.S. Highway 6 and those in Kentucky on and north of U.S. Highway 60 to points in the United States, except Alaska and Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118142 (Sub-No. 17), filed January 21, 1965. Applicant: M. BRUENGER & CO. INC., 6330 North Broadway, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road (N 13), Shawnee Mission, Kans., 66208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meatpacking houses* as defined by the Commission, from Garden City, Kans., and points within ten (10) miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 119195 (Sub-No. 7), filed January 18, 1965. Applicant: CHARLES S. ROGERS, JR. and EDNA ROGERS, a partnership, doing business as ROGERS TRUCKING, Old Country Road, Monroe, N.Y. Applicant's attorney: Vincent M. Brennan, Central Valley, N.Y., 10917. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is distributed by the Grand Union Co., through their stamp redemption books, from South Hackensack, N.J. to points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., and damaged, rejected and returned shipments, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119422 (Sub-No. 28), filed January 21, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, Post Office Box 1037, East St. Louis, Ill. Applicant's attorney: 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: *Cement*, from the plant site of River Cement Co. at St. Louis, Mo., to points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 51), filed January 18, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street (Post Office Box 339), Burlington, Wis. Applicant's representative: Fred H. Fige, Post Office Box 339, Burlington, Wis. Authority sought to operate as a common carrier,

by motor vehicle over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, from the plant and warehouses of Nitro, Inc., located at or near Cordova, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120257 (Sub-No. 6), filed January 18, 1965. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections and pipe couplings* (except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from Lone Star and Bond, Tex. to points in Alabama, Florida, Georgia, Mississippi, and Tennessee, and returned and rejected shipments, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120377 (Sub-No. 2) (AMENDMENT), filed October 30, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended February 1, 1965, and republished as amended this issue. Applicant: GLOBE TRUCKING, INC., 20 Vance Street, Toledo, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., between Toledo, Ohio, on the one hand, and, on the other, points in Ohio.

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 Cleveland, Ohio.

No. MC 123628 (Sub-No. 1), filed January 25, 1965. Applicant: THEODORE GEORGE PAPPAS, doing business as TED PAPPAS & SONS, North Broadway, Gering, Nebr. Applicant's attorney: Frank J. Mattoon, Box 218, Sidney, Nebr., 69162. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Commercial fertilizer* (in bulk, or packaged or bags), (1) from points in Nebraska to points in Wyoming, South Dakota, Idaho, Colorado, and Montana; (2) from points in Montana and Idaho to points in Nebraska, Wyoming, and Colorado; and (3) from points in Wyoming to points in Nebraska, Montana, South Dakota, and Idaho; and (b) *commercial feeds* (in bulk, or packaged or bags), (1) from points in Iowa and Kansas to points in Nebraska, Wyoming, Utah, Idaho, Montana, and Colorado; and (2) from points in Denver County, Colo., to points in Wyoming, South Dakota, Montana,

Idaho, Utah, North Dakota, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 124105 (Sub-No. 14), filed January 18, 1965. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of Universal Atlas Cement division of United States Steel Corp. located at Chamblee, Ga., to points in South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests does not specify any particular area.

No. MC 124105 (Sub-No. 15), filed January 18, 1965. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of Universal Atlas Cement division of United States Steel Corp. located at Huntsville, Ala., to points in Georgia, Tennessee, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 124435 (Sub-No. 3), filed January 18, 1965. Applicant: CLARENCE SCHROEDER, 27626 Ford Road, Garden City, Mich. Applicant's attorney: William B. Elmer 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (1) from points in Ohio and points in Pennsylvania on and west of U.S. Highway 219, to Detroit, Mich., and (2) from points in Ohio, to Livonia, Mich.

NOTE: Applicant states the operations in the proposed service in (1) above, to be under continuing contract with Century Brick, and in (2) above, under continuing contract with New Kwik Building & Plastering Supply Co. If a hearing is deemed necessary applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 124628 (Sub-No. 9), filed January 25, 1965. Applicant: SAM FALICK TRUCKING, INC., 345 Butler Street, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cakes, edible nuts, tea, and coffee*, in mixed shipments in the same vehicle, from Secaucus, Carlstadt, and Camden, N.J., and New York, N.Y., to points in Wisconsin, Minnesota, North Carolina, South Carolina, Florida, Georgia, and Missouri.

NOTE: Applicant states the proposed operation will be under a continuing contract with Chock Pull O'Nuts Corp., Brooklyn, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124774 (Sub-No. 9), filed January 21, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 liquids in bulk, in tank vehicles, and except hides), from the plant site of Platte Valley Packing Co., located in Dawson County, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, and Ohio.

NOTE: Applicant states the proposed service is to be restricted to traffic originating at the plant site and/or cold storage facilities utilized by Platte Valley Packing Co., located in Dawson County, Nebr. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125474 (Sub-No. 11), filed January 18, 1965. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's attorneys: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C., and Cyrus D. Hogue, Jr., Post Office Box 1268, Wilmington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock*, in bulk, in covered dump, tank, or hopper type vehicles from the plant site of Texas Gulf Sulphur located in Beaufort County, N.C. and points within five (5) miles thereof, to points in North Carolina.

NOTE: Applicant has a pending contract carrier application under No. MC 126528. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125762 (Sub-No. 1), filed January 14, 1965. Applicant: ALFRED J. CICONI, 100 Vine Street, Ringtown, Pa. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and materials, supplies and equipment* used in the manufacture, processing, distribution or sales of plastic articles (excluding commodities in bulk or those which because of size or weight require the use of special equipment), between points in Schuylkill County, Pa., north of Pennsylvania Highway 45 (excluding points located on Pennsylvania Highway 45 in Schuylkill County), on the one hand, and, on the other, points in Pennsylvania, having a prior movement via rail, air or motor vehicle in interstate commerce.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 125918 (Sub-No. 1), filed January 21, 1965. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used brick, tile and clay prod-*

acts, on vehicles equipped with mechanical loading and unloading devices, (1) from Winslow, N.J., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, Philadelphia, and Lehigh Counties, Pa., and points in Delaware; (2) from Columbus, Alliance, Newcomerstown, Ohio, Washington, D.C., Charleston, Martinsburg, and North Mountain, W. Va. to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, Philadelphia, and Lehigh Counties, Pa., and points in Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and points in Delaware; and (3) from Harrisburg, Middletown, Ephrata, Wyomissing, Shoemaker, York, Watertown, Mifflinville, and Beaver Falls, Pa., to points in Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and points in Delaware.

NOTE: Applicant states that the proposed service will be under a continuing contract with Diener Brick Co., Collingswood, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126401 (Sub-No. 1), filed January 18, 1965. Applicant: BOYD WHITE, 1624 South Oak, Ottawa, Kans. Applicant's attorney: Kenton C. Granger, First National Bank Building, Ottawa, Kans. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cast stone, precast concrete, brick and tile*, from Kansas City and Fredonia, Kans., to points in Missouri.

NOTE: Applicant states that the above proposed operation will be conducted for the account of Lusco Brick & Stone Co. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126557 (Sub-No. 1), filed January 21, 1965. Applicant: S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Anson County, N.C., to points in Florence and Darlington Counties, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 126788, filed December 8, 1964. Applicant: JOHN T. SAMUEL, 3907 Mary Street, Drexel Hill, Pa. Applicant's attorney: 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 common carrier, by motor vehicle, over irregular routes, transporting: *Plumbing, heating and air conditioning fixtures, supplies and equipment*, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Delaware.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126832 (Sub-No. 2), filed January 18, 1965. Applicant: NEPTUNE

WORLD-WIDE MOVING, INC., OF CALIFORNIA, 3400 Broadway, Oakland, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467, (1) between points in San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, Sonoma, Napa, and Solano Counties, Calif. and (2) between points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties, Calif.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126844, filed January 21, 1965. Applicant: ANTHONY C. DAUITO AND RALPH DAUITO, JR., a partnership doing business as RALPH DAUITO & SONS, 583 North Main Street, Vineland, N.J. 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: *Food and food products, including premium and promotional items* accompanying shipments of food and food products, from points in Cumberland County, N.J., to New Orleans, La., and points in Georgia and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126848 (Sub-No. 1), filed January 19, 1965. Applicant: VITO PAGLIA AND CARMINE PAGLIA, a partnership doing business as PAGLIA TRUCKING, 131 Prospect Street, Newark, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, and automotive hardware* such as nuts, bolts, hangers, clamps, and fasteners used in the installation of the aforementioned commodities, from Roselle Park, N.J., to Washington, D.C., New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., points in Pennsylvania on and east of the Susquehanna River and points in Massachusetts, Connecticut, Rhode Island, Maryland, and Delaware; restricted to a service to be performed under a continuing contract or contracts with Midas International Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 126896, filed January 21, 1965. Applicant: GENE F. EVERETT, doing business as EVERETT DELIVERY SERVICE, 4220 East Davison, Detroit 12, Mich. Applicant's attorney: Wallace D. Riley, 2200 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Photographic film, processed and exposed photographic film and prints, incidental dealer handling supplies and advertising magazines and literature* moving therewith, between Detroit, Mich. and points

in Genesee, Livingston, Macomb, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 126897, filed January 18, 1965. Applicant: FARM EXPRESS, INC., Post Office Box 824, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Eggs, poultry, grain, and grain products, farm products, and supplies* used by farmers, between points in Lancaster County, Nebr., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that the above proposed operation will be under a continuing contract with Equity Union Grain Co., 940 Calvert Street, Lincoln, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 126898, filed January 18, 1965. Applicant: ASHLEY GARDNER TRUCKING CO., INC., 2 Houston Street, Charleston, S.C. Applicant's attorney: Ernest F. Hollings, 38 Broad Street, Charleston, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Siding, roofing and roofing materials*, from Charleston, S.C., and points within ten (10) miles thereof, to points in North Carolina and Georgia, and damaged siding, roofing, and roofing materials, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 126902, filed January 18, 1965. Applicant: KAY TRANSPORTATION COMPANY, INC., 25 South Cary Street, Baltimore, Md. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Bakery and pastry products* from Baltimore, Md. to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, and (2) *materials, ingredients and supplies* used in the manufacture and packing of bakery and pastry products, from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia to Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126905, filed January 21, 1965. Applicant: TRANS-JERSEY AIRCRAFT SERVICE, INC., 51 West Main Street, Somerville, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment), between LaGuardia and Kennedy International Airports, N.Y., Newark and Teterboro Airports, N.J., on the one hand, and, on the other,

points in Somerset, Hunterdon and Warren Counties, N.J., and Northampton and Lehigh Counties, Pa.

NOTE: Applicant states the proposed service is to be restricted to traffic having an immediately prior or immediately subsequent movement by air. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Newark, N.J.

No. MC 126907, filed January 21, 1965. Applicant: A. J. PITTS, 893 Ridge Road, Webster, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, tractors, and trailers*, between points in New York, on the one hand, and, on the other, points in New Jersey, Ohio, Pennsylvania, and Virginia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Rochester, N.Y.

No. MC 126908, filed January 21, 1965. Applicant: WALTER L. HODGENS, doing business as SOUTHERN MARYLAND DELIVERIES COMPANY, 5031 Dunlap Street SE., Washington, D.C. Applicant's attorney: Louis Rezek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in individual shipments not to exceed 500 pounds, between Washington, D.C., on the one hand, and, on the other, points in Charles, Prince Georges, St. Marys, Calvert, and Anne Arundel Counties, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126909, filed January 15, 1965. Applicant: JENKINS TRUCKING, INC., 1335 Northwest 23rd Street, Miami, Fla. Applicant's attorney: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla., 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen citrus products, and chilled juice*, in bulk, from points in Dade and Broward Counties, Fla. to points in the United States, except Alaska and Hawaii, and *exempt commodities*, on return.

NOTE: Applicant is also authorized to conduct common carrier operations pursuant to purchase in MC-FC 67328, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 126910, filed January 25, 1965. Applicant: KING B. ROWLAND, 55 East Washburn Street, New London, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and concrete products, drainage materials, pipe liners and couplings*, (1) from the plant site of The E. Biglow Co. located at or near New London, Ohio, and the plant site of The Hyway Concrete Pipe Co. located at Findlay, Ohio, to points in New York and Pennsylvania and (2) between the plant sites of The

E. Biglow Co. located at or near New London, Ohio, Hancock Brick and Tile Co. and Hyway Concrete Pipe Co., both located at or near Findlay, Ohio, on the one hand, and, on the other, the plant site of the Michigan Vitriified Tile Co. (division of Hancock Brick and Tile Co.) located at or near Corunna, Mich., under continuing contracts with the E. Biglow Co., and *refused, rejected and returned shipments* on return, in (1) and between points in (2).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126912, filed January 22, 1965. Applicant: RED LINE CARRIERS, INC., 1726 South Smith Avenue, San Jose, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, (1) between points in Santa Clara and San Mateo Counties, Calif., and (2) between points in Kings, Fresno, and Tulare Counties, Calif.

NOTE: Applicant states that no transportation shall be performed between points in (1) on the one hand, and (2) on the other. Applicant is also authorized to conduct operations as a *contract carrier* in Permit No. MC 115649 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 126895, filed January 19, 1965. Applicant: ORVILLE MILTON WESTFALL, doing business as CENTRAL STAGE LINES, Rural Route No. 2, Nicholasville, Ky. 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 Frankfort, Ky. and Madison, Ind., from Frankfort over U.S. Highway 421 to junction Kentucky Highway 22, thence over Kentucky Highway 22 to Eminence, Ky., thence over Kentucky Highway 55 to junction U.S. Highway 421, thence over U.S. Highway 421 to Madison, Ind., and return over the same route, serving all intermediate points on U.S. Highway 421.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12942, filed January 12, 1965. Applicant: CAMBRIDGE TOURS, INC., 9 Vivian Drive, Scarsdale, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. For a license (BMC 5) to engage in operations as a *broker* at points in Westchester and Bronx Counties, N.Y., in arranging for transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, all of school age, in round trip, all expense tours, excluding ski

tours, beginning and ending at points in Westchester and Bronx Counties, N.Y., and extending to points in the United States, excluding Hawaii and Alaska.

APPLICATION OF WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W-630 (Sub-No. 24) (A. L. MECHLING BARGE LINES, INC.—EXTENSION—TAMPA), filed January 25, 1965. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, Ill. Application filed January 25, 1965, for a revised certificate authorizing transportation in interstate or foreign commerce as a *common carrier* by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of pipe, sewer, or related articles; sewer pipe, vitrified clay; flue lining, clay; wall capping, vitrified clay from Cairo, Ill. to Tampa, Fla. by way of the Mississippi River, the Gulf of Mexico, the Gulf Intracoastal Waterway on traffic originating at Cannelton, Ind.

APPLICATION OF FREIGHT FORWARDERS

MOTOR CARRIERS OF PROPERTY

No. FF-315 (Traffic Dynamics, Inc.) Freight Forwarder Application, filed January 28, 1965. Applicant: TRAFFIC DYNAMICS, INC., Four Gateway Center, Pittsburgh, Pa., 15222. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C., 20006. Applicant's representative: T. L. Harrigan (address same as applicant). Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, express, water carrier, air and motor vehicle in the transportation of *General commodities* (restricted to export-import traffic) between points in the Pittsburgh, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, the ports of Baltimore, Md., Philadelphia, Pa., and New York, N.Y. (including Newark, N.J.).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 312), filed January 25, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slop oil*, in bulk, in tank vehicles, from Clermont, Ind. to Toledo, Ohio.

No. MC 59570 (Sub-No. 25), filed January 18, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry salt*, in bulk and in bags, *dry salt with additives*, *dry pepper* and *dry mineral mixtures*, from Port Newark, N.J. to Washington, D.C.

No. MC 86003 (Sub-No. 14), filed January 19, 1965. Applicant: HOWARD G. SLAUGHTER, doing business as

SLAUGHTER BEVERAGE TRANSPORT, Townsend, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Applicant is authorized to transport, over irregular routes, by virtue of authority granted in Permit No. MC 86003; (1) *Alcoholic beverages*, from points in New York, New Jersey, Pennsylvania, and Maryland, to Wilmington, Del.; and (2) *empty beverage containers*, from Wilmington, Del., to points in New York, New Jersey, Pennsylvania, and Maryland; and by virtue of authority granted in Permit No. MC 86003 (Sub-No. 10); *malt beverages* (except in bulk, in tank vehicles), (1) from New York, N.Y., Baltimore, Md., and Philadelphia, Pa., to Milford, Del., limited to a transportation service to be performed under a continuing contract or contracts, with Major Distributing Co., Inc., of Milford, Del.; (2) from Newark, N.J., to Milford, Del., limited to a transportation service to be performed under a continuing contract or contracts, with General Distributors, Inc., of Wilmington, Del.; and (3) from Baltimore, Md., New York, N.Y., Newark, N.J., and Reading, Pa., to Milford, Del., limited to a transportation service to be performed under a continuing contract or contracts with Wilson Beverage Co., of Wilmington, Del. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carriers' operations shall conform to the provisions of section 210 of the Act.

NOTE: Applicant seeks prerequisite approval under provisions of section 210 of the act for dual control and operation of the following: (a) Howard G. Slaughter, doing business as Slaughter Beverage Transport, No. MC 86003, and (b) Capital Express, Inc., No. MC 119701, both published in FEDERAL REGISTER this issue.

No. MC 110525 (Sub-No. 698), filed January 25, 1965. Applicant: **CHEMICAL LEAMAN TANK LINES, INC.**, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street N.W., Washington, D.C. and Edwin H. van Deusen, 506 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Boston, Mass., to Detroit, Mich.

No. MC 111103 (Sub-No. 12), filed January 18, 1965. Applicant: **PROTECTIVE MOTOR SERVICE COMPANY, INC.**, 725-29 South Broad Street, Philadelphia 47, Pa. Applicant's attorney: Peter Platten, 1035 Land Title Building, Philadelphia, Pa., 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition), having a prior or subsequent movement by air, rail, or motor carrier, between Philadelphia, Pa., on the

one hand, and, on the other, points in Dauphin County, Pa.

NOTE: Applicant states that the above proposed operation will be conducted for the account of Eastman Kodak Co., Rochester, N.Y.

No. MC 114194 (Sub-No. 84), filed January 18, 1965. Applicant: **KREIDER TRUCK SERVICE, INC.**, 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, corn syrup, and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in Arkansas and Louisiana, and *reflected shipments*, on return.

No. MC 115504 (Sub-No. 24), filed January 19, 1965. Applicant: **KENISON TRUCKING INC.**, Post Office Box 324, 1975 South 1045 West, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products* (except those used for telephone and power line construction), from Geneva, Utah to Salt Lake City, Utah and (2) *fabricated iron and steel products* (except those used for telephone and power line construction), from Salt Lake City, Utah to points in New Mexico.

NOTE: Applicant is also authorized to conduct operations as a *common carrier* in Certificate MC 119848; therefore dual operations may be involved.

No. MC 115841 (Sub-No. 220), filed January 21, 1965. Applicant: **COLONIAL REFRIGERATED TRANSPORTATION, INC.**, 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except commodities in bulk or in tank vehicles), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to Little Rock, Ark.

No. MC 117765 (Sub-No. 18), filed January 21, 1965. Applicant: **HAHN TRUNK LINE, INC.**, 19 Kansas Avenue, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone, lime*, common, hydrated, quick or slaked, *barn lime* (ground or pulverized limestone), *agricultural limestone*, and *mineral mixtures* for animal and poultry feed, from Quincy, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) *empty bags, barrels, or drums* used in transporting the above-specified commodities, from points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin to Quincy, Ill.

No. MC 119632 (Sub-No. 16), filed January 21, 1965. Applicant: **REED LINES, INC.**, Woodburn, Ind. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Battle Creek, Mich., to Ashtabula, Barnesville, Bellaire, Chillicothe, Dillon-

vale, East Liverpool, Gallipolis, Ironton, Jackson, Marietta, Millersport, New Boston, Pomeroy, Portsmouth, St. Clairsville, Steubenville, and Youngstown, Ohio, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of West Virginia on, north, and east of U.S. Highway 60 from the Ohio-West Virginia State line to Charleston, W. Va., thence along U.S. Highway 119 to Buckhannon, W. Va., thence along U.S. Highway 33 to Elkins, W. Va., thence along U.S. Highway 219 to the West Virginia-Maryland State line, and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction U.S. Highway 25-E, thence along U.S. Highway 25-E to the Kentucky-Tennessee State line.

No. MC 119701 (Sub-No. 1), filed January 21, 1965. Applicant: **CAPITAL EXPRESS, INC.**, Smyrna, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Applicant is authorized to transport, over irregular routes by virtue of authority granted in Certificate No. MC 119701, (1) *Wine, soft drinks, and malt beverages*, from New York, N.Y., Newark, N.J., Lebanon, Reading and Philadelphia, Pa., Baltimore and Hagerstown, Md., to Washington, D.C., and (2) *empty containers* for the above-specified commodities, from Washington, D.C., to the above specified points of origin; and by virtue of control of R. H. Wright, Inc., Certificate No. MC 37926, authorized in MC-F 8661, applicant is authorized to transport, over irregular routes, (1) *lumber and shingles*, (a) from Philadelphia, Pa., and Wilmington, Del., to Selbyville, Del., and Bishop, Md.; (b) from Berlin and Bishopville, Md., and Selbyville, Del., to Wilmington, Del., and Philadelphia and Reading, Pa.; (2) *lumber and building materials*, from Delair, N.J., to Greensboro and Denton, Md.; (3) *live poultry and eggs*, from Greensboro and Denton, Md., to Delair, N.J.; (4) *live poultry*, from points in Sussex County, Del., Accomack and Northampton Counties, Va., and Worcester, Somerset, Wicomico, Dorchester, Talbot, Queen Annes, and Caroline Counties, Md., to Norfolk, Va., Washington, D.C., Baltimore, Md., Philadelphia, Chester, and Pittsburgh, Pa., Newark, N.J. and New York, N.Y.; (5) *poultry feed*, (a) from New York, N.Y., Kearny, N.J., Philadelphia, Pa., and Baltimore, Md., to points in Sussex County, Del., (b) from Selbyville, Del., to Salisbury, Md.; (6) *fertilizer*, from Philadelphia, Pa., and Baltimore and Salisbury, Md., to Selbyville, Del., and points in Delaware and Maryland within ten miles of Selbyville; (7) *agricultural commodities*, from points in Worcester County, Md., and Sussex County, Del., to Philadelphia and Pittsburgh, Pa., Newark, N.J., New York, N.Y., Baltimore, Md., and Washington, D.C.

(8) *Holly berries* (artificial), from Union City, N.J., to Bridgeville, Millsboro, Laurel, Delmar and Seaford, Del., and Federalsburg, Md.; (9) *holly and holly wreaths*, from Federalsburg, Md., and points in Sussex County, Del., to Plainfield, N.J.; (10) *paper cartons*, from

Philadelphia, Pa., to Bridgeville, Delmar, Laurel, Seaford, and Millsboro, Del., and Federalsburg, Md.; (11) *memorials*, from Philadelphia and Darby, Pa., and Wilmington, Del., to Denton, Easton, and Greensboro, Md.; (12) *farm implements and supplies*, from Philadelphia, Pa., to Greensboro and Whiteleysburg, Md., and Whiteleysburg, Del.; (13) *machinery and farm supplies*, from Philadelphia and Chester, Pa., to Harrington, Del., and Preston, Denton, and Greensboro, Md.; (14) *leather*, from Philadelphia, Pa., to Greensboro, Md.; (15) *leather goods, and canned goods*, from Greensboro, Md., to Philadelphia, Pa.; (16) *livestock feeds and building materials*, from Baltimore, Md., and Philadelphia, Pa., to Maryland, Md., and Maryland, Del.; (17) *livestock feeds and fertilizer*, from Philadelphia, Pa., to points in Cecil, Kent, Queen Annes, Caroline, and Talbot Counties, Md., and Sussex and Kent Counties, Del.; (18) *livestock, live poultry, eggs, sugar, raw milk, skimmed milk, dried or not dried semisolid milk, evaporated milk, cream and ice cream mix*, from Greensboro, Md., to Dover, Newark, Wilmington, Marshallton, and Hockessin, Del., and Chester, Philadelphia, and Media, Pa.; (19) *squash seed*, from Greensboro, Md., to New York, N.Y.; (20) *scrapple cartons, pans, hog casings, binder flour, ice boxes*, from Philadelphia, Pa., and Wilmington, Del., to Greensboro and Easton, Md.; (21) *show cases*, from Easton and Greensboro, Md., to Wilmington, Del., and Philadelphia, Pa.; (22) *sugar*, from Philadelphia, Pa., and Baltimore, Md., to Greensboro, Md.; (23) *plumbing and heating supplies*, between Philadelphia, Pa., and Greensboro, Md.; (24) *machinery and parts*, between Philadelphia, Chester, York, Bethlehem, Harrisburg, Reading, and Lancaster, Pa., and Wilmington and Laurel, Del., on the one hand, and, on the other, Greensboro, Md.; (25) *calcium and chloride and bricks*, between Philadelphia, Pa., Wilmington, Del., and Baltimore, Md., on the one hand, and, on the other, Greensboro, Md.

(26) *Milk, milk products, and empty milk cans*, between Greensboro, Md., and Dover, Del., on the one hand, and, on the other, Baltimore and Annapolis Md., Alexandria, Va., Washington, D.C., points in Delaware, those in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, and extending through Mills, Doyleburg, and Marion, Pa., to the Pennsylvania-Maryland State line, and those in that part of Maryland on and east of Chesapeake Bay and Susquehanna River; (27) *household goods* as defined by the Commission; between points in Carolina, Talbot, and Queen Annes Counties, Md., on the one hand, and, on the other, New York, N.Y., points in Delaware, New Jersey, Maryland, and the District of Columbia, and those in that part of Pennsylvania east of U.S. Highway 15 between the New York-Pennsylvania State line and Harrisburg, and east of a line beginning at Harrisburg and extending along unnumbered highway (formerly portion U.S. Highway 111) through New Cumberland, Pa., to junction U.S. Highway 111, thence along U.S. Highway 111 to junction unnumbered highway (formerly

portion U.S. Highway 111), thence along unnumbered highway through York, Loganville and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified; (28) *poultry manure, cow manure, crab meal, and bone meal*, in containers, from Frankford, Dagsboro, and Georgetown, Del., and points within 8 miles of Georgetown, Del., to points in Virginia, Maryland, New Jersey, that part of New York on and south of U.S. Highway 20, and that part of Pennsylvania on and east of U.S. Highway 220; (29) *fish meal*, in bulk and in bags (except the transportation of liquid commodities in bulk), from Lewes, Del., to Harmony and St. Michaels, Md.

(30) *Crab meal*, in bulk and in bags (except the transportation of liquid commodities in bulk), (a) from Cambridge, Honga, Marion, and Tilghman, Md., to Bridgeville, Del., Bordentown and Salem, N.J., and Philadelphia and Lebanon, Pa.; (b) from Marion, Md., to Lakewood, N.J.; by virtue of authority granted in Certificate No. MC 37926 (Sub-No. 13); *ground animal and poultry offal* (except in bulk, in tank vehicles), from Bishop, Cambridge, Easton, and Salisbury, Md., Bird-in-Hand, Fredericksburg, Lancaster, and Phoenixville, Pa., and Pleasantville, N.J., to points in Delaware, Maryland, New Jersey, and Pennsylvania; and by virtue of authority granted in Certificate No. MC 37926 (Sub-No. 14); *milk, milk products, and ice cream mix*, in containers, from Greensboro, Md., to Eastville, Exmore, Fairfax, Cape Charles, Cedar Grove, Chincoteague, Manassas, and Tasley, Va.

NOTE: Applicant seeks prerequisite approval under provisions of Section 210 of the Act for dual control and operation of the following: (a) Howard G. Slaughter, doing business as Slaughter Beverage Transport, No. MC 86003, and (b) Capital Express, Inc., No. MC 119701, both published in FEDERAL REGISTER this issue.

No. MC 126439 (Sub-No. 1), filed January 18, 1965. Applicant: CAMIRAND CARTAGE, LTD., 46 Milton Avenue, Ville St. Pierre, P.Q., Canada. Applicant's attorney: Douglas C. Pierson, 181 South Union Street, Burlington, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial molasses*, in bulk, from the ports of entry on the International Boundary line between the United States and Canada at or near Richford and Troy, Vt., to Richford and Troy, Vt., restricted to traffic originating at Montreal, Quebec, Canada.

NOTE: Applicant states that the above proposed operations will be performed for the account of Grandma Molasses, Ltd.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-1436; Filed, Feb. 9, 1965;
8:48 a.m.]

[Notice 1124]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-66930. By order of January 29, 1965, the Transfer Board approved the transfer to Abbott Bus Lines, Inc., Roanoke, Va., of the operating rights claimed by Taft Abbott, doing business as Abbott Bus Lines, Roanoke, Va., under the "grandfather clause" of section 206(a) (7) (B), in No. MC-56711 (Sub-No. 2), covering certain operations in the State of Virginia. Jno. C. Goddin, 10 South Tenth Street, Richmond 19, Va., attorney for applicants.

No. MC-FC-66998. By order of January 29, 1965, the Transfer Board approved the transfer to Associated Transport Co., of Texas, a corporation, Dallas, Tex.; of the operating rights claimed under the "grandfather clause" of section 206(a) (7) (B), in No. MC-99931 (Sub-No. 3), by Calvin A. Barker, doing business as Associated Transport Co., Dallas, Tex.; covering certain operations in Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex., attorney for applicants.

No. MC-FC-67501. By order of January 29, 1965, the Transfer Board approved the transfer to Holland Transfer Co., a corporation, 916 Salisbury Road, Statesville, N.C., of the operating rights in Certificate in No. MC-106202 (Sub-No. 1) and those evidenced by a Certificate of Registration in No. MC-106202 (Sub-No. 4), issued October 30, 1956, and June 2, 1964, to W. R. Holland and R. B. Holland, a partnership, doing business as Holland Transfer Co., 916 Salisbury Road, Statesville, N.C., authorizing the transportation of packinghouse products from Statesville, N.C., to points in North Carolina within 75 miles of Statesville; and damaged, defective, rejected or returned shipments of the above-specified commodities, from points in North Carolina within 75 miles of Statesville, N.C., to Statesville; and general commodities, over irregular routes, from Statesville to points in North Carolina, and between points in 24 counties in North Carolina; and household goods, new furniture, store, and office fixtures between points in North Carolina.

No. MC-FC-67516. By order of January 29, 1965, the Transfer Board approved the transfer to Davies Motors Ltd., a corporation, Point Edward, Sarnia, Ontario, Canada, of the operating rights issued by the Commission November 30, 1960, and May 1, 1962, under Certificates Nos. MC-102189 (Sub-No. 1), and MC-102189 (Sub-No. 5), respectively, to Sarnia Transit Co., Limited, Sarnia, Ontario, Canada, authorizing the transportation, over irregular routes, of passengers and their baggage, in round

trip charter operations, beginning and ending at the port of entry at Port Huron, Mich., at or near the United States-Canada boundary line, and extending through said port to points in Michigan; and beginning and ending at ports of entry on the United States-Canada boundary line in Michigan, and extending to points in Ohio, Pennsylvania, New York, Indiana, and Illinois. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C., attorney for applicants.

No. MC-FC-67517. By order of January 29, 1965, the transfer Board approved the transfer to Smith Avenue Storage Warehouse Moving Co., Inc., Kingston, N.Y., of the operating rights issued by the Commission July 31, 1962, and July 31, 1962, under Certificates Nos. MC-38367 and MC-38367 (Sub-No. 2), respectively, to Bernice E. Faerber, doing business as Smith Avenue Storage Warehouse Moving Co., Kingston, N.Y., authorizing the transportation of household goods, as defined by the Commission, between Kingston, N.Y., and points in New York within 35 miles of Kingston, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Delaware, Maryland, Vermont, Virginia, and the District of Columbia; and between Saugerties, N.Y., and points within 20 miles of Saugerties, excluding those in Dutchess County, N.Y., on the one hand, and, on the other, points in New Hampshire and Ohio. John J. Brady, Jr., 75 State Street, Albany, N.Y., attorney for applicants.

No. MC-FC-67519. By order of January 29, 1965, the Transfer Board approved the transfer to United Haulage Co., Inc., Brooklyn, N.Y., of the operating rights issued by the Commission May 28, 1962, under Certificate in No. MC-92997, to Ellen Nunziato, doing business as Nunziato Trucking Co., Cliffside, N.J., authorizing the transportation, over irregular routes of chemicals, in containers, from Edgewater, N.J., to Sparkill, Newburgh, and Fircloft, N.Y., and empty chemical containers, from the above-specified destination points to Edgewater; and general commodities, with exceptions, between North Bergen, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, and those specified in New Jersey. Bowes & Millner, 1060 Broad Street, Newark, N.J., attorneys for applicants.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-1437; Filed, Feb. 9, 1965;
8:48 a.m.]

[Sec. 5a Application No. 2; Amdt. No. 15]

WESTERN TRAFFIC ASSOCIATION Application for Approval of Amend- ments to Agreement

FEBRUARY 5, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amend-

ments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed February 1, 1965, by: James M. Scouby, Jr., Chairman and Counsel, Western Railroad Traffic Association, Room 514 Union Station, Chicago, Ill., 60606.

Amendments involved: Change Article IX, Section 7, of the Articles of Organization and Procedure so as to provide that interested shippers may request conference with one or more of the traffic executives directly involved, rather than the Executive Committee of the Texas-Louisiana Freight Bureau.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-1438; Filed, Feb. 9, 1965;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR FOR RELIEF

FEBRUARY 5, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39556: *Volcanic ash, slag or scoria to WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2388), for interested rail carriers. Rates on volcanic ash, scoria or slag, in carloads, from Antonito, Crater, Howard and McClintock, Colo., to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariff: Supplement 111 to Western Trunk Line Committee, agent, tariff I.C.C. A-4411.

FSA No. 39557: *Soda ash to Forest Park and Hapeville, Ga.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2760), for interested rail carriers. Rates on soda ash, dense, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, to Forest Park and Hapeville, Ga.

Grounds for relief: Market competition.

Tariffs: Supplements 154 and 78 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 39558: *Joint motor-rail rates—middlewest motor freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 354), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in central states and southwestern territories, on the other; also between points in southwestern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 35 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

FSA No. 39559: *Returned limestone from, to and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4631), for interested rail carriers. Rates on limestone, ground or pulverized, in carloads, refused or rejected at original points of destination and returned to original point of shipment, between points in southern territory; also from points in official (including Illinois) territory to points in southern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 165 to Southern Freight Association, agent, tariff I.C.C. S-146.

FSA No. 39560: *Scrap iron or steel from or to WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2390), for interested rail carriers. Rates on scrap iron or steel, in carloads, minimum 100,000 pounds, between points in Wyoming, on the one hand, and points in western trunkline territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 12 to Western Trunk Line Committee, agent, tariff I.C.C. A-4530.

FSA No. 39561: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 107), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 1 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1338.

By the Commission.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

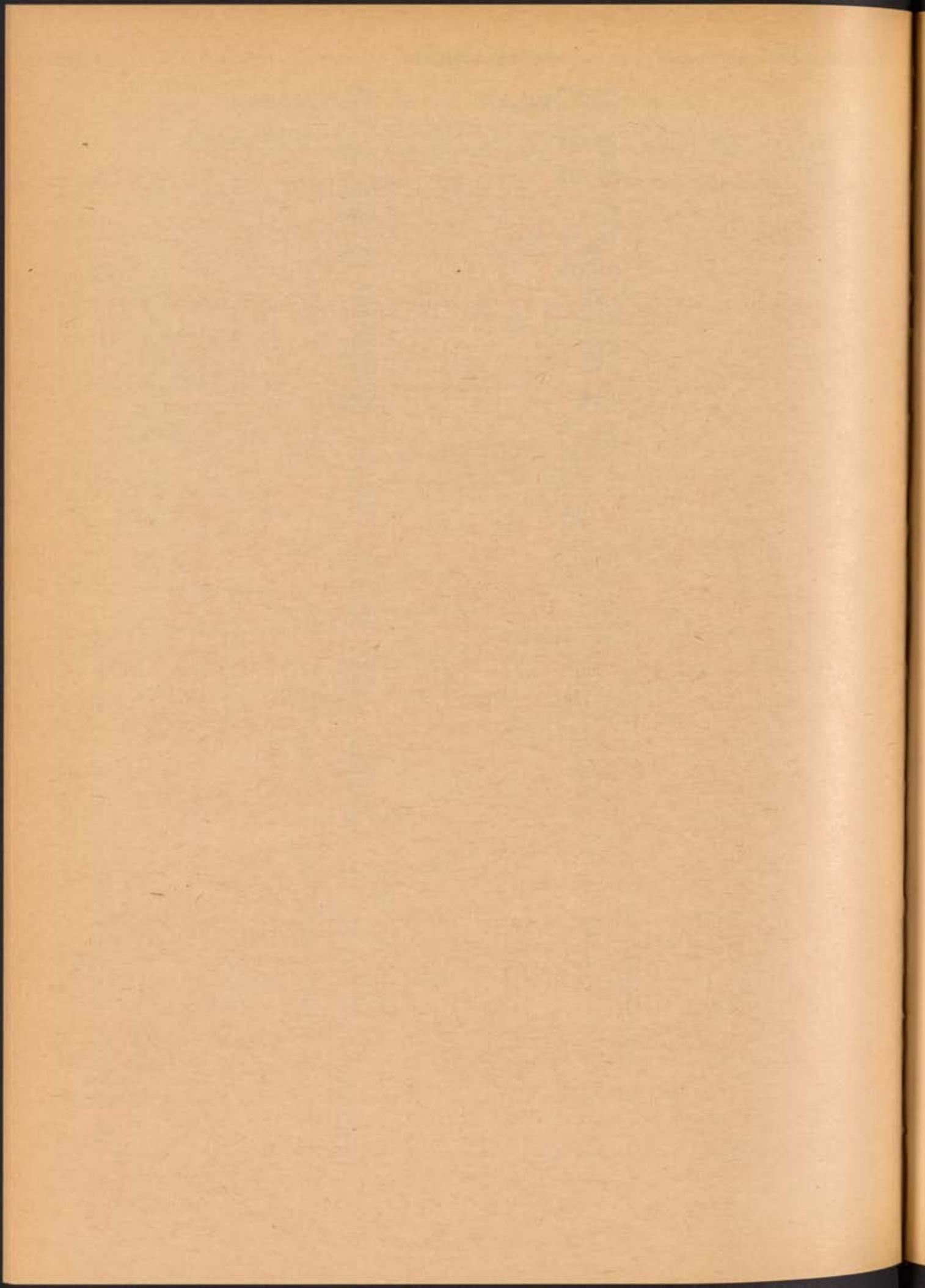
[P.R. Doc. 65-1430; Filed, Feb. 9, 1965;
8:47 a.m.]

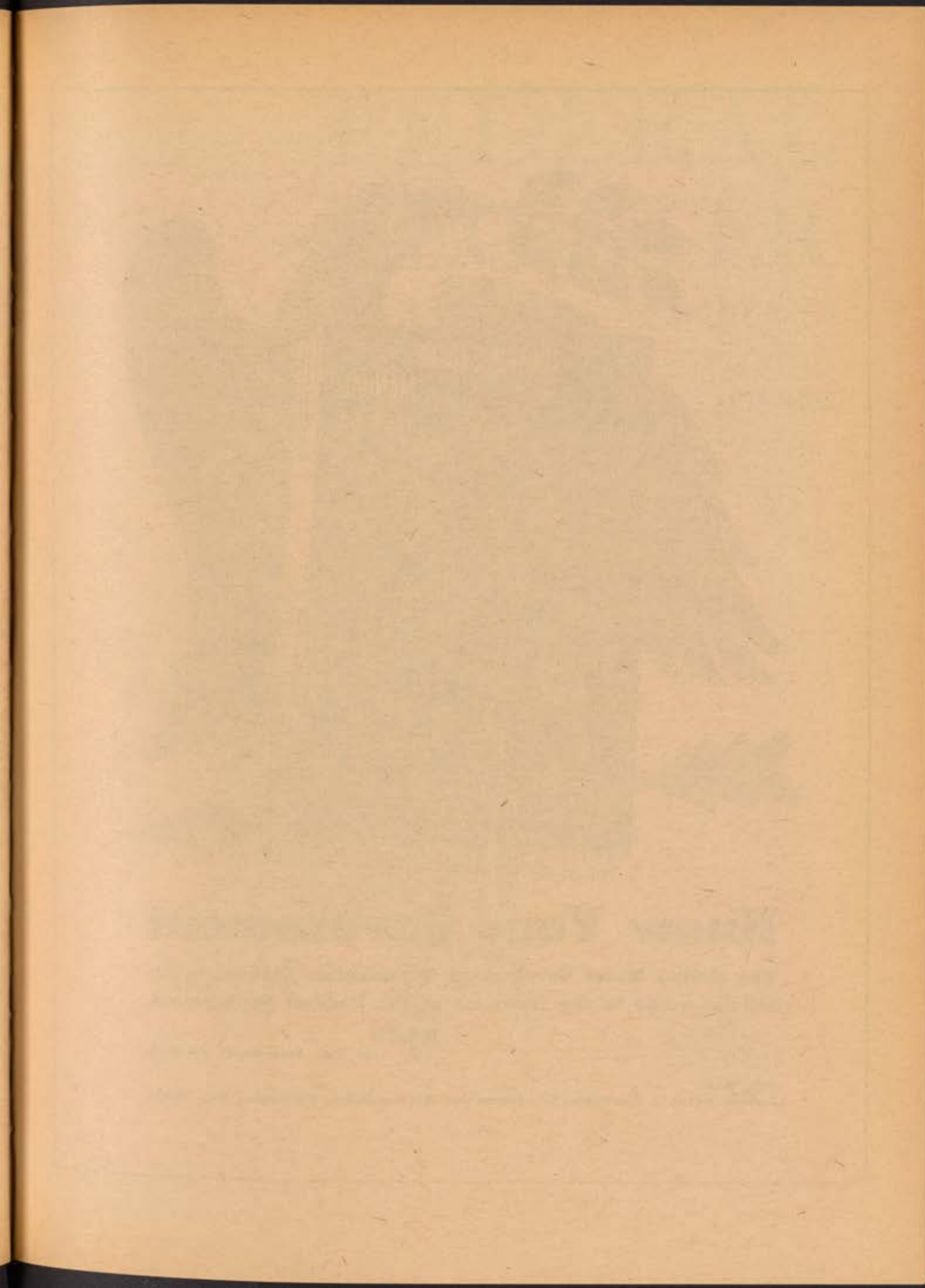
CUMULATIVE LIST OF CFR PARTS AFFECTED—FEBRUARY

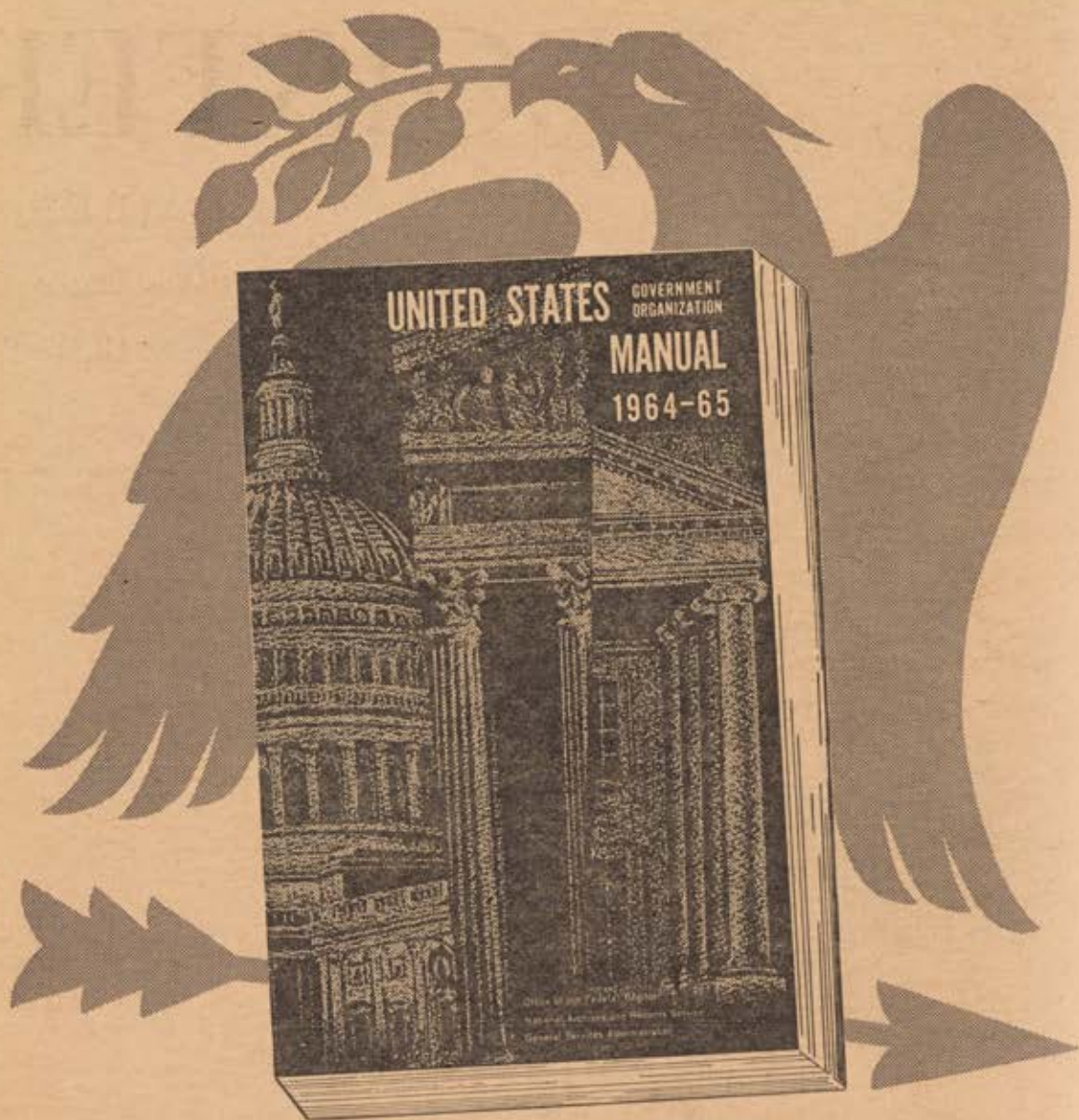
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR	Page	13 CFR	Page	21 CFR—Continued	Page
Ch. I	1727	101	1835	146b	1781
3 CFR		107	1187	146c	1255
PROCLAMATIONS:		14 CFR		148b	1781
3634	1105	39	1032, 1187, 1239	148c	1781
3635	1107	47	1283	148e	1782
3636	1109	71	1033	148h	1256, 1782
EXECUTIVE ORDERS:			1036, 1111-1113, 1188-1190, 1239, 1283, 1835-1837	148i	1783
2216 (revoked in part by PLO 3532)	1288	73	1035, 1036, 1189, 1239	148j	1784
10530 (superseded in part by EO 11196)	1171	75	1036, 1113, 1190, 1191	148m	1784
10573 (superseded by EO 11196)	1171	77	1837	148n	1784
10852 (superseded by EO 11196)	1171	97	1240, 1791	148p	1785
11184 (superseded in part by EO 11196)	1171	159	1037	148s	1785
11189 (amended by EO 11195)	1169	241	1191	148t	1785
11195	1169	1245	1844	191	1787
11196	1171	PROPOSED RULES:		PROPOSED RULES:	
11197	1721	39	1297	17	1257
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		63	1196	27	1296
Memorandum of February 1, 1965	1725	71	1052	24 CFR	
5 CFR			1057, 1120, 1122-1126, 1200-1202, 1257, 1258, 1297, 1299-1301, 1816, 1817, 1873-1877	207	1727
213	1029, 1111, 1247	73	1057, 1126, 1877	213	1728
338	1029	75	1876	608	1728
351	1173	15 CFR		26 CFR	
771	1727	6	1250	1	1037, 1173
7 CFR		368	1402	301	1116
362	1728	370	1405	PROPOSED RULES:	
718	1281	371	1410	1	1048
814	1030	372	1417	27 CFR	
905	1281	373	1427	5	1846
907	1282	374	1451	28 CFR	
910	1282	375	1455	0	1800
912	1282	376	1456	29 CFR	
927	1283	377	1457	778	1076
970	1728	379	1458	30 CFR	
1421	1247	380	1471	222	1041
1472	1250	381	1475	31 CFR	
1486	1178	382	1478	270	1192
PROPOSED RULES:		383	1500	505	1284
26	1118	384	1501	32 CFR	
319	1119	385	1503	1	1729
1013	1048	398	1508	2	1732
1065	1857	399	1512	3	1733
1104	1289	16 CFR		4	1733
1127	1119	13	1113-1115, 1250-1252, 1284, 1777-1779	6	1735
1135	1802	PROPOSED RULES:		7	1735
1137	1802	303	1058	8	1742
8 CFR		17 CFR		9	1743
103	1030	15	1191	10	1743
212	1031	19	1191	11	1744
214	1031	19 CFR		13	1744
264	1031	18	1845	16	1764
299	1032	PROPOSED RULES:		30	1764
9 CFR		20	1196	125	1284
PROPOSED RULES:		21 CFR		834	1041
131	1816	2	1252	882	1041
10 CFR		3	1845	920	1041
140	1186	19	1253	1001	1775
12 CFR		42	1779	1002	1776
561	1032	121	1254, 1255	1003	1776
		141	1779	1007	1777
		141a	1780, 1785	1710	1777
		141c	1780	33 CFR	
		141e	1780	1	1192
		146a	1780, 1785	62	1044
				74	1192
				204	1193

36 CFR	Page
PROPOSED RULES:	
1.....	1857
38 CFR	
17.....	1787
39 CFR	
5.....	1846
22.....	1193
24.....	1846
PROPOSED RULES:	
31.....	1872
41 CFR	
3-60.....	1847
5-3.....	1045
5-7.....	1045
5-12.....	1045
5-16.....	1047
5-53.....	1047
9-2.....	1288
101-6.....	1256
101-15.....	1256
101-20.....	1790
43 CFR	
PUBLIC LAND ORDERS:	
3510 (amended by PLO 3533).....	1194
3530.....	1193
3531.....	1194
3532.....	1288
3533.....	1194
3534.....	1194
46 CFR	
510.....	1849
47 CFR	
2.....	1849
73.....	1047, 1851, 1853-1855
74.....	1849
PROPOSED RULES:	
2.....	1878
21.....	1878
25.....	1878
73.....	1057
49 CFR	
PROPOSED RULES:	
72.....	1301
73.....	1302
74.....	1306
77.....	1306
78.....	1307
170.....	1127, 1878







Know Your Government

The United States Government Organization Manual is the official guide to the functions of the Federal Government.

\$1.75 per copy. Paper bound, with charts

Order from
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402