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Agencies in this issue—

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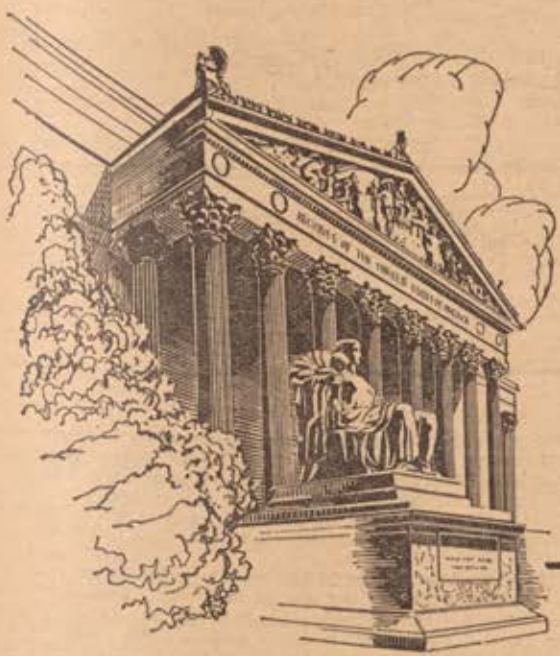

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LIST OF CFR SECTIONS AFFECTED

January–February 1965

(Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the FEDERAL REGISTER during 1965. Entries indicate the exact nature of all changes effected. This cumulative list of CFR sections affected is supplemented by the current lists of CFR parts affected which are carried in each daily FEDERAL REGISTER.

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(Codification Guide)

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Proclamation 3643

LOYALTY DAY, 1965

By the President of the United States of America

A Proclamation

"We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

With these words our forefathers proclaimed a revolutionary concept of human rights—a concept that permeates our Constitution and our democratic form of government. Less than a century later President Lincoln spoke of the United States as "this government of the people, by the people, and for the people."

Our Nation's rise to its unequaled position of prosperity and power was no accident of fate—nor was it achieved without costly struggle. Rather, the United States flourished because her people were so dedicated to free government that they were willing to sacrifice their lives and fortunes, at home or abroad, to preserve our democratic institutions. The roll of our honored dead attests to the courage of our people.

This loyalty of our people—their unswerving devotion to our Nation and its Constitution—has rewarded us with a heritage of freedom never before achieved by any civilization. We must cherish that heritage and fulfill our sacred trust to enrich and preserve it for our children, and our children's children.

In these times when misguided forces throughout the world publicly declare their intent to destroy our democratic way of life, we affirm again our eternal hostility to tyranny and oppression wherever it exists. Once more we proclaim our loyalty to the United States, our determination to preserve freedom, justice, equality, and human dignity in this land, and our resolution to assure those blessings for all who yearn to be free.

In recognition of this obligation, the Congress by a joint resolution of July 18, 1958 (72 Stat. 369), designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe each such day with appropriate ceremonies.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do call upon the people of the United States, and upon all patriotic, civic, and educational organizations to observe Saturday, May 1, 1965, as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

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

DONE at the City of Washington this eleventh day of March in the year of our Lord nineteen hundred and sixty-five, and of [SEAL] the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-2780; Filed, Mar. 15, 1965; 4:38 p.m.]

Proclamation 3644

GODDARD DAY

By the President of the United States of America

A Proclamation

WHEREAS on March 16, 1926, Dr. Robert Hutchings Goddard successfully launched the world's first liquid-fuel rocket at Auburn, Massachusetts; and

WHEREAS this achievement, as well as Dr. Goddard's other pioneering achievements in the theory, construction, and testing of rockets, established a foundation for the development of modern rocketry and made possible the exploration of space; and

WHEREAS it is appropriate that the great scientific accomplishments of Dr. Goddard should be remembered and that they should be memorialized on the anniversary of his success; and

WHEREAS the Congress, by an Act approved March 12, 1965, has designated March 16, 1965, as Goddard Day and has requested the President to issue a proclamation calling upon officials of the Government and the public to participate in ceremonies, meetings, and other activities held in observance of Goddard Day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon officials of the Government, and the people of the United States, to observe March 16, 1965, with ceremonies and activities designed to commemorate the achievements of Dr. Robert H. Goddard.

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

DONE at the City of Washington this twelfth day of March in the year of our Lord nineteen hundred and sixty-five, and of [SEAL] the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-2781; Filed, Mar. 15, 1965; 4:38 p.m.]

Executive Order 11205

REVOKING EXECUTIVE ORDER NO. 10729 [1] OF SEPTEMBER 16, 1957

By virtue of the authority vested in me as President of the United States, the position of Special Assistant to the President for Personnel Management, established by Executive Order No. 10729 of September 16, 1957, is abolished, and that Order is hereby revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 15, 1965.

[F.R. Doc. 65-2782; Filed, Mar. 15, 1965; 4:38 p.m.]

[1] 3 CFR, 1954–1958 Comp., p. 388; 22 F.R. 7447.

Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1484—FEED GRAINS

Subpart—Feed Grain Export Program Payment in Kind (GR–368)—Terms and Conditions—Revision II

Correction

In F.R. Doc. 65–2272 appearing in the issue for Thursday, March 4, 1965, at page 2784, make the following changes:

1. In § 1484.106, the undesignated paragraph beginning "Sales to foreign buyers * * *" following paragraph (a) should be transposed so that it follows paragraph (f) of § 1484.105.

2. In § 1484.155 the word "Community" in the second line, should read "Commodity".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6242; Amdt. 39–49]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the aft elevator control quadrant and replacement if any cracks are found on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 14125. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Objections were made to the incorporation of Service Bulletin No. 2029 in the AD since it is an expansion of the rework originally accomplished in accordance with Service Bulletin No. 1259 by many of the operators. The Agency recognizes this, but subsequent service experience indicates that the initial requirements were inadequate, and additional requirements are necessary. Comments were made that the interim inspections each 1,200 hours' time in service are unnecessarily restrictive, and it was suggested that a one-time inspection or reinspection at 6,000 hours is sufficient. This service difficulty is considered mainly a fatigue problem and there has been no substantiating data presented which would support the extension of the repetitive inspection to 6,000 hours. Therefore, since there is no data to support the position that the cracks would not propagate to the critical length within 6,000 hours it was determined that a time of 1,200 hours for the repetitive inspection was warranted. An operator commented that closer attention is being directed toward quadrant to torque (tube) bolt hole alinement by the AD than currently stressed by the manufacturer. The Agency does not agree since the AD is based entirely on Service Bulletin No. 2029. Therefore, no changes have been made to the AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

BOEING: Applies to Models 707 and 720 aircraft with the serial numbers listed in Boeing Service Bulletin No. 2029.

Compliance required as indicated.

Cracks have recently been discovered on two airplanes in the aft elevator control quadrant, P/N 50–3119, around the upper two bolts, P/N NAS 1105, which attach the quadrant to the elevator control torque tube. In both instances, Boeing Service Bulletin No. 1259 had not been accomplished, and an interference fit existed between the quadrant and torque tube. As a result of these cracks, the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, shall be accomplished:

(a) Within the next 600 hours' time in service after the effective date of this AD, unless already accomplished within the last 600 hours' time in service, and thereafter at periods not to exceed 1,200 hours' time in service from the last inspection, inspect by eddy current or fluorescent dye penetrant the aft elevator quadrant, P/N 50–3119, in accordance with paragraph 3.c. of Service Bulletin No. 2029 or later FAA-approved revisions for evidence of cracks in the upper hub and in the vicinity of the two upper bolts which attach the quadrant to the elevator control torque tube.

(b) If a crack is found, replace the elevator control quadrant with one of the same part number before further flight. The inspections in paragraph (a) also apply to the replacement part.

(c) Within the next 6,000 hours' time in service after the effective date of this AD, accomplish rework and dimensional checks in accordance with paragraph 3 of Boeing Service Bulletin 2029 or later FAA-approved revisions.

(d) When the rework and dimensional checks required by paragraph (c) are accomplished, the repetitive inspections specified in paragraph (a) may be discontinued.

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

(Boeing Service Bulletin No. 2029 covers this same subject.)

(Secs. 313(a), 601, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective April 16, 1965.

Issued in Washington, D.C., on March 11, 1965.

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

[F.R. Doc. 65–2677; Filed, Mar. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65–WE–2]

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

Alteration of Control Zone

On February 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1056) stating that the Federal Aviation Agency was proposing the alteration of the Marysville, Calif. (Yuba County Airport), control zone.

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., July 22, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17614), the Marysville, Calif. (Yuba County Airport), control zone is amended to read:

MARYSVILLE, CALIF. (YUBA COUNTY AIRPORT)

Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

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

Issued in Los Angeles, Calif., on March 9, 1965.

NED K. ZARTMAN,
Acting Director, Western Region.

[F.R. Doc. 65–2678; Filed, Mar. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-7]

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

Designation of Control Zone

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 890) stating that the Federal Aviation Agency proposed the designation of a control zone at Napa, Calif.

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., June 24, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17581) the Napa, Calif., control zone is added as follows:

NAPA, CALIF.

Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

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

Issued in Los Angeles, Calif., on March 9, 1965.

NED K. ZARTMAN,
Acting Director, Western Region.

[F.R. Doc. 65-2679; Filed, Mar. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-12]

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

Alteration of Transition Area

On January 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 98) stating that the Federal Aviation Agency proposed the alteration of the Alamosa, Colo., 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., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17644), the Alamosa, Colo., transition area is amended to read:

ALAMOSA, COLO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.) and within 2 miles each side of the Alamosa VORTAC 127° and 307° radials, extending from the 5-mile radius area to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the Alamosa VORTAC 159° and 339° radials, extending from 2 miles S to 13 miles N of the VORTAC; within 8 miles NE and 5 miles SW of the Alamosa VORTAC 127° and 307° radials, extending from 2 miles NW to 12 miles SE of the VORTAC, and within 5 miles each side of the Alamosa VORTAC 334° radial, extending from the VORTAC to 17 miles NW of the VORTAC.

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

Issued in Los Angeles, Calif., on March 9, 1965.

NED K. ZARTMAN,
Acting Director, Western Region.

[F.R. Doc. 65-2680; Filed, Mar. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-20]

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

Alteration of Control Area Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of Control 1230. On March 27, 1965, the eastern portion of the New Orleans Oceanic control area will be reestablished as the Miami Oceanic control area. Control 1230 is bounded in part by the eastern boundary of the New Orleans Oceanic control area. Therefore, it will be necessary to alter the description of Control 1230 accordingly. This action will not alter the physical configuration of the assigned airspace.

This amendment is procedural in nature and will not alter the burden upon the public. Consequently, notice and public procedure hereon are unnecessary and, for this reason, it may be effected without regard to the 30 day statutory period preceding effectiveness.

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

Section 71.163 (29 F.R. 17552) is amended as follows: In Control 1230 "Miami Oceanic control area" is substituted for "New Orleans Oceanic control area" upon each occurrence.

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

Issued in Washington, D.C., on March 10, 1965.

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

[F.R. Doc. 65-2726; Filed, Mar. 16, 1965; 8:47 a.m.]

[Airspace Docket No. 64-CE-35]

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

Alteration of Federal Airway; Correction

On March 2, 1965, Federal Register Document 65-2101 was published in the FEDERAL REGISTER (30 F.R. 2655) which amended Part 71 of the Federal Aviation Regulations by altering and extending VOR Federal airway No. 220.

This amendment aligned V-220 in part through use of the McCook, Nebr., 263° radial. Subsequent to publication of the document, it has been determined through computation that the McCook 264° radial is the proper radial for correct alignment of this airway segment. Accordingly, action is taken herein to correct this alignment.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-2101 (30 F.R. 2655) is altered as follows:

Item 1., is amended to read:

In § 71.123 (29 F.R. 17509), V-220 is amended by deleting "to Hayes Center, Nebr." and substituting therefor "INT of Akron 094° and McCook, Nebr., 264° radials; McCook; INT of McCook 072° and Grand Island, Nebr., 241° radials; to Grand Island."

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

Issued in Washington, D.C., on March 10, 1965.

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

[F.R. Doc. 65-2727; Filed, Mar. 16, 1965; 8:47 a.m.]

[Airspace Docket No. 64-WA-75]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On November 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15583) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 92 from Coaldale, Nev., to Reno, Nev.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), J-92 is amended to read as follows:

JET ROUTE NO. 92 (RENO, NEV., TO TUCSON, ARIZ.). From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 142° and Boulder, Nev., 272° radials; Boulder; Prescott, Ariz.; Phoenix, Ariz.; to Tucson, Ariz.

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

Issued in Washington, D.C., on March 10, 1965.

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

[F.R. Doc. 65-2728; Filed, Mar. 16, 1965; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6478; Amdt. 417]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Windsor VOR	QG LFR (final)	Direct	1700	T-dn*	500-1	500-1	500-1
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				Following minimums apply when aircraft equipped with LFR or ADF and VOR receivers and Peach Int received:			
				C-dn	600-1	600-1	600-1½

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, QG LFR to airport, 327°—7.9 miles; Peach Int to airport, 327°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing QG LFR or 4.5 miles after passing Peach Int, climb to 2700' and proceed direct to MDS RBn or, when directed by ATC, (1) make right-climbing turn to 2000' and return to QG LFR or (2) make right-climbing turn to 2000' and proceed direct to QG VOR.
Air Carrier Note: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: N—2000'; E—1900'; S—2400'; W—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 11; Eff. date, 20 Mar. 65; Sup. Amdt. No. 10; Dated, 19 Dec. 64

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AC LFR	AN LOM	Direct	1500	T-dn	300-1	300-1	200-½
Delta Island Int	AN LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transition to final approach crs authorized. Radar transitions and vectoring using Anchorage Radar authorized in accordance with approved radar patterns.
Procedure turn S side of W crs, 244° Outbnd, 064° Inbnd, 1500' within 10 miles of AN LOM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 064°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AN LOM, climb straight ahead to 600'; turn right, continue climb to 1500' on SW crs AC LFR within 20 miles or, when directed by ATC, climb to 1500' on 244° bearing within 20 miles of AN LOM.
CAUTION: Terrain 373'—1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 309'—0.8 mile SSW MM and 320'—1.0 mile SSW MM.
Other change: Deletes radar information and minimums.
MSA within 25 miles of facility: 000°-090°—9500'; 090°-180°—7000'; 180°-270°—4000'; 270°-360°—8400'.

City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124'; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 14; Eff. date, 20 Mar. 65; Sup. Amdt. No. 13; Dated, 18 July 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DLF VOR	DLF RBn	305°—9.2	3000	T-dn-13	500-2	500-2	500-2
				T-dn-31	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport 180°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing DLF RBn, turn right, climb to 4000′ direct to DLF RBn. Hold N on 360° magnetic bearing. DLF RBn.
NOTES: 1. Extensive jet training conducted at Laughlin AFB. 2. Procedure not entirely within controlled airspace.
CAUTION: 1480′ tower 2.5 miles ESE of airport. This procedure not authorized during periods when Laughlin AFB RBn unmonitored. Contact San Antonio ARTCC prior to planned arrival time at Del Rio in order to ascertain facility will be appropriately monitored by tower during execution of this approach procedure.
Other change: Deletes procedure turn restriction beyond 10 miles.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—3000′; 180°-270°—2800′; 270°-360°—4000′.

City, Del Rio; State, Tex.; Airport name, International; Elev., 999′; Fac. Class., H; Ident., DLF; Procedure No. 1, Amdt. 2; Eff. date, 20 Mar. 65; Sup. Amdt. No. 1; Dated, 6 Mar. 65

QG LFR	MDS RBn	Direct	2700	T-dn*	500-1	500-1	500-1
QG VOR	MDS RBn	Direct	2700	C-dn	600-1	600-1	600-1½
PTK VOR	MDS RBn	Direct	2700	S-dn-15	600-1	600-1	600-1
SVM VOR	MDS RBn	Direct	2700	A-dn	800-2	800-2	800-2
Troy Int	MDS RBn (final)	Direct	2300				

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 146°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing MDS RBn, climb to 2000′ and proceed direct to QG LFR or, when directed by ATC, (1) climb to 2000′ and proceed direct to QG VOR or (2) make left-climbing turn and proceed to Oak Int via QG VOR R-323.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°-090°—1800′; 090°-180°—2300′; 180°-270°—2700′; 270°-360°—2000′.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626′; Fac. Class., MHW; Ident., MDS; Procedure No. 1, Amdt. 6; Eff. Date, 20 Mar. 65; Sup. Amdt. No. 5; Dated, 19 Dec. 64

All directions	TUT Rbn	Direct	4100	T-dn	800-2	800-2	*200-½
TUT VOR	TUT Rbn	Direct	2900	C-d**	900-2	900-2	900-2
				C-n**	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3

Procedure turn Teardrop SE side of crs, 195° Outbnd, 035° Inbnd, 1000′ within 10 miles.
Do not descend below 2600′ until 3 miles Outbnd on 195° bearing.
Minimum altitude on final approach crs 900′. Descend to 900′ immediately upon completion of procedure turn.
Flight to airport under VFR conditions at authorized minimums required.
Crs and distance, facility to airport, 058°—1.3 miles.
If visual contact not established upon descent to 900′, turn right and climb to 4100′ on 195° bearing within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
*200-½ authorized for Runway 5 only with right turn after takeoff. 800-2 required Runway 23 with left turn after takeoff. Climb so as to cross facility 4100′ or above.
**Circling to N and NW of C/L Runway 5/23 extended not authorized.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-270°—2400′; 270°-360°—4100′.

City, Pago Pago, Tutuila Island, American Samoa; Airport name, Pago Pago International; Elev., 30′; Fac. Class., HW; Ident., TUT; Procedure No. 2, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 2 May 64

Tolleson Int	PHX RBn	Direct	3700	T-dn	300-1	300-1	200-½
Phoenix VOR	PHX RBn	Direct	3700	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 264°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing the PHX RBn, climb to 4000′ on 258° bearing from PHX RBn within 20.0 miles or, when directed by ATC, climb straight ahead to 2700′, turn right, and climb direct to cross PHX RBn at minimum 4000′
CAUTION: Hills and tower 2987′; 3312′ terrain 15 miles ENE.
MSA within 25 miles of facility: 000°-180°—4100′; 180°-000°—5500′.

City, Phoenix; State, Ariz.; Airport name, Phoenix Sky Harbor Municipal; Elev. 1122′; Fac. Class., BHZ; Ident., PHX; Procedure No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 2 Mar. 63

Washoe Int	Sparks RBn	Direct	11000	T-dn#	1000-2	1000-2	1000-2
Wadsworth Int	Sparks RBn	Direct	10000	C-dn	2000-2	2000-2	2000-2
Verdi Int	Sparks RBn	Direct	10000	A-dn	2500-3	2500-3	2500-3
Steamboat Int	Sparks RBn	Direct	9000				
Reno VOR	Sparks RBn	Direct	9000				
Mustang Int	Sparks RBn	Direct	9000				
Pyramid Int	Sparks RBn (final)	Direct	9000				
Truckee Int	Sparks RBn	Direct	10500				

Procedure turn W side of crs, 342° Outbnd, 160° Inbnd, 9000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over Sparks RBn on final approach crs, 8000′; over Reno RBn, 7000′.
Crs and distance, Sparks RBn to airport, 161°—11.1 miles; RNO RBn to airport, 161°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.1 miles after passing Sparks RBn (2.3 miles after RNO RBn), turn right direct to Sparks RBn climbing to 10,000′. Hold N Sparks RBn 1-minute pattern, 162° Inbnd, right turns.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local condition not authorized for takeoff or landing.
#IFR departures must comply with published Reno SIDs.
MSA within 25 miles of facility: 000°-090°—9400′; 090°-180°—11800′; 180°-270°—11800′; 270°-360°—9600′.

City, Reno; State, Nev.; Airport name, Reno Municipal; Elev., 4411′; Fac. Class., MHW; Ident., SPK; Procedure No. 2, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 12 Dec. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Rochelle Int	LOM (final)	Direct	2000	T-dn	300-1	300-1	300-1
PLL VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
RFD VOR	LOM	Direct	2000	S-dn-36	400-1	400-1	400-1
Belvedere Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	Final approach crs	Via R-150 RFD VOR.	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 002°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make left-climbing turn to 2000' and proceed direct to RFD VOR or, when directed by ATC, make left-climbing turn to 2000' direct to LOM.
*2000' after passing RFD VOR R-090.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2500'; 180°-270°—2300'; 270°-360°—2600'.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., LOM; Ident., RF; Procedure No. 1, Amdt. 7; Eff. date, 20 Mar. 65; Sup. Amdt. No. 6; Dated, 27 June 64

Dover Int	LOM	Direct	3000	T-dn	300-1	300-1	300-1
TOP VOR	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				The following minimums apply for aircraft equipped with VOR after passing Topeka Int:			
				S-dn-13	400-1	400-1	400-1

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2500' within 10 miles of TOP RBn. Nonstandard due traffic.
Minimum altitude over TOP RBn on final approach crs, 2100'.
Crs and distance, TOP RBn to airport, 125°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TOP RBn, climb to 2600' on 125° crs within 15 miles or, when directed by ATC, (1) turn left, climbing to 2600', proceed to TOP VOR or; (2) turn left, climbing to 2500' and return to TOP LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) Approach from holding pattern at TOP LOM not authorized. Procedure turn required. (3) Radar will provide 1,000 vertical separation within 0-3 miles of 2031' and 2549' towers located W of airport.
Minimum radar altitudes from airport: 0-10 miles, 000°-360°—2500'; 10-20 miles, 000°-360°—2700'. MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2600'; 180°-270°—3500'; 270°-360°—2700'.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880'; Fac. Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 17; Eff. date, 20 Mar. 65; Sup' Amdt. No. 16; Dated, 29 Feb. 64

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-13	500-2	500-2	500-2
				T-dn-31	300-1	300-1	200-½
				C-dn	900-1	900-1	900-1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 084° Outbnd, 264° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport 264°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing DLF VOR, turn right climb to 4000' on 340° magnetic heading, then turn right and proceed direct to DLF VOR.
NOTE: Extensive jet training conducted at Laughlin AFB.
CAUTION: 1480' tower 2.5 miles ESE of airport. This procedure not authorized during periods when Laughlin AFB VOR unmonitored. Contact San Antonio ARTCC prior to planned arrival time at Del Rio in order to ascertain facility will be appropriately monitored by tower during execution of this approach procedure.
Change: Deletes procedure turn restriction beyond 10 miles.
MSA within 25 miles of facility: 000°-090°—4000'; 090°-180°—3000'; 180°-270°—2800'; 270°-360°—4000'.

City, Del Rio; State, Tex.; Airport name, International; Elev., 999'; Fac. Class., DLF; Ident., VOR; Procedure No. 1, Amdt. 2; Eff. date, 20 Mar. 65; Sup. Amdt. No. 1; Dated, 6 Mar. 65

Windsor LFR	Windsor VOR	Direct	2000	T-dn@	500-1	500-1	500-1
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				Following minimums apply when aircraft equipped with dual VOR receivers and Island Int received:			
				C-dn	600-1	600-1	600-1½

Procedure turn E side of crs, 143° Outbnd, 323° Inbnd, 2000' within 10 miles.
Minimum altitude over QG VOR on final approach, 2000'.
Crs and distance, QG VOR to airport, 323°—12.3 miles; Island Int to airport, 323°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.3 miles after passing QG VOR, climb to 2700' on QG VOR R-323 and proceed to Oak Int or, when directed by ATC, (1) make right-climbing turn to 2000' and return to Windsor VOR or (2) make right-climbing turn to 2000' and proceed direct to QG LFR.
AIR CARRIER NOTE: Sliding scale not authorized.
@300-1 takeoff authorized Runway 33L.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 19 Dec. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Troy Int	Oak Int (final)	Direct	2300	T-dn*	500-1	500-1	500-1
Belle Int	Oak Int	Direct	2700	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 323° Outbnd, 143° Inbnd, 2700' within 10 miles of Oak Int.
Minimum altitude over Oak Int on final approach crs, 2300'.
Course and distance Oak Int to airport, 143°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Oak Int, climb to 2600' and proceed direct to QG VOR or, when directed by ATC, (1) climb to 2900' and proceed direct to QG LFR or (2) make climbing-left turn to 2700' and proceed to Oak Int via QG VOR R-323.
NOTE: Dual VOR required.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 19 Dec. 64

MKG VOR	Holton Int	Direct	2300	T-dn	300-1	300-1	300-1½
HIC VOR	Holton Int	Direct	2500	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn N side of crs, 238° Outbnd, 058° Inbnd, 2300' within 10 miles of Holton Int.
Minimum altitude over Holton Int on final approach crs, 2300'.
Crs and distance, Holton Int to airport, 058°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Holton Int, climb to 2300' on HIC R-238 and return to Holton Int. Hold NE of Holton.
NOTES: 1. No weather available. 2. Approaches controlled by Muskegon Approach Control. 3. Close flight plan with MKG Approach Control or radio, or by best distance phone immediately upon landing.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—2200'; 180°-270°—2800'; 270°-360°—2200'.

City, Fremont; State, Mich.; Airport name, Fremont Municipal; Elev., 800'; Fac. Class., BVOR; Ident., HIC; Procedure No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 30 Jan. 65

				T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport 315°—9.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.3 miles after passing LRD VOR, climb to 2500' on LRD R-315 within 20 miles.
CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted.
Other change: Deletes note regarding weather.
MSA within 25 miles of facility: 000°-360°—2200'.

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 522'; Fac. Class., H-BVORTAC; Ident., LRD; Procedure No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 6 Feb. 65

				T-dn	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				C-dn#	400-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				S-dn-12#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 114°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing RFD VOR, make left turn, climb to 2500' and proceed to RFD VOR or, when directed by ATC, make right turn, climb to 2000' and proceed to RF LOM.
#After passing R-184 JVL on final approach crs Inbnd from facility, these minimums authorized only if aircraft is equipped with operating dual omni receivers.
MSA within 25 miles of facility: 090°-180°—2500'; 180°-270°—2300'; 270°-090°—2900'.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., L-BVORTAC; Ident., RFD; Procedure No. 1, Amdt. 5; Eff. date, 20 Mar. 65; Sup. Amdt. No. 4; Dated, 27 June 64

				T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 301° Outbnd, 121° Inbnd, 1900' within 10 miles. Nonstandard due ATC.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 121°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing TXK-VOR, climb to 1900' on R-121 within 20 miles.
NOTE: Radio tower 565'—2¼ miles NE of airport and 740'—4 miles W of airport.
Other changes: Deletes transition.
MSA within 25 miles of facility: 000°-090°—1700'; 090°-180°—1700'; 180°-270°—1700'; 270°-360°—1500'.

City, Texarkana; State, Ark.; Airport name, Texarkana Municipal; Elev., 389'; Fac. Class., BVORTAC; Ident., TXK; Procedure No. 1, Amdt. 6; Eff. date, 20 Mar. 65; Sup. Amdt. No. 5; Dated, 28 July 62

PROCEDURE CANCELLED, 20 MAR. 1965.

City, Thermal; State, Calif.; Airport name, Municipal; Elev., 117' below MLS; Fac. Class., BVOR; Ident., TRM; Procedure No. 1, Amdt. 4; Eff. date, 11 June 55; Sup. Amdt. No. 3; Dated, 1 July 54

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-22	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 210°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing TOP-VOR, climb to 3600' on R-165 within 20 miles or, when directed by ATC, turn left, climb to 2600' and return to TOP-VOR.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) Radar will provide 1000' vertical separation within 0-3 miles of 2031' and 2049' towers located W of airport.
Minimum radar altitudes from airport: 0-10 miles, 000°-360°—2500'; 10-20 miles, 000°-360°—2700'.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2600'; 180°-270°—3500'; 270°-360°—2700'.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880'; Fac. Class., BVORTAC; Ident., TOP; Procedure No. 1, Amdt. 7; Eff. date, 20 Mar. 65; Sup. Amdt. No. 6; Dated, 29 Feb. 64

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

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bradley Int	CLT VOR	Direct	2900	T-dn	300-1	300-1	200-½
Weddington Int	CLT VOR	Direct	2300	C-dn#	400-1	500-1	500-1¼
Bethany Int	CLT VOR	Direct	2300	S-dn-5*#	400-1	400-1	400-1
Waco Int	CLT VOR	Direct	2900	A-dn#	800-2	800-2	800-2
Stanley Int	CLT VOR	Direct	2900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 225° Outbnd, 045° Inbnd, 2300' within 10 miles of Lake Int.
Minimum altitude over Lake Int on final approach crs, 1700'.#
Crs and distance, Lake Int to airport, 045°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lake Int turn left climb to 3000' on FML VOR R-007 to Mt. Holly Int, or when directed by ATC, turn right, climb to 2100' and proceed to FML VOR via R-007.
Aircraft executing missed approach may be radar controlled after being reidentified.
#If Lake Int not identified on final approach, descent below 1700' not authorized.
*400-½ authorized (except for turbojet aircraft) with operating ALS and high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—2200'; 180°-270°—2700'; 270°-360°—2900'.

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Fac. Class., L-BVORTAC; Ident., CLT; Procedure No. TerVOR-5, Amdt. 2; Eff. date, 20 Mar. 65; Sup. Amdt. No. 1; Dated, 22 Aug. 64

PROCEDURE CANCELLED EFFECTIVE 20 MAR. 1965.

City, Pago Pago, Tutuila Island, American Samoa; Airport name, Pago Pago International; Elev., 6'; Fac. Class., VOR; Ident., TUT; Procedure No. TerVOR (R-100), Amdt. Orig.; Eff. date, 12 Jan. 63

TUT RBn	TUT VOR	Direct	4100	T-dn	800-2	800-2	*200-½
060°-260° clockwise	TUT VOR	40 miles	4100	C-d**	#700-2	#700-2	#700-2
				C-n**	900-2	900-2	900-2
				A-dn	1000-3	1000-3	1000-3

Holding pattern: Hold NE on TUT VOR R-060°, 240° Inbnd, left turns 1 minute, 4100' MHA.
Procedure turn right Teardrop S side of crs, 210° Outbnd, 030° Inbnd, 2000' within 10 miles.
Do not descend below 2600' until 4 miles Outbnd on R-210.
Minimum altitude over Logatala Hill Compass Locator on final approach crs, 900'; over facility, 900'.#
Facility on airport; crs and distance, break-off point to Runway 5, 048°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1 mile after passing Logatala Hill Compass Locator make immediate right turn and climb to 4100' on R-210 within 20 miles.
Air Carrier Note: Sliding scale not authorized.
CAUTION: Terrain 1265', 1 mile NW; 1000', 1 mile N; 1545', 1.7 miles N; 596', 0.2 mile N of approach crs. 450' per mile rate of descent required after passing Logatala Hill for straight-in landing.
*200-½ authorized for Runway 5 only with right turn after takeoff. 800-2 required Runway 23 with left turn after takeoff. Climb so as to cross facility 4100' or above.
**Circling to N or NW of C/L Runway 5 extended not authorized.
#If Logatala Hill Compass Locator not received descent to 900' only authorized immediately upon completion of procedure turn and flight to airport under visual flight required.
MSA within 25 miles of facility: 000°-090°—4000'; 090°-270°—2400'; 270°-360°—4100'.

City, Pago Pago, Tutuila Island, American Samoa; Airport name, Pago Pago International; Elev., 30'; Fac. Class., VORW; Ident., TUT; Procedure No. TerVOR (R-230), Amdt. 3; Eff. date, 20 Mar. 65; Sup. Amdt. No. 2; Dated, 12 Sept. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sargo Int	Skipjack Int (final)	Direct	1400	T-dn#	300-1	300-1	200-½
San Diego VOR	Skipjack Int	Direct	2500	C-dn	800-2	800-2	800-2
Bostonia Int	LIF-VOR	Direct	2600	S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 2500' within 10 miles of Skipjack Int*.
Minimum altitude over Skipjack Int, 1400'.
Crs and distance, Skipjack Int to airport, 092°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LIF-VOR, make immediate left-climbing turn to 2500' on LIF-VOR R-323 to Mt Dad Int or, when directed by ATC, make right-climbing turn to 2000' on LIF-VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472'—0.5 mi E of airport; 281' trees and terrain 1.2 miles before runway threshold.
*Maintain 2500' until after passing OCN R-162 (Sargo Int), Inbnd on final approach crs.
#500-1 required for takeoff on Runway 9.

City, San Diego; State, Calif.; Airport name, San Diego International Lindbergh Field; Elev., 15'; Fac. Class., L-VOR; Ident., LIF; Procedure No. Ter VOR-9, Amdt. 18; Eff. date, 20 Mar. 65; Sup. Amdt. No. 9; Dated, 28 July 62

				T-dn	300-1	300-1	200-½
				C-dn	1200-1	1200-1	1200-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs., 1100'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of TRM VOR, turn right, climb southeast bound on R-107 within 10 miles, turn right to intercept and proceed northwestbound on R-125, cross TRM VOR at 4000'.
Shuttle: to 4000' on R-125 within 10 miles. All turns E of crs.
MSA within 25 miles of facility: 315°-135°—6500'; 135°-225°—9100'; 225°-315°—11,000'.

City, Thermal; State, Calif.; Airport name, Thermal; Elev., minus 117'; Fac. Class., H-BVORTAC; Ident., TRM; Procedure No. TerVor R-125, Amdt. Orig.; Eff. date, 20 Mar. 65

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

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CHS RBn	CHS VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	1200-1	1200-1	1200-1½
				S-dn-33	1200-1	1200-1	1200-1
				A-dn	1200-2	1200-2	1200-2
				If aircraft equipped with operating DME equipment and the 4.5 miles DME or radar fix identified, the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-33	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 600'; over 4.5 miles DME or Radar Fix, 1200'.
Crs and distance, breakoff point to Runway 33, 329°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of CHS VOR, climb to 2000' on R-322 within 15 miles of CHS VOR.
NOTE: When authorized by ATC, Charleston DME may be used for 10-mile orbit from R-090 clockwise thru R-215 at 2000' to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—1300'; 090°-180°—2100'; 180°-270°—1800'; 270°-360°—1400'.

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Fac. Class., BVORTAC; Ident., CHS; Procedure No. VOR/DME No. 2, Amdt. 2; Eff. date, 20 Mar. 65; Sup. Amdt. No. 1; Dated, 31 Oct. 64

FML VOR	CLT VOR	Direct	2300	T-dn	300-1	300-1	200-½
Bradley Int	CLT VOR	Direct	2900	C-dn	1000-1	1000-1	1000-1½
Weddington Int	CLT VOR	Direct	2300	A-dn	1000-2	1000-2	1000-2
Bethany Int	CLT VOR	Direct	2300	If aircraft equipped with VOR/DME and Railroad 4.0-miles DME Fix received, the following minimums apply:			
Waco Int	CLT VOR	Direct	2900				
Stanley Int	CLT VOR	Direct	2900				
Mt. Holly Int	Railroad DME Fix 4.0 miles (final).	Direct	1800	C-dn	600-1	600-1	600-1½
				S-dn-18	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

*Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2300' within 10 miles.
Minimum altitude over Railroad 4-mile DME Fix on final approach crs, 1800'.
Crs and distance, Railroad 4-mile DME Fix to breakoff point 185°—3.1 miles; breakoff point to runway, 178°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 0.0 mile of CLT VOR, climb to 2300' on R-007 to FML VOR or, when directed by ATC, climb to 2300', proceeding direct to CL LOM.
*Aircraft executing missed approach may be radar controlled after being reidentified.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—2300'; 180°-270°—2700'; 270°-360°—2900'.

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Fac. Class., BVORTAC; Ident., CLT; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 20 Mar. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operating DME and the 4-mile DME Fix identified the following minimums are authorized:			
				C-dn	600-1	600-1	600-1½

Procedure turn S side of crs, 209° Outbnd, 029° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs 1700'; over 4-mile DME Fix, 1000'.
Crs and distance, facility to airport 029°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing GNV VOR, climb to 1700' on R-040 within 20 miles of GNV VORTAC.
NOTE: When authorized by ATC, an 8-mile arc using GNV DME may be used from R-162 clockwise through R-349 at 1800' until passing GNV VORTAC, to position aircraft for a straight-in approach with the elimination of the procedure turn.

City, Gainesville; State, Fla.; Airport name, Gainesville Municipal; Elev., 155'; Fac. Class., B-VORTAC; Ident., GNV; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 8 Aug. 64

20 miles Fix (R-019)	10 miles Fix (R-019)	Direct	4200	T-dn*	300-1	300-1	200-½
10 miles Fix (R-019)	7 miles Fix (R-019)	Direct	2700	C-dn	500-1	500-1	500-1½
7 miles Fix (R-019)	4 miles Fix (R-019)	Direct	1400	S-dn-19	500-1	500-1	500-1
4 miles Fix (R-019)	GFL VOR (final)	Direct	800	A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude on approach radial: 20-mile DME Fix to 10-mile DME Fix R-019, 4200'; 10-mile DME Fix to 7-mile DME Fix R-019, 2700'; 7-mile DME Fix to 4-mile DME Fix R-019, 1400'; 4-mile DME Fix to 2-mile DME Fix R-019, 800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing GFL VOR, climb straight ahead to 3000' to Bacon Int. Hold S of Bacon Int 1-minute right turns, 006° Inbnd.
CAUTION: 1. 535' antenna (1.3 miles SSW of airport). 2. Turbulence may be encountered during this approach.
*300-1 required on Runway 30.
MSA within 25 miles of facility: 000°-090°—4000'; 090°-180°—5000'; 180°-270°—3500'; 270°-360°—4500'.

City, Glens Falls; State, N.Y.; Airport name, Warren County; Elev., 328'; Fac. Class., L-BVORTAC; Ident., GFL; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 20 Mar. 65; Sup. Amdt. No. Orig.; Dated, 15 Aug. 64

10-mile DME Fix R-294	0-mile DME Fix	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over 3.0-mile DME Fix R-114 on final approach crs, 1200'.
Crs and distance 3.0-mile DME Fix R-114 to airport, 114°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.0-mile DME Fix R-114, make left turn, climb to 2000' and proceed to RFD VOR, or when directed by ATC, make right turn, climb to 2000' and proceed to RF LOM.
NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2500' between R-234 clockwise to R-012 via 6-mile DME arc with the elimination of procedure turn.
MSA within 25 miles of facility: 090°-180°—2500'; 180°-270°—2300'; 270°-090°—2600'.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., L-BVORTAC; Ident., RFD; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 20 Mar. 65; Sup. Amdt. No. 2; Dated, 27 June 64

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Denver VOR	EGW RBn	Direct	8200	T-dn@$	300-1	300-1	200-½
Sedalia Int	EGW RBn/DME Fix (final)	Direct	8200	C-dn	*400-1	500-1	500-1½
Sio Int	EGW RBn	Direct	8200	S-dn-35%#	200-½	200-½	200-½
Franktown Int	EGW RBn	Direct	8200	A-dn	600-2	600-2	600-2
Broomfield Int	EGW RBn	Direct	8200				
Larkspur Int	Sedalia Int	Direct	10,000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200' within 10 miles of EGW RBn.
Minimum altitude at glide slope intercept, 8200'.
Altitude and distance to approach end of runway at EGW RBn, 8200'—9.1 miles; at OM, 6917'—5.0 miles; at LMM, 5522'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7000' on N crs SPO ILS to Derby Int, hold N right turns, or when directed by ATC, make right-climbing turn to 7000', proceed direct to DEN VOR at 7000'.
*500-1 required for circling S of airport due to 5521' tower 1.5 miles S of airport.
#300-1 required when glide slope not utilized. When both glide slope and OM not received, straight-in, circling and alternate minimums become 900-2.
@Westbound (193° thru 320°) IFR departures must comply with published Denver SIDs or with radar vectors. Westbound IFR departures on J20 proceed via V4 and V220 to intercept J20, cross Longmont Int at or above 15,600'; or comply with radar vectors.
$Runway visual range 2000' also authorized for takeoff on Runway 35 in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights and runway centerline lights are operational.
%Runway visual range 2000' also authorized for landing on Runway 35, all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, Englewood RBn, and all related airborne equipment are operating satisfactorily. Descent below 5531' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Denver; State, Colo.; Airport name, Stapleton International Airport; Elev., 5331'; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS-35, Amdt. 4; Eff. date, 20 Mar. 65; Sup. Amdt. No. 3; Dated, 15 Aug. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lofall Int	PAE LOM	Direct	3000	T-dn#	300-1	300-1	300-1½
Bainbridge LF Int	PAE LOM	Direct	3000	C-dn	600-2	600-2	600-2
PAE VOR	PAE LOM	Direct	3000	S-dn-16*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized utilizing Seattle Center Radar in accordance with approved patterns.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000' within 10 miles of PAE LOM.
Minimum altitude at glide slope Int Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM 2693'—7.9 miles; at MM 821'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000' on R-275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000', direct PAE LOM.
NOTE: Localizer useable only 60° on either side of front crs. False crs indications possible in other areas.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minimums 200-½ authorized only for Runways 16 and 34.
*400-1 required when glide slope not used. 400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights. 400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 603'; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS-16, Amdt. 3; Eff. date, 20 Mar. 65; Sup. Amdt. No. 2, Dated, 14 Nov. 64

Hyannis VOR	Hyannis LOM	Direct	1500	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24*	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar vectoring by Otis RAPCON authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 1500' within 10 miles. Not authorized beyond 10 miles. Nonstandard.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport 246°—3.8 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, make a left-climbing turn to 1500', returning to the HY LOM. Hold NE of HY LOM, 246° Inbnd, 1 minute left turns.
#Takeoff minimums of 300-1 required for Runway 24.
*400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Hyannis; State, Mass.; Airport name, Barnstable Municipal; Elev., 52'; Fac. Class., ILS; Ident., I-HYA; Procedure No. ILS-24, Amdt. 4; Eff. date, 20 Mar. 65; Sup. Amdt. No. 3; Dated, 16 May 64

Rochelle Int	LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
PLL VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
RFD VOR	LOM	Direct	2000	S-dn-36	200-½	200-½	200-½
Belvedere Int	LOM	Direct	2500	A-dn	600-2	600-2	600-2
JVL VOR	LOM	Direct	*2500				
Malta Int	LOM	Direct	2500				
Creston Int	South crs ILS (final)	Via R-150 RFD-VOR	2000				

Procedure turn W side of crs, 182° Outbnd, 002° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude at glide slope and distance to approach end of runway at LOM, 1960'—4.5 miles; at LMM, 923'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn to 2500', proceed direct to RFD-VOR or, when directed by ATC, (1) climb to 2500' on N crs of ILS within 15 miles, (2) make left-climbing turn to 2000' direct to LOM.
NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2000' between R-240 CCW to R-155 via 15-mile DME arc with elimination of procedure turn.
*2000' after passing RFD-VOR R-090.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 735'; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-36, Amdt. 6; Eff. date, 20 Mar. 65; Sup. Amdt. No. 5; Dated, 27 June 64

Dover Int	LOM	Direct	3000	T-dn	300-1	300-1	200-½
TOP VOR	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
				S-dn-13*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at LOM 2030'—3.9 miles; at MM 1078'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2600' on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climbing to 2600', proceed to TOP VOR or turn left, climbing to 2500' and return to TOP LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) Approach from holding pattern at TOP LOM not authorized. Procedure turn required. (3) Radar will provide 1000' vertical separation within 0-3 miles of 2031' and 2549' towers located W of airport.
*400-¾ required when glide slope not utilized. No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
Minimum radar altitudes from airport: 0-10 miles, 000°-360°—2500'; 10-20 miles, 000°-360°—2700'.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-13, Amdt. 18; Eff. date, 20 Mar. 65; Sup. Amdt. No. 17; Dated, 29 Feb. 64

TOP VOR	Powerhouse Int	Direct	2600	T-dn*	300-1	300-1	200-½
TOP LOM	Powerhouse Int	Direct	2600	C-dn	600-1	600-1	600-1½
				S-dn-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2600' within 10 miles.
No glide slope.
Minimum altitude over Powerhouse Int on final approach crs, 1700'.
Crs and distance, Powerhouse Int to airport, 305°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing Powerhouse Int, climb to 2500' on NW crs ILS within 15 miles or, when directed by ATC, turn right, proceed direct to TOP VOR, climbing to 2600'.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. Procedure authorized only for aircraft equipped to simultaneously receive ILS and VOR. 3. Approach from holding pattern at Powerhouse Int not authorized. Procedure turn required. 4. Radar will provide 1000' vertical separation within 0-3 miles of 2031' and 2549' towers located W of airport.
*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
Minimum radar altitudes from airport: 0-10 miles, 000°-360°—2500'; 10-20 miles, 000°-360°—2700'.

City, Topeka; State, Kans.; Airport name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-31, Amdt. 8; Eff. date, 20 Mar. 65; Sup. Amdt. No. 7; Dated, 29 Feb. 64

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
090°	360°	25 miles	2000				
090°	225°	40 miles	#2500	S-dn-36°	200-½	200-½	200-½
225°	360°	40 miles	2800	A-dn	700-2	700-2	700-2
				Surveillance approach			
				T-dn**	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing-left turn as soon as practicable and climb to 2000', proceed to Georgetown MHW. Hold NW GTN MHW on bearing 144° Inbnd, 1-minute right turns.

CAUTION: Circling minimums do not provide standard clearance over monument 1.6 miles north of airport.

*Runway visual range 2400' also authorized for landing on Runway 36, provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactory. Descent below 216' shall not be made unless visual contact with the approach lights has been established or aircraft is clear of the clouds.

**Runway visual range 2400' also authorized for takeoff on Runway 36 in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights are operational.

#Exclusive of danger and prohibited areas.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., and Ident., Washington Radar; Procedure No. 1, Amdt. 13; Eff. date, 20 Mar. 65; Sup. Amdt. No. 12; Dated, 16 Nov. 63

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., February 12, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-1741; Filed, Mar. 16, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Establishment and Operation of Branches

§ 208.116 Sale of bank's money orders off premises as establishment of branch office.

(a) The Board of Governors has been asked to consider whether the appointment by a State member bank of an agent to sell the bank's money orders, at a location other than the premises of the bank, constitutes the establishment of a branch office.

(b) Section 5155 of the Revised Statutes (12 U.S.C. 36), which is also applicable to State member banks, defines the term "branch" as including "any branch bank, branch office, branch agency, additional office, or any branch place of business * * * at which deposits are received, or checks paid, or money lent." The basic question is whether the sale of a bank's money orders by an agent amounts to the receipt of "deposits" at a "branch place of business" within the meaning of this statute.

(c) Money orders are classified as deposits for certain purposes. However, they bear a strong resemblance to traveler's checks that are issued by banks and sold off premises. In both cases, the purchaser does not intend to establish a deposit account in the bank, although a liability on the bank's part is created. Even though they result in a deposit liability, the Board is of the opinion that the issuance of a bank's money orders by an authorized agent does not involve the receipt of deposits at a "branch place of business" and accordingly does not require the Board's permission to establish a branch.

(d) Banks engaging in this practice should, of course, exercise the utmost discretion in choosing agents to sell the bank's money orders. It has been suggested that the agents be bonded, their authority be limited, and proceeds of the sales be remitted daily. Also the bank's blanket bond might be amended to provide protection if the present provisions are inadequate.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 36 and 321)

Dated at Washington, D.C., this 10th day of March 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-2675; Filed, Mar. 16, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-7551]

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

Insider Trading; Exemption of Certain Railroad Securities

The Securities and Exchange Commission has adopted new Rule 16b-10 (17 CFR 240.16b-10) under the Securities Exchange Act of 1934. The new rule would exempt from section 16(b) of the Act certain acquisitions of securities from the issuer made in exchange for

other securities by a railroad or other person subject to Part I of the Interstate Commerce Act.

Section 16(b) of the Act was enacted for the purpose of preventing the unfair use of information in short-term trading by persons beneficially owning more than 10 percent of any class of equity security registered pursuant to section 12, and by the directors and officers of the issuer of such security. It provides that "short swing" profits realized by such persons from the purchase and sale, or the sale and purchase, of any equity security of the company, inure to and are recoverable by or on behalf of the issuer. The Commission is authorized to exempt from section 16(b) transactions not comprehended within the purpose of the section.

New Rule 16b–10 exempts from section 16(b) the acquisition of securities from the issuer made in exchange by a railroad or other person subject to one or more of the provisions of Part I of the Interstate Commerce Act if the person acquiring the securities is subject to an order of, or has accepted a condition imposed by, the Interstate Commerce Commission in connection with approval of a unification, merger or acquisition of control pursuant to section 5(2) of the Interstate Commerce Act, requiring such person to dispose of all securities of the class given in exchange. The rule requires, as a condition to exemption, that a person acquiring the security have transferred all voting rights in equity securities (other than debt securities which accord no right to vote for election of directors) of the issuer of the security acquired to one or more banks or trust companies under agreements giving such banks or trust companies the right to vote such securities as long as they are held by such person. It further requires that the issuance of the security acquired in exchange be approved by the Interstate Commerce Commission pursuant to section 20a of the Interstate Commerce Act.

Commission action. Part 240, Chapter II of Title 17 of the Code of Federal Regulations, is amended by adding § 240.16b–10, as follows:

§ 240.16b–10 Exemption from section 16(b) of certain transactions of exchange by railroads incident to unifications, mergers and acquisitions of control approved by the Interstate Commerce Commission.

Any acquisition of securities made in exchange for other securities shall be exempt from the provisions of section 16(b) of the act, as not comprehended within the purpose of said section, if:

(a) The securities are acquired from the issuer.

(b) The person acquiring the securities is subject to one or more of the provisions of Part I of the Interstate Commerce Act.

(c) The person acquiring the securities is subject to an order of, or has accepted a condition imposed by, the Interstate Commerce Commission in connection with approval by the Interstate Commerce Commission of a unification, merger or acquisition of control pursuant to section 5(2) of the Interstate Commerce Act, requiring such person to dispose of all securities of the same class as those exchanged for the securities acquired; and the issuance of the securities acquired by such person has been approved by the Interstate Commerce Commission pursuant to section 20a of the Interstate Commerce Act.

(d) The person acquiring the securities has transferred all voting rights in equity securities (other than debt securities which accord no right to vote for election of directors) of the issuer of the securities acquired to one or more banks or trust companies under agreements giving such banks or trust companies the unrestricted right to vote such securities until disposed of by such person.

(Secs. 16 and 23; 48 Stat. 896 and 901, as amended; 15 U.S.C. 78p and 78w)

Since Rule 16b–10 (17 CFR 240.16b–10) is in the nature of an exemption, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is impractical and unnecessary and the rule may be made effective upon publication thereof on March 10, 1965. The Commission also finds that the rule is necessary and appropriate, is not inconsistent with the public interest or the protection of investors, and that the transactions exempted by the rule are not comprehended within the purposes of section 16(b) of the Act. The foregoing action is taken pursuant to the Securities Exchange Act of 1934, as amended, particularly sections 16(b) and 23(a) thereof.

By the Commission, March 10, 1965.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–2686; Filed, Mar. 16, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cold-Pack Cheese Food; Order Amending Standard by Listing Guar Gum as an Optional Ingredient

In the matter of amending the definition and standard of identity for cold-pack cheese food;

A notice of filing of a petition proposing amendments to the definitions and standards of identity for cold-pack cheese food (21 CFR 19.787) and cold-pack cheese food with fruits, vegetables, or meats (21 CFR 19.788), to provide for the optional use of guar gum and sodium propionate, was published in the FEDERAL REGISTER of September 20, 1962 (27 F.R. 9332).

By an order published in the FEDERAL REGISTER of May 4, 1963 (28 F.R. 4508), the proposal to cover the use of propionate mold inhibitors was adopted, but the proposal to list guar gum as an optional ingredient was rejected. Objections were filed to this ruling on guar gum, and a hearing to take evidence thereon was announced in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7472), and scheduled in the FEDERAL REGISTER of January 11, 1964 (29 F.R. 297).

A tentative order, including proposed findings of fact, was published October 9, 1964 (29 F.R. 13973). Exceptions were invited. On the basis of evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.90), and after consideration of written arguments, suggested findings, and exceptions to the tentative order, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, the following order is issued:

Findings of fact.[1] 1. In the early 1930's several small firms in the Midwest began to make and distribute in interstate commerce foods which they called by names such as cold-pack cheese food and, in some cases, cheddar cheese spread. These products differed from cold-pack cheese in that in addition to cheese they contained acidifying agents, salt, sweeteners, and other ingredients such as cream, whey powder, skim milk powder, and water. (R. 174, 339–341, 461)

2. The flavor and body characteristics of cold-pack cheese food are largely dependent on the selection of properly aged cheeses to impart desired cheese flavor and spreadable body that is easily "broken down" in the mixing of the cheese food. Such breakdown characteristics afford a smooth, spreadable texture to the cold-pack article. Advocates of guar gum testified that they use cheese at least 9 months old and up to 24 months old. Introduction of young cheeses has been avoided because of an adverse effect on flavor and body of the cold-pack cheese food. (R. 83, 399–400, 407)

3. Advocates of the amendment testified that if they did not use vegetable gum a defect of leakage of fluid (called syneresis) was noted in the finished cold-pack cheese food, except when the cheese food was made from very young cheeses. Leakage becomes more noticeable when the cold-pack cheese food is allowed to warm up after refrigeration. (R. 62, 64–65, 156, 357–358, 368.)

4. When young, tough cheese is used, it is possible to omit the water-binding substances like guar gum. However, doing this results in a finished food lacking desirable cheese flavor. Test packs made with very young cheese exhibited a "sour-buttermilk" taste accompanied by lack of definite cured cheese flavor. If young cheeses are used, acidifiers—which are permitted by the standards—would be needed to produce a pungent, sharp taste. This sharp taste effect

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

without definite cheese flavor has been considered unsatisfactory. (R. 81, 82, 157, 400, 401)

5. For many years it has been noted that following shipment of cold-pack cheese products the defect manifested by leakage of moisture has sometimes occurred in these products. Cold-pack cheese food has been packaged in a variety of materials during its history. It was first packaged in earthenware crocks. During handling, a water like fluid exuded from the food in the crock when it was held at room temperature, and particularly at room temperature in the summer season. When plastic sheets made of thin pliofilm were used for "refill containers" the leakage defect was aggravated by the fact that these plastic packages are sealed only by a twist of the sack. Leaking packages were unsightly. (R. 64, 344, 347, 357, 358, 363, 365, 366, 368)

6. One of the advocates of the proposed amendment began using a water-binding gum to reduce syneresis about 1947. This firm has used gums since that time. Another firm has been using gum since 1957. Several gums were tried, including extract of Irish moss, locust bean gum, guar gum, and locust bean gum with guar gum. More recently a cold-water soluble type of guar gum has been available and it has come to be preferred for use to reduce the leakage of moisture from these cold-pack products. (R. 49, 62, 356, 357)

7. Those who favored the use of guar gum in cold-pack cheese food established by experimentation that guar gum is quite effective. The gum prevented migration of water in the food. The single witness who testified in opposition to the amendment asserted that guar gum could be used to conceal "less acceptable" materials. However, this testimony was based on theoretical apprehensions and the witness said he did not claim that the proponents of the amendment used guar gum to conceal inferior materials. It is found that it has been demonstrated by actual formulation and experience that the use of 0.3 percent of guar gum is functional and effective in avoiding leakage of liquid from cold-pack cheese food. It is further found, upon evidence in the record, that the use of guar gum does not conceal inferiority of ingredients. (R. 61, 62, 66, 89–92, 143, 304, 313, 315–316, 325–326, 332–333, 356, 465–466, 521)

8. To measure the effectiveness of the guar gum in cold-pack cheese food, some observations were made on a small set of samples produced by one of the firms but evaluated by an individual of expert background associated with another company not involved in the manufacture of cold-pack cheese food. The appraisal of the samples was made by a person who did not witness the making of the samples. (R. 189–191, 220; Ex. 5)

9. Twelve-ounce packages of cold-pack cheese food were placed in storage at refrigerator temperature (about 40° F.), ambient room temperature (about 75° F.), and in an incubator (100° F.). The packages marked "with gum" contained about 0.25 percent of guar gum. The controls were marked "without gum." Observation of exuded liquid in all samples without gum, which had been stored above refrigeration temperatures, led the investigator to conclude that the guar gum prevents the excess exudation of liquid in cold-pack cheese food. Neither the control samples nor those with guar gum showed the leakage defect when held in the refrigerator throughout a 2-week period. (R. 192–198, 252–254, 260; Ex. 5)

10. The firm represented by the witness who opposed an amendment to permit the use of guar gum has made cold-pack cheese food for over 30 years. The witness testified that cold-pack cheese food, as made by his firm from properly cured and selected cheddar cheese of varying age (all cheeses substantially more than 60 days old) with the addition of whey solids, cream, nonfat dry milk, dextrose, salt, and water, does not need a stabilizer such as guar gum. His products have shown leakage only when subjected to high holding temperatures which he considered to be an "abuse" that should be avoided. He also testified that if "high acid" or "sweet curd" cheeses are used and gum is added, such use of gum would be deceptive. He was aware of no other function for dextrose or corn sirup solids than as a sweetening agent permitted under the standard of identity. With the formula used by his firm, he did not think leakage would be a problem in cold-pack cheese food made to a maximum of 44 percent moisture. He indicated that they had not conducted experiments to check the matter of the concealment of inferiority by use of guar gum, nor had his firm employed outside investigators for this purpose. (R. 461–466, 477–478, 505, 510, 521–522)

11. A series of samples of cold-pack cheese food were prepared by a qualified dairy laboratory employing cheddar cheese of varying age. As cheese ages it loses its ability to hold water. Thus, the cold-pack samples were made using cheese of the following age categories: 6, 30, 168, 350 and 510 days old. For this study 13 different age-blend combinations were made. Duplicate sets of samples were made so that one contained 0.25 percent of guar gum and the other was without guar gum. In distributing the cheese of different age groups in the mixtures, an approximate 50–50 blend of cheeses of different ages was used. To the ground cheese was added, for each sample, whey powder, nonfat dry milk, salt, water, sodium propionate, cheese color and, where appropriate, 0.25 percent guar gum. No dextrose or corn sirup solids were utilized in formulating the samples for this experiment. All samples were standardized in their final moisture content to a calculated 43.5 percent. The samples were packaged in 6-ounce, screw-top, glass jars and they were placed in 40° F. refrigerated storage for 2 days. After this, subdivisions of the samples were continued at 40° F. and other subdivisions were held at ambient room temperature and at 100° F. Following a 9-day storage period all the samples were once again placed in the refrigerator. After 2 days the samples were brought to room temperature, held for 2 hours, and then observed for signs of leakage in the form of exuded liquid at the bottom of the jars or in the interstices of the cold-pack cheese food. From these observations the following conclusions were reported:

A. No samples containing added guar gum exhibited any signs of leakage after the storage for 9 days in the range of 40° F. to 100° F.

B. All samples that did not contain guar gum, and that were made of blends of an average age of 30 days or older, exhibited leakage characterized as very slight to some free liquid in the bottom of the jar after 9 days storage at ambient room temperature and at 100° F.

C. Samples containing blends of cheese of an average age of 18 days (made from 6- and 30-day old cheese) without guar gum did not exhibit leakage.

D. Samples of cold-pack cheese food made from 6-day cheese and without guar gum exhibited no leakage. (R. 430–453; Ex. 24)

12. Cold-pack cheese food has consistently been recognized as a food that requires refrigerated storage from time of manufacture until it reaches the consumer's table. Testimony was adduced that indicated the leakage defect only occurs when the product is subjected to the shock of warm temperatures, such as summer heat or a few days at moderate room temperature (75° F.). The experience of the advocates of guar gum indicated a need for protecting the food against nonrefrigerated exposure. The product is invariably shipped to the large distributor from the site of manufacture under protected, refrigerated shipment. Breakdown of this system has been known to occur. There have been instances of inadvertent exposure of the product on receiving or shipping docks. Two distributors submitted statements supporting the need for guar gum to retard or prevent leakage. The objector to the proposed amendment indicated that the food always requires protected refrigerated care all the way to the consumer. He considered anything less than such care to be a form of mishandling. Despite his views, however, this semiperishable food can become exposed to temperatures high enough to destabilize the loosely held water in the product. This instability is aggravated by the tendency of aged cheeses to leak moisture when not held under constant refrigeration. The fact that the labels for some cold-pack cheese foods direct bringing the food to ambient temperature before serving may tend to encourage holding the packages at room temperatures for long enough periods to cause leakage to begin. (R. 357–360, 368, 373–376, 415, 417, 463–479; Ex. 22, 23)

13. Returns of cold-pack cheese food have been reduced through the use of the guar gum. While not all returned merchandise is due to leakage, perhaps two-thirds of the packages returned to the manufacturer are accounted for by leakage of moisture and resulting unsightly packages. Such packages are spoiled in an economic sense even though the defect in appearance has not been accompanied by fermentation or other chemical breakdown. (R. 66, 370–372, 396–399, 403, 412, 415–416, 519–520)

14. Employing guar gum to eliminate or reduce syneresis does not result in increasing the maximum content of moisture or reduction of the minimum quantity of butterfat in the product as required by the standard of identity. The quantitative determination of the percent of guar gum in foods is very difficult but there are methods, involving the preparation of paper chromatograms, for identifying the presence of this gum. (R. 57-58, 326-327, 330)

Conclusion. Cold-pack cheese food is a product that is subject to a leakage of moisture (called syneresis). This is caused by the nature of the cheeses, the optional ingredients used, and it is aggravated by elevated temperatures to which the product may be subjected during distribution and handling by distributors, retailers, and even consumers. The defect of syneresis produces an unsightly product, but it has not been found to be accompanied by changes of public health significance. The use in cold-pack cheese food of cheeses from 9 months to 24 months of age imparts a desirable cheese flavor and spreadable body to the food that cannot be obtained by the use of young, fresh cheeses. Although food acid may be added to the young cheese to impart some pungency of flavor, it has not been deemed that this alternative to the use of aged cheese would promote the interest of consumers. The employment of guar gum has been shown to be functional in cold-pack cheese food, its use has no adverse effect on the wholesome properties of the cheese food, and the use of guar gum does not conceal inferiority of ingredients. The standard of identity prescribes minimum fat and maximum moisture levels which are controlling whether or not guar gum is used. Optional use of the gum should be accompanied by label declaration.

On the basis of the foregoing findings of fact and conclusions, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for cold-pack cheese food by adding, respectively, to paragraphs (e) and (f) of § 19.787 new subparagraphs (8) and (9), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(8) In the preparation of cold-pack cheese food, guar gum may be used in a quantity not to exceed 0.3 percent of the weight of the finished food.

(f) * * *

(9) When the optional ingredient guar gum is present in cold-pack cheese food, the label shall bear the statement "guar gum added" or "with added guar gum."

* * * * *

Because of the cross-references used, the amendments to § 19.787 herein ordered apply also to the standard of identity for cold-pack cheese food with fruits, vegetables, or meats (§ 19.788).

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

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

Dated: March 11, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2722; Filed, Mar. 16, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

1,3-BUTYLENE GLYCOL

The Commissioner of Food and Drugs has evaluated the data in a petition (FAP 5A1531) filed by Celanese Corporation of America, 522 Fifth Avenue, New York, N.Y., 10036, and other relevant material, and has concluded that a food additive regulation should be issued to prescribe the safe use of 1,3-butylene glycol in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1176 1,3-Butylene glycol.

1,3-Butylene glycol (1,3-butanediol) may be safely used in food in accordance with the following prescribed conditions:

(a) The substance meets the following specifications:

(1) 1,3-Butylene glycol content: Not less than 99.00 percent.

(2) Specific gravity at 20/20° C.: 1.0052.

(3) Distillation range: 206.8-208° C.

(b) It is used in the minimum amount required to perform its intended effect.

(c) It is used as a solvent for natural and synthetic flavoring substances except where standards of identity issued under section 401 of the act preclude such use.

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

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

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

Dated: March 11, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2723; Filed, Mar. 16, 1965; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Initial Certificate

Pursuant to section 14 of the Farm Labor Contractor Registration Act of 1963 (Pub. Law 88-582; Approved September 7, 1964) and Secretary's Orders Nos. 36-64 and 37-64 (30 F.R. 1139), 29 CFR 40.27 is amended to read as set forth below.

Because this amendment extends the March 1, 1965 date concerning applications for initial certificates under the Act to May 1, 1965, it must be made effective without delay if it is to accomplish its purpose. Notice of proposed rule making and public participation in its adoption are, therefore, impracticable. As the amendment relieves a restriction, no delay in effective date is needed or required. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found to, and I do hereby, make this amendment effective immediately.

As amended this section reads as follows:

§ 40.27 Initial certificate.

Applications for Certificates of Registration for the calendar year 1965 made on or before May 1, 1965, which are complete and properly executed shall immediately be acknowledged. Until a determination is made upon such application, the applicant shall not be deemed to be in violation of the Act or this part if, while having such acknowledgement in his immediate personal possession, he engages in activities as a farm labor contractor during the calendar year 1965.

(Pub. Law 88-582)

Signed at Washington, D.C., this 10th day of March 1965.

ROBERT C. GOODWIN,
Administrator, Bureau of Employment Security.

[F.R. Doc. 65-2691; Filed, Mar. 16, 1965; 8:45 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 588 (29 F.R. 17822), the Secretary of Labor appointed and convened Industry Committee No. 71–A. Administrative Order No. 588 referred to Industry Committee No. 71–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the food and related products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 71–A are hereinafter published in this revision of 29 CFR 673.2.

Effective April 3, 1965, 29 CFR 673.2 is amended to read as follows:

§ 673.2 Wage rates.

The food and related products industry in Puerto Rico is divided into 16 classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Yeast and canned tuna fish classification.* (1) The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as the manufacture of yeast, and the cooking and canning of tuna fish and of tunalike fish and the manufacture of by-products therefrom by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(b) *Canning and preserving classification.* (1) The minimum wage for this classification is $1.03 an hour.

(2) This classification is defined as the canning and preserving (including drying, dehydrating, pickling, freezing, and similar processes) of fruits, vegetables, and other food products by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961, except those included in the citron brining and fruit, vegetable, nut and green coffee packing classification; the sun-drying of bananas classification; or in the yeast and canned tuna fish classification.

(c) *Citron brining and fruit, vegetable, nut, and green coffee packing classification.* (1) The minimum wage for this classification is 84 cents an hour.

(2) This classification is defined as the brining or other processing of citron; the grading and packing of fresh fruits, vegetables, nuts; and the grading, drying and sacking of green coffee by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(d) *Sun-drying of bananas classification.* (1) The minimum wage for this classification is 81 cents an hour.

(2) This classification is defined as the peeling, sun-drying and packaging of bananas and operations incidental thereto by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(e) *General classification.* (1) The minimum wage for this classification is $1.06 an hour.

(2) This classification is defined as the gathering of wild plant or animal life and the manufacture, processing, and packaging in conjunction therewith of all products not specifically included in any other classification of the industry by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(f) *Biscuit, cracker and bread, rice and lard, and animal feeds old coverage classification.* (1) The minimum wage for this classification is $1.25 an hour.

(2) This classification is defined as the manufacture of biscuits, crackers, such as saltines, crackers known as rositas, or vanilla crackers, and like products, pastry and cakes, bread and rolls, processing and packaging of rice and lard, and the manufacture of mixed feeds for poultry and cattle by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(g) *Biscuit, cracker and bread, rice and lard, and animal feeds new coverage classification.* (1) The minimum wage for this classification is $1.15 an hour between 1965 and September 2, 1965 and $1.25 an hour thereafter.

(2) This classification is defined as the manufacture of any of the above products by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961. This includes master bakers, dough mixers, dough-brake-machine operators, and bench hands in the manufacture of bread, crackers with shortening and similar products, and all other occupations in the manufacture of bread and similar products.

(h) *Ice cream, ices and similar frozen products old coverage classification.* (1) The minimum wage for this classification is $1.15 an hour.

(2) This classification is defined as the manufacture of ice cream, ices and similar frozen products by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(i) *Ice cream, ices and similar frozen products chauffeurs new coverage (subgroup A) classification.* (1) The minimum wage for this classification is $1.15 an hour between April 3, 1965 and September 2, 1965 and $1.25 an hour thereafter.

(2) This classification is defined as the occupation of chauffeur in the manufacture of ice cream, ices and similar frozen products performed by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

(j) *Ice cream, ices and similar frozen products all other workers new coverage (subgroup B) classification.* (1) The minimum wage for this classification is $1.00 an hour.

(2) This classification is defined as all other operations in the manufacture of ice cream, ices and similar frozen products when performed by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

(k) *Milk and milk products old coverage classification.* (1) The minimum wage for this classification is $1.06 an hour.

(2) This classification is defined as the processing, manufacture and distribution of milk and milk products by employees to whom section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(l) *Milk and milk products new coverage classification.* (1) The minimum wage for this classification is 88 cents an hour.

(2) This classification is defined as the processing, manufacture and distribution of any of the above products when performed by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

(m) *Soft drink classification.* (1) The minimum wage for this classification is $1.10 an hour.

(2) This classification is defined as the manufacture and distribution of soft drinks.

(n) *New coverage classification number 2.* (1) The minimum wage for this classification is $1.03 an hour.

(2) This classification is defined as the packing of frozen fish; the bottling or canning of olives, capers and oils; pressmen and pressmen helpers in the manufacture of alimentary pastes; and the canning and preserving of food products as defined in the canning and preserving classification by employees to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(o) *New coverage classification number 2.* (1) The minimum wage for this classification is 84 cents an hour.

(2) This classification is defined as the roasting of coffee and the manufacture of alimentary pastes (except those occupations included in other classifications of the industry), by employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961.

(p) *New coverage classification number 3.* (1) The minimum wage for this classification is 80 cents an hour.

(2) This classification is defined as all activities of employees covered by the Act only by reason of the Fair Labor Standards Amendments of 1961 that are not included in any other classification of the industry. This includes but is not limited to activities such as poultry processing, egg handling, and the manufacture of candy.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 12th day of March 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-2732; Filed, Mar. 16, 1965; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Markham Ferry Dam and Reservoir, Grand (Neosho) River, Okla.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of flood control storage in the Markham Ferry Reservoir on the Grand (Neosho) River, Okla., and the operation of the Markham Ferry Dam for flood control purposes:

§ 208.24 Markham Ferry Dam and Reservoir, Grand (Neosho) River, Oklahoma.

The Grand River Dam Authority, or its representative charged with the operation of the Markham Ferry Dam, hereinafter referred to as the Authority, shall operate the dam and reservoir in the interest of flood control as directed by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer, in accordance with criteria and guidelines prescribed below:

(a) *When reservoir elevation at Markham Ferry Dam is between 619.0 feet (top of power pool) and 636.0 feet.* (1) Operation of Markham Ferry Reservoir will be coordinated with the operation of Pensacola and Fort Gibson Reservoirs on the Grand (Neosho) River, and with other existing reservoirs in the Arkansas River Basin, for flood control downstream.

(2) Flood control operation of Pensacola, Markham Ferry, and Fort Gibson Reservoirs will be coordinated in such manner that flood control releases from Fort Gibson Reservoir will be limited in amounts which, when combined with the flow of the Arkansas River at Muskogee, Okla., plus releases from Tenkiller Ferry, Eufaula, and Wister Reservoirs and the local inflow from the uncontrolled drainage area between Muskogee, Okla., and Van Buren, Ark., will not produce flows in excess of 150,000 c.f.s. (26.0 feet on the Corps of Engineers gage) at Muskogee, Okla., or 150,000 c.f.s. (22.0 feet on the USGS gage) at Van Buren, Ark., insofar as possible. These control stages and flows and methods of coordinated reservoir system operations are subject to change as deemed necessary by the District Engineer to obtain maximum flood control effectiveness.

(3) The utilization of flood control space in Pensacola, Markham Ferry, and Fort Gibson Reservoirs will be generally in proportion to the total flood control capacities of the respective projects, subject to temporary variations necessary to conform with irregularities of flood runoff and practical limitations of routine operations.

(4) Evacuation of flood control storage space in the three reservoirs will be effected as rapidly as practicable after each flood event, in consonance with prevailing flood control requirements and stream flow conditions. In general, releases from the Pensacola, Markham Ferry, and Fort Gibson Reservoirs will be limited to maximums of 230,000 c.f.s., 200,000 c.f.s., and 100,000 c.f.s., respectively, insofar as possible; however, these releases may be exceeded whenever necessary to obtain optimum flood control downstream, as determined by the District Engineer.

(b) *When reservoir elevation at Markham Ferry Dam equals or exceeds elevation 636.0 feet.* (1) Markham Ferry Dam will be operated, insofar as possible, so that outflow equals inflow when the elevation at the dam equals 636.0 feet, or is rising above that stage except as otherwise directed by the District Engineer for emergency reasons in accordance with subparagraph (2) of this paragraph. When the maximum reservoir elevation at the dam has been attained with this operation, the reservoir level shall be allowed to recede to elevation 636.0 feet at the dam by retaining spillway gate openings and other outlet openings corresponding to, or equivalent to, those prevailing when the peak reservoir level was attained during the flood. When the reservoir has receded to elevation 636.0 feet at the dam the outflow shall be made equal to inflow as nearly as possible until operations can be made in accordance with provisions of paragraph (a) of this section.

(2) When the District Engineer specifies that an emergency involving possible hazards to life or major property damages downstream exists or is anticipated, which may be affected by the operation of Markham Ferry Reservoir when the pool level equals or exceeds elevation 636.0 feet at the dam, the reservoir shall be operated as directed by the District Engineer, including the utilization of induced surcharge up to elevation 639.0 feet as deemed necessary to regulate outflows for alleviation of emergency conditions downstream and also taking into account damage upstream of the dam. In all cases in which surcharge storage above elevation 636 feet is utilized, it shall be evacuated within prudent operational limits as governed by flood conditions downstream and the reservoir level allowed to return to elevation 636.0 feet as soon as practicable after termination of the emergency. After the pool recedes to elevation 636.0 feet, the reservoir will be operated in accordance with paragraph (a) of this section.

(c) *Operations when communications are disrupted.* The District Engineer will furnish the Authority with pertinent information and detailed instructions for operation of the reservoir in the interest of flood control during periods when communications between the dam and the District office are broken. In the event that the District Engineer or his authorized representative cannot be reached by telephone, telegraph or by other means during a flood event, those instructions shall govern.

(d) *Reports and information.* (1) The Authority shall furnish the District Engineer, daily, a report showing the elevation of the reservoir pool and the tailwater, number of gates in operation, spillway and turbine releases, evaporation, storage, reservoir inflow, and precipitation in inches as shown by Authority gages. One reading shall be shown for each day with additional readings of releases for all changes in spillway gate operation, and with readings of all items except evaporation three times daily when the District Engineer advises the Authority that flood conditions are imminent. By agreement between the Authority and the District Engineer, any of the foregoing information may be furnished by telephone and may, if agreed upon, be omitted from the report. Whenever the pool is above elevation 619.0 feet at the dam, the Authority shall submit additional reports by telegraph or telephone as directed by the District Engineer, with a report to be furnished immediately whenever the pool rises above elevation 619.0 feet at the dam.

(2) Instructions by the District Engineer for flood control operation of the reservoir shall be communicated to the representative of the Authority directly in charge of the operation of Markham Ferry Reservoir by any available means of communication and shall be confirmed in writing under the date of the same day to the Authority.

(3) All elevations stated in this section are at the Markham Ferry Dam and are referred to the datum in use at that location.

(4) The discharge characteristics of the gated spillway shall be maintained in accordance with the Final Design drawings dated June 16, 1958, submitted by the Authority as revised Exhibit "L" as part of the application for license.

[Regs., February 18, 1965, ENGCW-EY] (Sec. 7, 58 Stat. 890; 22 U.S.C. 709)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-2693; Filed, Mar. 16, 1965; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 166—GRANTS FOR ADULT BASIC EDUCATION PROGRAMS UNDER TITLE II—B OF THE ECONOMIC OPPORTUNITY ACT OF 1964

The interim regulations in this part are applicable to adult basic education programs administered by State educational agencies under the Economic Opportunity Act of 1964 (P.L. 88-452). They are prescribed jointly by the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity pursuant to a delegation of authority from the Director of the Office of Economic Opportunity to the Secretary of Health, Education, and Welfare dated October 24, 1964 (29 F.R. 14764, October 29, 1964).

The grants under this part provide Federal financial assistance subject to the requirements of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (P.L. 88-352, 42 U.S.C. Chap. 21), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, as provided in the regulations issued by the Office of Economic Opportunity pursuant to Title VI of the Civil Rights Act of 1964 (45 CFR 1010.3(c)), grants made pursuant to the regulations set forth below are subject to the regulations issued by the Department of Health, Education, and Welfare pursuant to said Title VI (45 CFR Part 80).

Sec.

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AUTHORITY: The provisions of this Part 166 issued under sec. 602(n), 78 Stat. 452, U.S.C. 2942(n). Delegation of Authority of Director, Office of Economic Opportunity, 29 F.R. 14764.

Subpart A—Definitions

§ 166.1 Definitions.

As used in this part:

(a) "Act" means the Economic Opportunity Act of 1964 (P.L. 88-452, 78 Stat. 508, 42 U.S.C. 2701 et seq.)

(b) "Adult basic education" means elementary level education for adults with emphasis on the communication and computational skills such as reading, writing, speaking, listening, and arithmetic; and using as content for teaching these skills such adult experiences as consumer buying practices, health habits, relations with other members of the family and community, homemaking, and citizenship responsibilities.

(c) "Adult in need of basic education" means an individual who has attained 18 years of age and whose inability to read and write English constitutes a substantial impairment of his ability to obtain or retain employment or otherwise meet his adult responsibilities.

(d) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(e) "Community action programs" and "community action organizations" mean programs and organizations approved, or whose approval is anticipated in the near future, under Part A of Title II of the Act.

(f) "Director" means the Director of the Office of Economic Opportunity.

(g) "Fiscal year," as used with respect to reporting and accounting requirements, means the period beginning on the first day of July and ending on the following June 30. (The calendar year of the ending date is used to designate the fiscal year.)

(h) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult basic education in public schools therein, it means such other board or authority. In these regulations, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(i) "State" means a State of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands.

(j) "State educational agency" means the State board of education or other agency or officer primarily responsible for supervision of public elementary and secondary schools, or if different, the agency or officer primarily responsible for supervision of adult basic education in public schools, whichever may be designated by the Governor or by State law, or, if there is no such agency or officer, an agency or officer designated by the Governor or by State law.

(k) "State health authority" means the State agency or agencies that cooperate with the U.S. Public Health Service in providing public health services in the State pursuant to section 314 of the Public Health Act, 59 Stat. 693 as amended, 42 U.S.C. 246. (See Directory of State and Territorial Health Authorities, Public Health Service Publication No. 75, published annually.)

(l) "Work-experience programs" means programs approved under Title V of the Act.

Subpart B—State Plan Provisions

§ 166.2 State plan.

(a) *Purpose.* In coordination with other efforts supported under the Act seeking to eliminate causes of poverty, Part B of Title II of the Act provides, through State and local educational agencies, for the support for programs of adult basic education to the end that all adults in need of such education have an opportunity to become less dependent on others, obtain or retain more productive or profitable employment, and better meet their adult responsibilities. A basic condition to the payment of Federal funds under Part B of Title II of the Act is a State plan meeting the requirements of section 214(a) of the Act and the regulations in this part. The plan shall describe the State program for adult basic education which affords reasonable assurance of substantial progress, with respect to all areas of the State and all segments of the population, toward elimination of the inability of all adults to read and write English and toward substantially raising the level of education of all adults in need of basic education.

(b) *Submission and approval.* The State plan shall be submitted to the Commissioner by a duly authorized officer of the State educational agency. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and regulations, the plan will be approved. The Commissioner shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. The effective date of the State plan may be no earlier than the date on which it is received by the Commissioner

in substantially approvable form. The plan, when approved by the Commissioner, will, unless disapproved by the Governor of the State, constitute the basis on which payments of the Federal share of the sums expended under that plan are made by the Federal Government.

(c) *Amendment.* The administration of the adult basic education programs under the State plan must conform to the approved State plan. Whenever there is any material change in the content or administration of such a program, or in pertinent State law, or in the organization, policies, and operations of the State educational agency affecting the activities under the plan, the State plan shall be appropriately amended by the State educational agency, and such an amendment shall be submitted to the Commissioner. The effective date of such an amendment is the date on which it is received by the Commissioner in substantially approvable form. When the amendment is approved by the Commissioner, the plan as amended will, unless disapproved by the Governor of the State, constitute the basis on which payments of the Federal share of the sums expended under that plan are made by the Federal Government.

(d) *Certification*—(1) *Certification of the State educational agency.* The State plan and all amendments thereto shall include as an attachment a certificate of the officer of the State educational agency authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State educational agency and that the plan, or plan as amended, will constitute the basis for operation and administration of the adult basic education programs, projects and services in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State educational agency on legal matters, to the effect that the State educational agency named in the plan has authority under State law to submit and administer the State plan, and that all the plan provisions are consistent with State law.

§ 166.3 State educational agency.

(a) *Designation.* The State plan shall designate the State educational agency responsible for the administration of such a plan.

(b) *Organization.* The State plan shall describe by chart or otherwise the organizational structure of the State educational agency for administering the plan, including a description of the unit or units responsible for such administration, the principal functions assigned to each, the lines of authority within such a unit of units and the administrative relationships or such a unit or units to the rest of the State educational agency. The titles of all State officials who are to have authority in the administration of the plan shall be given in the State plan, and their responsibilities described. This description shall be sufficient to enable the Commissioner to determine whether the State educational agency has an adequate, but not excessive, administrative organization to provide requisite administration of the State plan.

(c) *Authority.* The State plan shall set forth the authority of the State educational agency under State law to submit and administer the State plan. Copies of or citations to all directly pertinent laws and interpretations of law by appropriate State officials or courts shall be furnished as part of the plan. All copies shall be certified as correct by an appropriate official.

§ 166.4 Custody of funds.

The State plan shall designate the officer who will receive and provide for the custody of all funds to be disbursed or requisition on order of the State educational agency.

§ 166.5 Interagency cooperative arrangements.

(a) *Arrangements with State health authority.* The State plan shall provide for cooperative arrangements between the State educational agency and the State health authority, and a copy of the agreement providing for such arrangements shall be furnished as an appendix to the State plan. Under such cooperative arrangements:

(1) The State health authority will (i) provide or arrange for the provision of health information and services for adults in need of basic education to the extent that such information and services are available at no cost to the educational agencies and may reasonably be necessary to enable such persons to benefit from the instruction provided by adult basic education programs under the State plan. Such arrangements shall indicate generally the broad policies under which such health information and services will be provided, the types of information and services to be provided, the locations throughout the State where such information and services will be available, and the general procedure by which a person may avail himself of such information and services; (ii) provide for the assistance of the field personnel of the State health authority and all others working in health fields in referring adults in need of basic education for appropriate training in available adult basic education programs; and (iii) provide for medical advice to State and local educational agencies in connection with providing adult basic education for persons with special health handicaps.

(2) The State and local educational agencies will refer eligible persons for health services provided under the cooperative arrangement, make available through their adult basic education programs health information provided by the State health authority, and assist the State health agency in putting such information in such a form that it can be used in connection with adult basic education programs of instruction. For the purpose of this paragraph "eligible persons" shall include all adults in need of basic education who are enrolled in adult basic education programs or who, with health care, might reasonably be expected to enroll in such programs.

(3) The State educational agency and the State health agency will assist each other to the maximum extent possible for mutually promoting the objectives of the Act.

(b) *Arrangements with community action programs.* The State plan shall provide that the State educational agency and local educational agencies participating in the program for adult basic education will enter into cooperative arrangements with community action programs and organizations, as appropriate and feasible, in order to carry out the general purposes of the Act and in particular Title II thereof. (See § 166.10 (c) (5) and (d) (3).)

(c) *Arrangements with work-experience programs.* The State plan shall provide that the State educational agency and local educational agencies participating in the program for adult basic education will enter into cooperative arrangements with work-experience programs, as appropriate and feasible, in order to carry out the general purposes of the Act. (See § 166.10 (c) (6) and (d) (4).)

(d) *Arrangements with other agencies and organizations.* The State plan may provide that the State educational agency will enter into cooperative arrangements with other public or nonpublic agencies and organizations on a State or local level which will assist in promoting the objectives of the Act. Such agencies may include, for example, employment offices, welfare agencies, other educational agencies and institutions, and charities and foundations.

(e) *Arrangements with other States.* In order to provide all individuals with ready access to adult basic education of high quality, the State plan may provide that the State will enter into cooperative arrangements with one or more other States for the conduct and administration of adult basic education programs, projects, and services. If the State plan so provides, the State plan shall describe the policies and procedures of the State for approval of and participation in such agreements by the State. Copies of such cooperative agreements (including joint fiscal arrangements, if any) shall be forwarded by each participating State to the Commissioner for filing with the State plans.

§ 166.6 Special arrangements with metropolitan and other areas.

(a) The State plan shall permit special arrangements for metropolitan areas, sparsely settled areas, economically depressed areas, and other areas having special adult basic education needs which are not otherwise being sufficiently satisfied. Such arrangements may contain (1) special administrative arrangements and communications channels between the State educational agency and the local educational agency or group of agencies, such as a community action organization, in such areas as may be required for the effective development and administration of adult basic education programs in such areas, (2) special administrative relationships and

communications channels between the local education agency or group of agencies in such areas and the U.S. Office of Education and (3) special provisions for such agency or group of agencies designed to enable the adult basic education needs of persons in such areas and communities to be satisfied more adequately, without being inconsistent with the State educational agency's general responsibility for the administration and supervision of adult basic education programs within the State.

(b) The State educational agency shall, upon entering into a special arrangement with a local educational agency or group of agencies pursuant to paragraph (a) of this section, submit to the Commissioner an appendix to the State plan indicating:

(1) The location and extent of each metropolitan or other area covered by such an arrangement, and

(2) The provisions of such special arrangement, including whatever special administrative relationships and communications channels between such agency or group of agencies and the U.S. Office of Education have been organized.

§ 166.7 Fiscal control and fund accounting procedures.

See appropriate sections of subpart C, particularly §§ 166.17, 166.18, 166.19, and 166.20, for State plan requirements.

§ 166.8 Reports.

The State plan shall provide that the State educational agency submit to the Commissioner the reports described in § 166.30 and such other reports in such form and containing such information as the Commissioner may from time to time reasonably require to carry out his functions under the Act; and will keep such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 166.9 Discrimination in employment practices prohibited.

The State plan shall provide that, with respect to employment resulting from the administration of the plan or from the conduct of adult basic education programs, projects, and services under the plan, no employer will discriminate against any employee or applicant for employment because of race, creed, color, or national origin in its practices with respect to such employment. Such employment practices shall include, but not be limited to, the following: Recruitment or recruitment advertising; employment, layoff or termination; upgrading, demotion, or transfer; rates of pay or other forms of compensation; use of facilities; and selection for training.

§ 166.10 Programs of instruction.

(a) *General.* The State plan shall provide for local educational agency programs of instruction in adult basic education in public schools or other facilities which programs are designed to eliminate the inability of adults in need of basic education to read and write English and to substantially raise the educational level of such adults with a view to making them less likely to become dependent on others, improving their ability to benefit from occupational training, increasing their opportunities for more productive and profitable employment, and otherwise making them better able to meet their adult responsibilities.

(b) *Policies and procedures.* The State plan shall set forth the policies and procedures to be followed by the State educational agency in approving local educational agency programs of instruction. Such policies and procedures shall include:

(1) The criteria to be followed by the State educational agency in determining relative priorities of programs of instruction, and the procedures to be followed in applying such criteria in determining which programs will be approved by the State educational agency for receiving Federal funds and what amounts of Federal funds will be allocated to each such approved program. (See paragraph (c) of this section.)

(2) The terms and conditions required by the State educational agency for approval of programs of instruction and the procedures to be followed by the State educational agency in assuring compliance with such terms and conditions by the local educational agency responsible for the program. (See paragraph (d) of this section.)

(c) *Criteria for approval.* In developing criteria to be followed by the State educational agency in determining the relative priorities of each proposed program of instruction pursuant to subparagraph (1) of paragraph (a) of this section, the State educational agency shall emphasize the following factors:

(1) Service to those adults in need of basic education who are the most severely impoverished.

(2) Service to those adults with the greatest educational deficiencies.

(3) Service to the maximum number of adults in need of basic education.

(4) Service to those areas in the State which have the highest concentrations of impoverished adults in need of basic education.

(5) Whether and to what extent the program has been developed in conjunction with community action programs, and represents part of a coordinated attack on poverty within a particular community.

(6) Whether and to what extent the program serves adults who are participating in work-experience programs.

(7) Whether and to what extent the program has been developed in conjunction with, or coordinated with, other agencies which serve the poor.

(8) Whether and to what extent the program undertakes the identification and recruitment of those impoverished adults who are in need of basic education.

(9) Whether and to what extent the poor themselves are heavily involved in implementing programs of instruction.

(10) Whether and to what extent Volunteers in Service to America, college work-study personnel and other nonprofessionals are utilized in appropriate positions.

(11) Whether and to what extent operations are efficient and economic.

(12) The quality of the instruction.

(13) Whether and to what extent the program accomplishes basic goals of teaching adults to read and write within a minimum period of time.

(14) Whether and to what extent the program is flexible, innovative, imaginative, and effective in providing basic education to those most in need of it.

(d) *Terms and conditions for approval.* In prescribing terms and conditions for the approval of programs of instruction pursuant to subparagraph (2) of paragraph (b) of this section, the State educational agency shall require that such programs comply with the following:

(1) *Recruitment and selection of students.* Each program of instruction will define the scope of the instruction to be provided, the group of adults to be served, and the geographical area to be covered by such program; and shall endeavor to recruit and enroll all adults of the specified group who reside in the geographic area covered and who would benefit from such instruction, particularly those who are the most severely impoverished and have the greatest educational deficiency.

(2) *Tuition, fees, and other charges.* No program of instruction will require as a condition for participation in the program the payment of tuition, fees, or other charges, or the purchase of books or other materials.

(3) *Community action programs.* Each program of instruction serving in whole or in part an area served by a community action program will be developed in cooperation with the public or private nonprofit agency responsible for the community action program and such a program will be administered in conjunction with the community action program.

(4) *Work-experience programs.* Each program of instruction serving in whole or in part an area served by a work-experience program will be administered in conjunction with such a work-experience program.

(5) *Duration and intensity of instruction.* Each program of instruction will be sufficiently, but not excessively, extensive in duration and intensive within a scheduled unit of time to enable the students to develop the basic educational skills and competencies they need.

(6) *Adequate facilities and materials.* Facilities, such as classrooms, libraries, and laboratories; and materials, such as instructional equipment, supplies, teaching aids, and communications media, will be suitable and adequate in supply and quality to enable the attainment of the educational objective of those enrolled therein. If such facilities and materials are not available in public schools, but are available elsewhere, the program of instruction will be provided with such facilities and materials pursuant to a written agreement between the local educational agency and the individual, agency, institution or organization providing such facilities and materials.

(7) *Guidance and counseling.* Each program of instruction will be accompanied by guidance and counseling services sufficient to enable participants to continue their education, to develop their vocational aptitudes, or otherwise to meet their adult responsibilities.

(8) *Health information and services.* The local educational agencies responsible for programs of instruction will assist adults in need of basic education to acquire health information and services provided through cooperative arrangements pursuant to § 166.5(a).

(9) *Reports.* The local educational agencies responsible for programs of instruction will submit to the State educational agency such reports on such forms and containing such information as the State educational agency may require in carrying out its responsibilities under the State plan, and will keep such records, afford such access thereto, and comply with such other provisions as the State educational agency may find necessary to assure the correctness and verification of such reports.

§ 166.11 Local pilot projects.

(a) *General.* The State plan shall provide for pilot projects to be established by local educational agencies in public schools and other facilities which promise to make a substantial contribution to the elimination of adult basic educational deficiences in those areas of greatest concentration of illiteracy, deprivation, and poverty, and which are designed to carry out any or all of the following objectives:

(1) The demonstration, testing, or development of modifications or adaptations, in the light of local needs, or special materials or methods for instruction of adults in need of basic education;

(2) The stimulation of the development of local educational agency programs for instruction of adults in need of basic education in public schools or other facilities; and

(3) The acquisition of additional information concerning the materials and methods needed for an effective program of instruction for raising adult basic educational skills.

(b) *Policies and procedures.* The State plan shall set forth the policies and procedures to be followed by the State educational agency in approving pilot projects to be established by local educational agencies, which policies and procedures insure that all approved pilot projects are designed to meet any or all of the objectives set forth in paragraph (a) of this section. Such policies and procedures shall include:

(1) The criteria to be followed by the State educational agency in determining the relative priorities of pilot projects, and the procedures to be followed in applying such criteria in determining which projects will be approved by the State educational agency for receiving Federal funds and what amounts of Federal funds will be allocated to each such approved project. In developing such criteria, the State educational agency shall consider the following factors:

(i) The extent to which each proposed project will pursue and attain the objectives set forth in paragraph (a) of this section.

(ii) Whether and to what extent the proposed project itself provides basic education to adults in need of basic education.

(iii) Whether and to what extent the proposed project stimulates an expansion or improvement of adult basic education being provided.

(iv) Whether and to what extent the information derived from the proposed project has nationwide significance in the field of adult basic education.

(2) The terms and conditions required by the State educational agency for approval of pilot projects and the procedures to be followed by the State educational agency in assuring compliance with such terms and conditions by the local educational agency establishing the project. In prescribing such terms and conditions the State educational agency shall consider those set forth in § 166.10 (d) to the extent that they are necessary and appropriate.

§ 166.12 State technical and supervisory services.

The State plan shall provide for the development and improvement of technical and supervisory services and activities as are needed, but only to the extent needed, to meet the requirements and objectives of adult basic education programs under the State plan, and describe the policies and procedures under which such services and activities will be carried out. Such technical and supervisory services may include (but not necessarily be limited to) the following:

(a) Supervision of approved local programs of instruction and pilot projects to the extent necessary to provide adequate consultation and assistance for local educational agencies responsible for such programs, and to assure compliance with and attainment of State plan requirements and objectives.

(b) Periodic evaluation of local programs of instruction and pilot projects (including use of measurement devices, standardized tests, or other methods for determining student achievement levels and progress) and application of those evaluations for such changes and improvement as are called for in the program.

(c) Development and adaptation of methods and materials which are most up-to-date and effective in the conduct of adult basic education programs, either by the State educational agency or through contracts with local educational agencies, colleges and universities, or private non-profit agencies, institutions, or organizations.

(d) Promotion and stimulation of adult basic education programs and projects on the local level; and of participation therein by adults in need of basic education and public support thereof by the community.

(e) Survey of the total number and location of adults in need of basic education in the State.

(f) Provision of preliminary orientation and in-service training to instructors, instructional aides, supervisors, and other adult basic education staff personnel.

(g) Assistance in recruitment of qualified adult basic education personnel (including recruitment of persons in work-study programs provided under Title I, Part C, of the Act, or Volunteers in Service to America provided for under section 603 of the Act).

(h) Provision of consultative services and technical assistance in planning, organizing, and administering local programs and projects.

Subpart C—Federal Financial Participation

General

§ 166.13 Federal financial participation in general.

During fiscal years 1965 and 1966, the Federal Government will pay from each State's allotment an amount equal to 90 percent of the total sums expended by State and local educational agencies for adult basic education in accordance with an approved State plan, as provided in section 2 of this part. During fiscal year 1967, the Federal share of the total sums so expended shall be 50 percent. There can be no Federal financial participation in expenditures made by local educational agencies for projects or programs if such projects or programs have not first been approved in writing by the State educational agency under the approved State plan.

§ 166.14 Date of allowable expenditures.

Since the Federal Government participates only in amounts expended under the State plan, Federal financial participation shall be available only for expenditures which are made after the effective date of the State plan, as defined in § 166.2(b).

§ 166.15 Allotment availability.

(a) Except as provided in paragraph (b) of this section, Federal funds allotted or reallotted to a State under subsections 215 (a) and (b) of the Act shall be available only for expenditures for programs and activities carried on under the State plan during the fiscal year in which such allotments or reallotments are made.

(b) Federal funds allotted to a State during fiscal year 1965 under section 215(a) of the Act shall, except to the extent reallotted under section 215(b) of the Act and § 166.33 herein, remain available until June 30, 1966, for obligation by such State in carrying out its State plan approved under this part.

§ 166.16 Application of State rules.

Subject to the provisions and limitations of the Act and the regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof.

§ 166.17 State fiscal and accounting procedures.

(a) *General.* The State plan shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the States, including such funds paid by the State to local educational agencies. Such procedures shall be in accordance with applicable State laws and regulations which shall be set forth in the plan or

an appendix thereto. Accounts and supporting documents relating to all adult basic education programs involving Federal financial participation shall be adequate to permit an accurate and expeditious audit of the costs of the entire program.

(b) *Audit of local expenditures.* All expenditures of local educational agencies claimed for Federal financial participation shall be audited either by the State or by appropriate auditors at the local level. The State plan shall indicate how and by what standards the expenditures of local educational agencies and other agencies participating in the State plan will be audited; and how the State agency will secure information necessary to assure proper use of funds expended under the Act by such local educational agencies.

§ 166.18 Determination of fiscal year's allotment to which expenditure is chargeable.

(a) State and local laws and regulations shall be followed by the State in determining to which fiscal year an expenditure by the State or local educational agency, or other agency or institutions concerned with adult basic education, is chargeable for the purpose of earning the Federal allotment. Therefore, each State shall use the accounting basis applicable to its State and local educational agencies. The State plan shall specify for State and for local expenditures the particular accounting basis to be so used and cite the authority under State law for such a basis. If the State or local educational agencies utilize a basis other than a cash accounting basis, the State plan shall indicate the time period or other factors governing the liquidation of obligations. If the State or local educational agency is on an obligation basis, an obligation shall mean only a bona fide commitment which is supported by a contract or other evidence of legal liability consistent with State purchasing procedures.

(b) For the purpose of the regulations of this part, an "expenditure" shall not include administrative approval of a program or project by the State educational agency (as provided for in § 166.13 of this part) or the local educational agency, or the advance or reimbursement by the State educational agency of funds which have been or will be expended under the State plan (as provided for in § 166.19).

§ 166.19 Payment of funds to local educational agency.

The State plan shall provide whether funds are paid to local educational agencies or other agencies and institutions concerned with adult basic education under the State plan on the basis of (a) a reimbursement for actual expenditures already incurred, (b) an advance prior to the expenditure of funds, or (c) both.

§ 166.20 Proration of costs.

Federal financial participation is available only with respect to that portion of any expenditure which is attributable to an activity under the State plan. The State plan shall specify a justifiable basis for identifying such expenditures and the method to be used in prorating the expenditure between eligible and non-eligible purposes or activities. The State plan shall provide that the State educational agency will maintain records to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment.

§ 166.21 Fiscal audit and retention of records.

All fiscal transactions under the State plan which involve Federal funds under the Act are subject to audit by the Commissioner in order to determine whether expenditures have been made in accordance with the Act, the regulations in this part, and the State plan. State and local educational agencies receiving Federal funds under the Act shall keep accessible and intact all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of such grants and of matching funds, until notified of the completion of program reviews or the fiscal audit covering such records, whichever is later. Records supporting the accountability for and disposition of nonconsumable equipment costing $100 or more purchased under the State plan (whether from Federal or matching funds) shall be maintained until notification of the completion of the review and audit covering the disposition of such facilities and equipment.

§ 166.22 Disposition of equipment.

(a) Whenever any item of equipment initially costing $100 or more, in which the Federal Government has participated (whether acquired with funds derived from Federal grants or from State or local matching funds), is sold or no longer used for adult basic education purposes, the Federal Government shall be paid or credited with its proportionate share of the value of such equipment at that time, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for purposes other than adult basic education purposes.

(b) Inventories and records are required to be kept for all items of equipment, as described in paragraph (a) of this section. Although the title to such equipment may rest with either the State or local educational agency, the State educational agency is responsible for having available in the State office information sufficient for a determination of whether the use of such equipment continues to be for a purpose provided for under the Act.

§ 166.23 Public nature of funds.

Only public funds may be used for expenditures required to match Federal funds under the plan. Such funds may include, in addition to appropriated funds, funds derived from donations by private organizations or individuals which are deposited in accordance with State or local law to the account of the State or local educational agency without such conditions or restrictions on their use as would negate their character as public funds.

ALLOWABLE EXPENDITURES

§ 166.24 Allowable expenditures in general.

Federal funds allotted to the States under section 215 of the Act may be used to assist in meeting the costs of local programs of instructions as provided for in § 166.10, establishing local pilot projects as provided for in § 166.11, and developing State technical or supervisory services as provided for in § 166.12. In allocating such funds among the various purposes set forth above, emphasis shall be given to programs of instruction and pilot projects under §§ 166.10 and 166.11. Such funds may be applied to the following expenditures which are attributable to such programs and services:

(a) Salaries of professional adult basic education personnel for time spent on activities related to adult basic education programs and services under the State plan, such as teachers, supervisors, directors, teacher-trainers, guidance and counseling personnel, and administrators. Such salaries may include employee benefits to the extent provided for in § 166.25 and educational and sabbatical leave to the extent provided for in § 166.26.

(b) Fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the State educational agency and, with the approval of the State educational agency, to local educational agencies.

(c) Travel and transportation expenses to the extent provided for in § 166.27.

(d) Acquisition, maintenance, and repair of instructional equipment, supplies, and teaching aids to the extent provided for in § 166.28.

(e) Administrative expenses such as salaries of clerical and custodial personnel, communications, utilities, office equipment, supplies, printed and published materials, and rental of space to the extent provided for in § 166.29.

§ 166.25 Employee benefits.

Funds used under the State plan for salaries of adult basic education personnel engaged in activities under the State plan may include those parts of the salaries that are deducted or withheld as the employee contributions under a plan of retirement, workmen's compensation, or other welfare funds maintained for one or more general classes of employees of a State or local educational agency. In addition, funds may be used to support the employer contributions to such plans.

§ 166.26 Sabbatical and educational leave.

(a) Funds used under the State plan for salaries paid to approved adult basic education personnel engaged in activities under the State plan may include those parts of the salaries paid for the time spent (1) on sabbatical leave, or (2) on educational or other leave needed to obtain additional education or experience necessary to carry out responsibilities in connection with the adult basic education programs under the State plan: *Provided*, That in either case such

leave is in conformity with the policy of the employing agency which applies also to the other employees of similar rank or grade.

(b) The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible.

(c) In the case of sabbatical leave earned by the employee on the basis of time of service, Federal financial participation will be based on the prorated portion of the employee's time that was given to eligible adult basic education activities under the Act during the period in which the leave was earned.

(d) In the case of educational or other leave not earned on the basis of time of service, Federal financial participation will be based on the relative benefit of such leave to adult basic education programs under the State plan. Prorations required under this section will be made in accordance with the principles set out in § 166.20.

§ 166.27 Travel and transportation expenses.

Funds may be used for necessary and appropriate travel and transportation expenses attributable to adult basic education programs under the State plan. Included in allowable travel and transportation expenses are the following:

(a) Travel expenses of adult basic education personnel whose salaries are supported by Federal funds under the State plan, when performing official duties recognized by the State educational agency and related to adult basic education programs under the State plan.

(b) Travel expenses of consultants, members of State advisory committees, and other persons or groups acting in an advisory capacity whose fees and approved expenses are supported by Federal funds under the State plan when approved by the State educational agency.

(c) Transportation expenses of adult basic education students which include only: (1) Transportation for one round trip per semester or shorter period determined by the duration of the program between the student's home and the place where he will reside while enrolled in the program; (2) transportation for one round trip daily between a student's place of residence or employment and the school; (3) transportation between schools in which the student is enrolled in classes.

(d) Transportation expenses of prospective teachers enrolled in an approved teacher training program when they are sent to serve as student teachers in approved adult basic education programs in communities so located as to require transportation expenses. Participation is not allowed for any travel expenses other than transportation.

(e) All travel and transportation included in paragraphs (a), (b), (c), and (d) of this section may be by common carrier, official conveyance, or private conveyance. Costs may not be paid in excess of costs of transportation by common carrier or, in the absence of suitable transportation by common carrier, in excess of reasonable rates established by the State or such other rates approved by the State educational agency.

§ 166.28 Instructional equipment, supplies, and teaching aids.

(a) Funds may be used for the acquisition, maintenance and repair of instructional equipment, supplies, and teaching aids for adult basic education programs.

(b) As used in this section, "instructional equipment, supplies and teaching aids" means equipment, supplies, teaching aids (including reference materials and textbooks to be retained by the local educational agency) used by authorized adult basic education personnel in instructing, or by their students in learning, in an instructional program. It may not include supplies to be made into equipment or products to be sold, or to be used by pupils, teachers, or other persons for other than adult basic education purposes.

§ 166.29 Rental of space.

Funds may be used for rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if: (a) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program; (b) the State or local educational agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures; (c) the amounts paid by the State or local educational agency are not in excess of comparable rental in a particular locality; (d) expenditures represent a current cost to the State or local educational agency; and (e) in the case of publicly owned buildings, like charges are made to other agencies occupying similar space for similar purposes.

Subpart D—Payment and Reports

§ 166.30 State annual reports.

(a) *Annual estimate—(1) Content.* The State educational agency, in accordance with procedures established by the Commissioner, shall submit as an appendix to the State plan an annual estimate for each fiscal year containing the following information:

(i) A description of adult basic education projects, programs, and services on the State and local level to be carried out during that year, including an identification of the geographic areas of the State and the groups of adults to be served by each.

(ii) An estimate of the cost of carrying out the projects, programs, and services described in terms of areas and groups to be served and authorized categories of expenditures.

(iii) A statement indicating the sources of funds to be available, showing the Federal share and the State and local share of the total estimated expenditures.

(2) *Effect of estimates.* Subsequent payment of Federal funds to the States will not be precluded because of minor variations in the nature and content of the programs, projects, and services described in the estimate or because of minor deviations from the amount of State and local expenditures set forth in the estimate during the fiscal year covered by the estimate: *Provided*, That such variations or deviations are otherwise made in accordance with the Act, the regulations in this part, and the approved State plan: *And provided*, That the Commissioner has been notified of such variations and deviations.

(b) The State educational agency, in accordance with procedures established by the Commissioner, shall submit as an appendix to the State plan an annual report for each fiscal year which has been completed (1) describing the programs, projects, and services carried out under the State plan, (2) setting forth the total expenditures made in carrying out such programs, projects, and services, and (3) indicating the sources of funds from which expenditures were made (whether Federal or State or local).

(c) *Relationship to State plan.* The reports referred to in paragraphs (a) and (b) of this section shall be designed to show what progress is to be or has been made during the fiscal year covered by such reports in carrying out the State plan's overall program of adult basic education within the State. Specific attention shall be drawn to the degree of progress made by the State during the year toward elimination of the inability of all adults in the State to read and write English and toward substantially raising the level of education of such adults.

§ 166.31 Certification of payments.

(a) *Conditions for certification.* Payment to the States under the Act will be made only after the Commissioner has certified that the State is entitled to such a payment. Such a certification shall be made only when:

(1) The Commissioner determines that the State has on file in the Office of Education a State plan (including all amendments) which was adopted by the State educational agency and approved by the Commissioner, and which has not been so changed that it no longer complies with the Act and the regulations.

(2) An examination of the latest records, estimates and reports on file in the Office of Education indicates to the Commissioner's satisfaction that (i) the program of adult basic education for the preceding fiscal year was conducted substantially in accordance with the Act, the regulations, and the State plan, and (ii) the State will be and is able to conduct its program for adult basic education during the current fiscal year substantially in accordance with the Act, the regulations, and the State plan.

(3) The estimates and reports required for submission to the Commissioner have been submitted and reviewed prior to the date of payment of funds.

(4) The Commissioner finds that the total amount of State and local funds available for expenditures for adult basic education programs and services will not be less than the total amount of State and local funds expended for such programs and services during the preceding fiscal year.

(b) *Certificate modification and withholding of funds.* (1) The Commission-

er may from time to time modify the amount certified to the State for the fiscal year on the basis of periodic requests for payment of Federal funds, estimates and reports, reallotments, audits, program reviews, and other information and data available to him.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering the State plan, finds that the State no longer complies with the requirements for certification set forth in paragraph (a) of this section, he shall notify the State educational agency that his certification for payment to the State has been withdrawn and that payment of Federal funds will be withheld from the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State educational agency that payment of Federal funds will be limited to support of programs or portions of programs under the State plan not affected by the State's failure to comply with such requirements, and that certification for payment will be modified to that extent.

§ 166.32 Method of payment.

Payment will be made in advance to a State of the amount to which the Commissioner certifies the State is entitled for the fiscal year, after making appropriate adjustments to take account of previously made overpayments or underpayments; and in such installments and at such times as the Commissioner may determine, on the basis of all information available to him, to be reasonably required for expenditures by the States of the funds so allotted.

§ 166.33 Reallotments.

(a) Pursuant to section 215(b) of the Act, any amount of any State's allotment which the Commissioner determines is not required, for the period such allotment is available, for carrying out the State's plan, shall be reallotted to other States on such dates as the Commissioner may fix. Such a determination by the Commissioner shall be made on the basis of (1) a certified statement submitted by the State affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) reports and information acquired by the Commissioner either from the State educational agency or from independent investigation indicating that the State does not require the full amount of its original allotment to carry out its plan, or (3) both. At least thirty days prior to the date fixed for reallotments of funds, the Commissioner shall notify the State of his determination affecting the State's allotment and either modify the amount certified for payment to the State, or if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not require.

(b) Reallotment shall be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (c) of this section, such reallotments to such other States shall be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan for such fiscal year. The total of such reduction shall then be allotted among those States not suffering such a reduction in proportion to their original allotment. Such estimate shall be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (a) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallotment by the State and its supporting certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner, either from the State educational agency or from independent investigation, or (4) any two or all of the above. Within a reasonable time before the date fixed for reallotment, the Commissioner shall notify the State of the amount of reallotted funds (if any) the State shall receive.

(c) Any State which the Commissioner has determined, either on the basis of certified statements from the State or other reports or information available to him, (1) does not require the full amount of its original allotment to carry out its plan, or (2) does not require the full amount of its proportionate share of funds to be reallotted, may, on or before the date fixed for reallotment, request that the Commissioner reconsider its determination affecting the original allotment or anticipated reallotment to such State, and submit with his request additional supporting information and data. If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallotment. The Commissioner, in making his reallotment of funds to the States, shall take into consideration all such amendments and additional information furnished by the States with their requests for reconsideration of the Commissioner's determinations. All decisions made by the Commissioner regarding the reallotments of funds are final once reallotment is made.

§ 166.34 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

(b) *Settlement of accounts.* The final amount to which the State is entitled for any period is determined on the basis of total expenditures under the State plan with respect to which Federal financial participation is authorized. In settling accounts upon the termination of the Act, or a State's participation thereunder, the State shall refund to the Commissioner any overpayment which may have been made under Title II, Part B, of the Act.

Dated: March 11, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: March 11, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

Approved: March 11, 1965.

SARGENT SHRIVER,
Director, Office of Economic Opportunity.

[F.R. Doc. 65-2724; Filed, Mar. 16, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15084; FCC 65-195]

PART 73—RADIO BROADCAST SERVICES

AM Station Assignment Standards and Relationship Between AM and FM Broadcast Services

1. The Commission has before it for consideration nine petitions for reconsideration of the Report and Order released July 7, 1964 (FCC 64-609, 29 F.R. 9492, 2 Pike & Fischer R.R. 2d 1658), adopting new AM rules and a rule limiting FM "duplication" of AM programming in cities of more than 100,000 population.

I. *The new AM assignment rules.* 2. Only three parties filed petitions objecting to the new rules governing authorization of new and changed AM facilities: the National Association of Broadcasters (NAB), Greater Indianapolis Broadcasting Co., Inc. (WXLW, Indianapolis), and Paul E. Taft doing business as Taft Broadcasting Co. (KODA, Houston, Tex.). To some degree, Greater Indianapolis and Taft repeat generalized arguments in favor of ad hoc decisions and against the adoption of fixed standards to define the overlap of signal intensity contours which will be prohibited. To the extent these arguments are advanced, they are rejected for the reasons stated at length in the Report and Order (paragraphs 11-13) and in the Report and Order in Docket No. 14711, adopting the new "duopoly" rules (FCC 64-445, 29 F.R. 7535, 2 Pike & Fischer R.R. 2d 1588, 1593-1595). Our action in this respect is thoroughly consistent with sections 307(b) and 309(a) of the Communications Act. It is clearly within the scope of our statutory authority and not unreasonable.[1]

3. The NAB and Greater Indianapolis object more specifically to the standards adopted for new nighttime authorizations, particularly the requirement that no new nighttime operation will be au-

[1] National Broadcasting Co. v. U.S., 319 U.S. 190 (1943); U.S. v. Storer Broadcasting Co., 351 U.S. 192, 13 R.R. 2161 (1956); Logansport Broadcasting Corp. v. F.C.C. 210 F. 2d 24, 10 R.R. 2006 (1954).

thorized unless it will bring a first nighttime primary service to 25 percent or more of the station's primary service area—the "25% white area" requirement. Petitioners contend that the standards should be more liberal in permitting existing daytime-only stations to obtain full-time facilities. NAB attacks as unsupported our statement that new nighttime operations would generally serve little "white area" and would cause losses in existing service, and asserts that we have ignored the public interest in having a second or third nighttime service available to a particular community or area, providing diversity of programming and avoiding monopoly situations. It is also urged that we are inconsistent in saying that AM radio service is no longer a dominant medium at night, and at the same time protecting present service from existing outlets in this "non-dominant" medium.

4. Greater Indianapolis, licensee of daytime-only station WXLW in Indianapolis, is concerned about loss of "pre-sunrise" operating hours if our proposal in the "pre-sunrise" rule making proceeding (Docket No. 14419) should be adopted.[3] It urges that the present proceeding cannot be decided separately from the "pre-sunrise" proceeding; and that, if the problem is avoiding interference to existing service, we should approach this through a more exact definition of "objectionable interference" rather than imposing a "25% white area" standard. Greater Indianapolis contends that, at the very least, daytime-only stations which would lose their pre-sunrise privileges under the proposal in Docket 14419 should be permitted to operate nighttime.

5. Neither party seriously controverts our statement in the Report and Order that all new nighttime operations do cause some interference to existing service, whether or not this new interference is recognized under our present rules. (Report and Order, paragraphs 25–27.)[4] We stated in the Report and Order (paragraph 26) that the basic question before us was whether the losses involved in authorizing new nighttime operations on a less restrictive basis would be justified by the benefits resulting from providing additional local full-time AM outlets. We concluded that the benefits would not outweigh the losses. In reaching this conclusion we considered the various arguments in favor of additional local outlets that NAB now urges upon us again. Upon reconsideration, we find no reason to strike a different point of balance and, therefore, we adhere to the decision reached previously.[5]

[3] The proposal in Docket 14419 would limit such operation to cases where there is no fulltime station in the community.

[4] As petitioner Taft mentions: "It is well-known that nighttime sky-wave interference contributes to actual interference beyond that measured by the Commission's RSS rule."

[5] NAB's argument concerning "inconsistency" is without substance. The fact that AM radio is no longer a dominant broadcast medium at night is no reason why such service should not be protected where it now exists.

6. As to Greater Indianapolis' contentions, we noted in the Report and Order (footnote 13) that the decision reached as to nighttime authorizations relates to continued operation throughout the evening, and not to "pre-sunrise" operation, the subject of another proceeding. There is no reason why these matters should not be treated separately. The "pre-sunrise" problem, with its many complexities, differs from the more general matter of new nighttime authorizations in at least two significant respects: (1) the hours involved in the former are in part "transitional" hours, when full nighttime propagation conditions do not apply; and (2) for the most part, the "pre-sunrise" proceeding relates to existing service and the extent to which it can and should be preserved. It may be appropriate to adopt different standards for the limited time period involved in "pre-sunrise" operation, in view of the different considerations which obtain. We emphasize again that the conclusions we have reached in this proceeding apply to grants of full nighttime facilities, not to the question of "pre-sunrise" operation.

7. Greater Indianapolis contends that if our concern is avoiding interference to existing stations, we should do it by tightening the rules concerning what is objectionable nighttime interference and do away with the "25% white area" concept. However, for reasons stated in paragraph 25 of the Report and Order concerning the nature of nighttime interference, this is not a feasible approach to the problem. It would be extremely difficult to draw rules in this respect tight enough to prevent the degrading effect of interference, especially with respect to the regional channels—including 950 kc/s, on which WXLW operates—where there are already multiple nighttime signals. If made sufficiently restrictive to prevent this undesired effect, any such rules would probably operate to preclude new fulltime operations except in a very few cases. We believe it preferable to leave the nighttime interference rules as they are, and make grants of new nighttime facilities only where really substantial service benefits will result—i.e., service to "25% white area".[6]

8. Taft's petition relates to its daytime-only station KODA, Houston. It has tendered an application (along with a petition for waiver of the applicable rules if its petition for reconsideration is denied) for increase in power and change in directional array, which presents the following considerations: (1) overlap of KODA's 0.025 mv/m contour with the 0.5 mv/m contour of one co-channel station would exist in an area where it does not now occur, but would be eliminated elsewhere so that there would be a net decrease in proscribed overlap area; (2) the extension of KODA's 0.5 mv/m contour in another direction would result in an increase in the area of "interference received" overlap with another co-channel station's 0.025 mv/m contour. In other words, there would be a new area of "interference caused" to one station but a net decrease in that area with respect to that station; and there would be an increase in area of "interference received" from another station. Taft's petition for reconsideration urges that, with respect to major changes in daytime facilities: (1) Where "interference caused" is involved, such changes should be permitted if the net result would be a decrease in the area of overlap, even if some new area is involved; (2) where the only consideration is "interference received", the change should be permitted if general improvement in service would result.

9. As to the first point, we agree with Taft. As in the case of the new "duopoly" rules, it appears appropriate to permit a major change in daytime facilities if the net result—with respect to each and every station with which prohibited overlap now exists—is to decrease the area of overlap, even though some new area may be involved, and where no new overlap will occur with respect to any station not now involved. Section 73.37 is amended accordingly below.

10. However, Taft's second point, concerning "interference received", must be rejected. Taft recognizes that "the new 'go-no go' prohibited overlap system of AM station allocation is primarily directed at spacing new AM stations and regulating spatially change of frequencies of existing AM stations" (Petition for Reconsideration, page 3). In its petition for waiver of the rules, Taft also concedes that "there is a logical basis for requiring applications for changes in frequencies of existing stations [and, of course, for new stations] to comply with the new 'go-no go' rules" (Petition for Waiver, page 3). Taft argues, however, that this logical basis for the rules may disappear when an existing station merely seeks to improve its facilities in a manner which will cause no new prohibited overlap. In this situation, Taft contends, increased areas of received overlap will not result in a loss of service to anyone previously involved and will enable the station to render better service to more people.

11. Taft's argument is based upon an unreal distinction between applications for new stations and major changes. Taft concedes that a go-no go prohibited overlap system is a reasonable method to determine required separations between new stations. Thus it would be reasonable, using this system, to require a 100 mile spacing between two new one kilowatt stations and to require a somewhat larger spacing, e.g., 120 miles, between the same two new stations operating with five kilowatts. Since this is so,

[6] Greater Indianapolis' petition actually amounts to more than a petition for reconsideration. As stated therein, WXLW has for some time been trying to evolve a proposal for nighttime operation, but has not been able to work out an operation which meets the requirements of section 73.28(d) of the rules, the "10% rule", which formerly applied to all applications and still applies to applications accepted before July 13, 1964. Were we to reconsider and rescind our action herein, that rule would still remain in general effect. It appears, therefore, that petitioner would have us remove any restriction on nighttime grants except with respect to interference caused to other stations. This we have never considered and we do not now believe such a course to have merit.

it is impossible to follow Taft's logic in arguing, in effect, that the two new stations should be allowed finally to operate at a 100 mile spacing with five kilowatts, so long as the facilities are achieved through two successive applications: the first for a new one kilowatt station and the second for a power increase to five kilowatts. If there is a logical basis for the prohibited overlap rules as applied to new facilities or frequency changes, as Taft concedes, this basis must apply equally to applications for major changes.

12. The plain fact is that Taft's argument against the rule limiting received prohibited overlap may be made against any rule restricting overlap or interference received, whether a zero percent rule, a 10 percent rule, or some other variant. The reasons justifying a rule restricting interference received were set out in the Report and Order in this proceeding (see, particularly, paragraph 12) and in previous Commission statements. See In the Matter of Amendment of Section I of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, 10 Pike & Fischer R.R. 1595, 1598. Unless Taft means to contend that no limitation on received interference is justifiable where applications for major changes are involved, its contentions must come down to a disagreement with the precise point at which we have chosen to draw the line. We have been shown no reason why our decision as to the general rule is unreasonable in this respect.

13. We do not say that the rule concerning received overlap should never be waived. If the service that an existing station is able to provide with authorized facilities is patently inadequate, it is possible that a waiver of the rules may become necessary to make the best of a bad existing situation. Whether or not such a waiver is justified, however, will depend on a number of variables peculiar to the individual situation involved.

Other AM matters. 14. Two other matters concerning AM assignments have been raised by certain pending applications tendered along with requests for waiver, and we believe the matters involved may be handled by clarification of the rule rather than in individual cases on petition. These are overlap occurring entirely over sea water, and overlap with foreign stations.

15. *Overlap over sea water.* Four applications recently tendered present situations where "prohibited overlap" with existing stations occurs entirely over sea water. Typically the stations involved are separated by distances greatly in excess of those necessary to avoid overlap over land areas, and the overlap occurs only as a result of the extremely high conductivity of the sea water path. We believe that rigid application of the overlap rules in such cases is an unnecessary restriction on our ability to assign stations in coastal areas. Therefore, a note is added to § 73.37 of the rules, to the effect that the overlap of contours mentioned therein will not bar the grant of an application where the area of overlap occurs only over sea water.

16. *Overlap with foreign stations.* As literally interpreted, new § 73.37 would completely forbid overlap of a proposed U.S. station with a particular foreign station—e.g., the proposed new 0.025 mv/m contour with the 0.5 mv/m contour of a Canadian station even where the overlap area is entirely within the United States and no other prohibited overlap would exist. Such an assignment would not be prohibited by applicable international agreements (the North American Regional Agreement (NARBA) and the U.S./Mexican Agreement). This situation appears undesirable if for no other reason that it would permit foreign countries to make assignments close to the border where we could not. Therefore, it appears that while with respect to "interference received" there is no reason to differentiate between that from existing foreign and existing domestic stations, with respect to "interference caused" (as in the example mentioned) the criteria should be those of the pertinent international agreement instead of those set forth in § 73.37. The new note to that section, contained below, so states.

17. The additions to the rules mentioned above are interpretative in character, and relax existing restrictions. Therefore, notice and rule making proceedings as specified in section 4 of the Administrative Procedure Act are not required.

II. *Limitation on FM duplication of AM programming.* 18. We turn now to the petitions for reconsideration directed at the new rule—§ 73.242—providing that after August 1, 1965, FM stations in cities of over 100,000 population shall not devote more than 50 percent of their average broadcast week to duplication of the programs of a commonly owned AM station in the same local area. In addition to NAB, these petitioners (and their AM–FM holdings) are as follows:

(a) Columbia Broadcasting System, Inc. (CBS), seven AM–FM in same cities (all over 100,000), all duplicating completely or nearly so.

(b) Storer Broadcasting Co. (Storer), five AM–FM in same cities (all over 100,000), all duplicating completely or nearly so.

(c) Capital Cities Broadcasting Corp. (Capital Cities), two AM–FM in same cities (over 100,000), one duplicating completely and one independently programmed.

(d) Interstate Broadcasting Co., Inc. (Interstate), one AM–FM (New York City), duplicating completely or nearly so.

(e) Kaiser Industries Corporation (Kaiser), licensee of one FM station (San Francisco) not affiliated with an AM station, and permittee of another (Honolulu) which proposes a small amount of duplication of the AM affiliate.

(f) Newhouse Broadcasting Corp. and Mount Hood Radio and Television Broadcasting Corp. (joint petition; Newhouse owns 50 percent of Mount Hood). Newhouse is licensee of three AM–FM combinations in cities of over 100,000, two duplicating completely or nearly so and one programed independently; Mount Hood holds one such combination (Portland, Oreg.), duplicating completely or nearly so.

19. We also have under consideration a statement opposing these petitions filed by the National Association of FM Broadcasters (NAFMB), which is hereby accepted;* the NAB's "Petition To Stay Effective Date of Rules Regarding Non-Duplication of Programs on Jointly Owned AM–FM Stations", various informal communications supporting that petition or urging postponement of the effective date for a lengthy period; and the NAFMB's statement concerning the NAB's request (opposing the postponement of the effective date but agreeing that requests for individual exemption might be filed up to three months before that date).

20. In dealing with these petitions, it is appropriate to point out initially the limited scope and effect of the rule. In the 125 cities to which it applies, there are some 551 authorized FM stations in the commercial FM band. 214 of these are not affiliated with AM stations in the same city or nearby, and therefore are not covered by the rule. Of the remaining 337, more than 137 presently are programmed separately, entirely or 50 percent or more of the time, leaving fewer than 200 which would have to change their mode of operation in greater or lesser degree.† A number of these are associated with daytime-only AM stations, and numerous others now program separately to a considerable extent. In these cases no radical change in operation would be required, since the rule requires only 50-percent separate programing. Additionally, we have specifically provided in the rule for exemption in appropriate circumstances, on the basis of individual requests.

21. We turn first to the argument advanced by some of the petitioners that by this rule the Commission is usurping the responsibility and right of the licensee to make the judgments concerning the programming to be presented over his stations, based on his ascertainment of the needs and interests of his community and effort to meet those needs and interests and his judgment as to whether and to what extent separate programming is economically feasible.‡

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* The NAFMB "Statement" was originally timely filed (Aug. 19, 1964) but was inadvertently not served on the petitioners. On Sept. 22, 1964, it was retendered after having been duly served, together with a petition requesting its acceptance. No opposition thereto was filed, and the "Statement" is accepted.

† There are 132 cities in the United States (including Alaska, Hawaii, and Puerto Rico) with more than 100,000 population. Of these, 7 are near larger metropolitan centers and have no FM channels assigned to them. In addition to Commission records, the figures in this paragraph are based on information from Standard Rate & Data Service and Broadcasting Yearbook (1965). The figure of 200 stations includes several in CP status, not yet on the air.

‡ Capital Cities and Newhouse, which program some of their AM–FM combinations separately and duplicate others, call attention to their own judgments that separate programming is appropriate in one market, while duplicated programming is appropriate in another market.

This argument is without substance. Under section 303(g) of the Communications Act, we are required generally to "encourage the larger and more effective use of radio in the public interest". This mandate clearly requires us to make a decision as to what extent we should permit two frequencies to be used to transmit the same signal in the same general area. We were of the view that the course of action taken—requiring a reasonable degree of separate use of AM and FM channels in the larger markets where there is a growing demand for channels—is in furtherance of this objective. We adhere to that view. Moreover, our action in this area is of the character contemplated by paragraphs (a), (b), and (c) of section 303—under which we are directed to classify stations, assign bands of frequencies for, and prescribe the nature of the service to be rendered by, each class. Our action here is within the area of our responsibility.

22. The other arguments advanced by the petitioners may be summarized as follows (as NAFMB mentions in reply, most of them have been advanced before):

(a) Economic arguments—the asserted increased costs entailed by separate programming (Storer estimates a minimum of $3,000 or $4,000 a month), the fact that in a number of the markets involved total radio operations show a loss, the fact "independent" (non-AM-affiliated) FM stations in general do not show a profit; the assertion that there will be little additional revenue available for the new separate FM operations; the assertion (by Interstate on behalf of WQXR and WQXR–FM, New York) that its rates will have to be cut because each service will lose about half of the present WQXR AM–FM audience).

(b) Technical arguments, concerning how FM supplements AM coverage, for example in the case of AM stations highly limited in service area at night because of interference, and FM's greater serviceability of FM in areas of high noise and electrical interference levels.

(c) Programming arguments—the argument that increased costs will require stations to trim their programming expenditures and less desirable programming will result; that (because of the technical factors mentioned above) many listeners would lose the desirable programs now presented on the AM station which they can receive satisfactorily only on FM. It is asserted (by CBS, Kaiser, and others) that much (according to a CBS 1961 survey the great majority) of FM listening is to "duplicated" programming, and that the availability of this type of programming on FM has been an important factor in such development as has occurred so far in the medium.[9]

(d) The asserted illogical character of the rule—providing for a greater variety of program fare in the larger markets where there is often already a plethora of diverse programming available, and leaving untouched the situation in smaller places where there is less program choice for the listener.

23. As we have pointed out previously, the fundamental principle involved here is the wasteful and inefficient use of two frequencies to bring a single broadcast program to the same receiver location—a situation which is undesirable and which should not be permitted to continue unless there are substantial countervailing benefits. This waste and inefficiency is particularly significant when a demand arises for use of the frequencies, as it has now arisen in connection with FM in the larger markets. There are relatively few channels in the 125 cities involved which are neither occupied nor applied for, and in a number of instances competing applications are pending for the last channel or channels available in one of these communities.[10] In our judgment, the time has come to act to remove this inherent inefficiency to the extent we have provided in the rule, limited to cities of over 100,000 and 50 percent non-duplication, except where the benefits flowing from it are sufficient to warrant exemption on an individual basis.[11]

24. With respect to the economic and programming arguments mentioned, we stated in the Report and Order (paragraph 42) that it was recognized that individual licensees might suffer some short-term detriment; but we believed—and it is still our view—that there will be no net loss of FM service available to the public or substantial reduction in its quality. Insofar as they affect the public interest, as opposed to merely the private interest of the licensee, these are considerations which will be taken into account if presented in individual exemption requests. The same is true of the technical arguments mentioned, which may afford an appropriate basis for exemption in particular cases, depending on the facts presented. But as a general consideration, we were and are of the view that in the larger markets—where the demand for channels has reached the substantial point now existing, where FM has had its greatest development so far, and where the potential of economically viable separate programming is greatest—the time has come to put an end to highly extensive duplication where there is little or no warrant for it.[12]

Educational FM stations in the noncommercial educational FM band. 25. The question has been asked as to whether § 73.242, and its limitations on duplication by FM stations in cities of over 100,000 population, apply to noncommercial educational stations operating in the reserved portion of the FM band (Channels 201 to 220), which are under common ownership with AM stations in the same city. (There are only a few such situations.) The answer is that such operations are not covered. The rules concerning stations in this portion of the FM band are contained in Subpart C of Part 73 of the rules (§ 73.501 et seq.). Except insofar as sections of Subpart B (commercial FM service) are incorporated into Subpart C by reference, they do not apply to noncommercial educational stations operating on Channels 201 to 220. Section 73.242 of Subpart B is not so incorporated, and therefore does not apply to stations in this part of the band. However, the rule does cover, if otherwise applicable, stations of a noncommercial educational character operating in the commercial portion of the FM band and thus under the provisions of Subpart B (Channels 221 through 300).

Procedural matters. 26. In its "Petition to Stay Effective Date", etc., filed January 15, 1965, NAB asks: (1) That the effective date of the rules be postponed for 6 months, or till February 1, 1966; and (2) that the date for filing individual exemption requests be postponed until 3 months before the effective date of the rule. NAFMB opposes (1) but does not oppose (2). There are other similar requests for postponement.

27. With respect to the first request, in our view a 6 months' postponement of the effective date is not warranted. However, in view of the pendency of the above petitions until now, we believe that some extension is appropriate, and that licensees should have additional time to

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[9] To quote Kaiser, to preclude the availability of "AM" programming on FM "amounts to rejection of the only technique which would ensure viability for the medium."

In its reply to the petitions, NAFMB asserts that the adoption of the non-duplication rule—like our earlier suggestion to the same effect in the overall FM allocation proceeding (Docket 14185)—has had a marked accelerating effect on the FM plans of advertisers, program producers and set manufacturers. Attached to its reply, and to its later statement concerning the NAB's request for postponement of the effective date of the rule, are trade press and newspaper stories to this effect.

[10] There are some 40 out of the 125 cities where channels are assigned and neither occupied nor applied for. One such community is Duluth, Minn., where there are six channels assigned and no FM stations or applications. In this and similar situations, in connection with exemption requests we would give consideration to permitting a smaller percentage of non-duplication, in order to give the medium the impetus in the area which appears to be needed.

[11] One of the arguments advanced by petitioners is that any non-duplication rule should not have been adopted in a proceeding concerned largely with other matters, but should be adopted only after a more searching inquiry. Under the circumstances, this argument is without merit. Interested parties had ample notice of our proposal and opportunity to comment. Any more detailed consideration which is appropriate can be given in connection with requests for exemption in individual cases.

[12] For example, there would appear to be little technical justification for complete or nearly complete duplication of programming where the AM station is a Class I-A clear channel station, operating interference-free day and night with 50 kilowatts power.

The foregoing discussion also explains the reason for applying the rule to the larger cities, even though there the program choice is generally greater than it is in smaller places not covered by the rule.

As mentioned, duplication is basically an inefficient practice, and at some point it may be appropriate to limit it more generally. But as a first step, we have provided only for a limitation in the larger cities, for the reasons mentioned.

comply with the rule. Therefore we are postponing the effective date of the rules until October 15, 1965. As to the second request, we believe that 3 months before the effective date is too short a period in which to evaluate the requests and give the licensees time to adjust their operations if their requests are denied. However, in order to give licensees time to evaluate their situations in the light of this decision on reconsideration, and if appropriate file exemption requests, we are postponing the date by which such requests must be filed until April 15, 1965. In specifying this exemption request procedure and date in the rule, we of course cannot preclude petitions for waiver of the rule which may be filed later, under the general provisions of § 1.3 of our rules concerning waiver. However, the specified procedure and date have been set up so that we may review these requests and give licensees ample notice of our decision thereon, well before the October 15 effective date. Petitions filed later, requesting waiver, may well not be acted upon before the effective date, and if not of course stations so petitioning will be subject to the rule until action on their petitions. Therefore licensees and permittees seeking exemption should file by April 15.

28. With respect to applications which have been recently granted, are now pending or may be filed in the near future, the following procedures will apply: (1) Grantees seeking to be exempted from the rule should file petitions for exemption by the April 15 date specified, otherwise they will be expected to comply with the rule; (2) applicants with applications now pending should similarly file by that date; otherwise their grants will be on condition that they comply with the rule when they commence operation; (3) no application tendered henceforth will be accepted or considered unless either it proposes programming in compliance with the rule, or is accompanied by a request for exemption.

29. Authority for the amendments to §§ 73.37 and 73.242 of the rules contained below is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

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

(1) Effective April 19, 1965, §§ 73.37 and 73.242 of the Commission's rules are amended as set forth below;

(2) The petitions for reconsideration filed in Docket No. 15084 by National Association of Broadcasters, Greater Indianapolis Broadcasting Co., Inc., Columbia Broadcasting System, Inc., Storer Broadcasting Co., Capital Cities Broadcasting Corp., Interstate Broadcasting Co., Inc., Kaiser Industries Corp., Newhouse Broadcasting Corp., and Mount Hood Radio and Television Broadcasting Corp. are denied;

(3) The petition for reconsideration filed in Docket No. 15084 by Paul E. Taft doing business as Taft Broadcasting Co., and the "Petition To Stay Effective Date of Rules Regarding Non-Duplication of Programs on Jointly Owned AM–FM Stations", filed January 15, 1965, by National Association of Broadcasters, are granted, to the extent indicated hereinabove, and in all other respects are denied; and

(4) This proceeding (Docket No. 15084) is terminated.

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

Adopted: March 10, 1965.

Released: March 12, 1965.

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

1. Section 73.37 is amended by designating the note following that section as Note 1, and adding new Notes 2 and 3, as follows:

§ 73.37 Minimum separation between stations; prohibited overlap.

* * * * *

NOTE 2: In the case of applications for changes (other than frequency) in the facilities of standard broadcast stations covered by this section, an application therefor will be accepted even though overlap of signal strength contours as mentioned in this section would occur with another station in an area where such overlap does not already exist, if: (1) the total area of overlap with that station would be reduced; (2) there would be no net increase in the area of overlap with any other station; and (3) there would be created no area of overlap with any station with which overlap does not now exist.

NOTE 3: The provisions of this section concerning prohibited overlap of signal strength contours will not apply where: (1) the area of such overlap lies entirely over sea water; or (2) the only overlap involved would be that caused to a foreign station, in which case the provisions of the North American Regional Broadcasting Agreement (NARBA) and the U.S./Mexican Agreement will apply. Where overlap would be received from a foreign station, the provisions of this section will apply.

2. In § 73.242, paragraph (a) is amended to read as follows:

§ 73.242 Duplication of AM and FM programming.

(a) After October 15, 1965, licensees of FM stations in cities of over 100,000 population (as listed in the latest U.S. Census Reports) shall operate so as to devote no more than 50 percent of the average FM broadcast week to programs duplicated from an AM station owned by the same licensee in the same local area. For the purposes of this paragraph, duplication is defined to mean simultaneous broadcasting of a particular program over both the AM and FM station or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station.

* * * * *

[F.R. Doc. 65-2738; Filed, Mar. 16, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

INSECTICIDES, FUNGICIDES, AND RODENTICIDES

Proposed Interpretation With Respect to Claims for Safety and Nontoxicity on Labeling of Economic Poisons; Extension of Time for Filing Comments

On February 13, 1965, a proposed interpretation of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to claims for safety and nontoxicity on labeling of economic poisons (7 CFR 362.122) was published in the FEDERAL REGISTER (30 F.R. 2033). Thirty days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. Certain associations representing the regulated industry have requested that this time be extended in order that they might assemble their views for submission. Therefore, the time allowed for the submission of written data, views or arguments in connection with this proposed interpretation is extended until May 1, 1965.

Done this 12th day of March 1965.

JUSTUS C. WARD,
Director, Pesticides Regulation Division, Agricultural Research Service.

[F.R. Doc. 65-2736; Filed, Mar. 16, 1965; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 917]

[Docket No. AO-90 A4]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Amendment of Marketing Agreement and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), as amended, notice is hereby given of a public hearing to be held beginning at 10:30 a.m., local time, April 5, 1965, in the Auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, Calif., with respect to proposed amendment of the marketing agreement and order, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amended marketing agreement and order as hereinafter set forth and to any appropriate modifications thereof. The proposal was submitted by the Control Committee, the administrative agency for the marketing agreement and order, with a request that a hearing be held thereon.

DEFINITIONS

§ 917.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 917.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 917.3 Person.

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

§ 917.4 Fruit.

"Fruit" means all varieties of plums and the varieties of pears and peaches set forth below together with all mutations thereof which are grown in the production area:

(a) *Pears.* Bartlett, Dr. Jules Guyot (Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired Bartlett, Winter Bartlett, Late Bartlett.

(b) *Peaches.* Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank, Jewel, Kim Elberta, July Elberta, Socala).

§ 917.5 Grower.

"Grower" is synonymous with producer and means any person who produces fruit for market in fresh form, and who has a proprietary interest therein.

§ 917.6 Handle.

"Handle" and ship are synonmous and mean: (a) With respect to pears and peaches to sell, consign, deliver, or transport such fruit, or cause such fruit to be sold, consigned, delivered, or transported, between the production area and any point outside thereof; and (b) with respect to plums, to sell, consign, deliver, or transport plums, or cause plums to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard where grown to a packing facility located within such area for preparation for market, the delivery of such fruit to such packing facility for such preparation, or the transportation of fruit within the production area that has been packed in the orchard where grown to a rail or truck loading facility located within such area.

§ 917.7 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

§ 917.8 Commercial plum handler.

"Commercial plum handler" is a person who produces less than 50 percent of the plums which he handles.

§ 917.9 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 917.10 Variety.

"Variety" means any subspecies of fruit, such as the Santa Rosa plum.

§ 917.11 Production area.

"Production area" means the State of California.

§ 917.12 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

§ 917.13 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

§ 917.14 District.

"District" means any of the following subdivisions of the State of California:

(a) "North Sacramento Valley District" includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) "Central Sacramento Valley District" includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) "Sacramento River District" includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the northeast corner of Solano County, and that portion of Solano County east of a straight line from the northeast corner of Solano County to the town of Rio Vista.

(d) "El Dorado District" includes and consists of El Dorado County.

(e) "Placer-Colfax District" includes and consists of Nevada and Placer Counties.

(f) "Solano District" includes and consists of that portion of Yolo County not included in the Sacramento River District, and that portion of Solano County not included in the Sacramento River District.

(g) "Contra Costa District" includes and consists of Contra Costa County.

(h) "Santa Clara District" includes and consists of Alameda County, Monterey County, Santa Clara County, San Mateo County, Santa Cruz County, and San Benito County.

(i) "Lake District" includes and consists of Lake County.

(j) "Mendocino District" includes and consists of Mendocino County, Humboldt County, Trinity County, and Del Norte County.

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin.

(l) "Stockton District" includes and consists of San Joaquin County, Amador County, Calaveras County, and Alpine County.

(m) "Stanislaus District" includes and consists of Merced County, Stanislaus County, Tuolumne County, and Mariposa County.

(n) "Fresno District" includes and consists of Madera County, Fresno County, Mono County, Kings County, and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(o) "Tulare District" includes and consists of that portion of Tulare County not included in Fresno District.

(p) "Kern District" includes and consists of that portion of Kern County west of the Tehachapi Mountains.

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District.

(s) "North Bay District" includes and consists of Sonoma County, Napa County, and Marin County.

§ 917.15 Representation area.

"Representation area" means those individual districts or contiguous districts which are set forth in §§ 917.21 through 917.23 for nominating members and alternate members to the commodity committees.

Administrative Bodies

§ 917.16 Designation of Control Committee.

A Control Committee is hereby established consisting of 12 shipper members and 13 grower members, and the members shall be selected in accordance with the provisions of §§ 917.17 through 917.19. The members shall be selected annually for a term ending on the last day of February, and said members shall serve until their respective successors are selected and qualified.

§ 917.17 Nomination of shipper members of the Control Committee.

Nomination for the 12 members of the Control Committee to represent shippers, subsequent to the initial members, shall be made in the following manner:

(a) Elective bodies may be formed consisting of any shipper or group of shippers who shipped at least one-third of the total tonnage of fruit shipped by all shippers during the preceding season. Each elective body shall be entitled to nominate four persons for members. In the event an elective body is composed of more than one shipper, each such shipper shall cast his vote on the basis of fruit shipped by such shipper during the previous season. Voting shall be cumulative. Shippers who have sufficient tonnage to form one or more elective bodies shall not be entitled to use their additional fractional tonnage, if any, toward the formation of an additional elective body.

(b) In the event all nominations for the shipper membership of the Control Committee are not made by elective bodies, as provided in paragraph (a) of this section, by February 1 of each year, the then existing Control Committee shall promptly announce a time and place for a meeting of all shippers of fruit who have not individually or collectively formed an elective body nor in any manner participated therein, and such Control Committee shall conduct the election of nominees at such meeting. At said election meeting, such shippers shall select a nominee for each of the aforesaid positions of the Control Committee for which nominees have not been selected pursuant to the provisions of paragraph (a) of this section. In such election, each such shipper shall cast only one vote. No shipper who formed an elective body, or participated therein with another shipper or shippers, shall participate in or vote at such election held pursuant to the provisions of this paragraph.

(c) No shipper shall be entitled to participate in the nomination of members of the Control Committee, or be eligible for membership on either the Control Committee or the Sales Managers' Committee, if such shipper has failed to pay the assessments, due to be paid by him pursuant to the provisions of § 917.37.

§ 917.18 Nomination of grower members of the Control Committee.

Nominations for the 13 members of the Control Committee to represent growers shall be made by the commodity committees in the following manner:

(a) A nomination for one member shall be made by each commodity committee selected pursuant to § 917.25. Nominations for the remaining members to represent growers shall be made by the respective commodity committees as provided in this section. The number of remaining members which each commodity committee shall be entitled to nominate shall be based upon the proportion that the previous three seasons' shipments of the kind of fruit for which the respective commodity committee has been established, pursuant to the provisions of § 917.20, is of the total shipments of all fruit to which this subpart is applicable, as defined in § 917.4 during such previous three seasons. In the event provisions of this subpart are terminated as to any one fruit, nominations of members to the Control Committee shall be composed of representatives of the remaining two fruits. The apportionment shall be determined as aforesaid. In the event provisions of this subpart are terminated as to any two fruits, the members of the commodity committee of the remaining fruit shall hereby constitute the Control Committee and shall assume all of the powers, duties, and functions given to the Control Committee under this subpart and sections of this subpart pertaining to the designation of the Control Committee shall be terminated.

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season: *Provided, however,* That a person nominated by any commodity committee for membership on the Control Committee may be an individual person who represents an organization which produced fruit during the previous season. Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

§ 917.19 Selection of members of the Control Committee.

From the nominations made pursuant to § 917.17, or from other persons, the Secretary shall select the shipper members of the Control Committee. From the nominations made pursuant to § 917.18, or from other persons, the Secretary shall select the grower members of the Control Committee. Any person selected as a member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.20 Designation of members of commodity committees.

There is hereby established the Bartlett Pear Commodity Committee and the Plum Commodity Committee each consisting of 12 members, and the Elberta Peach Commodity Committee consisting

of 7 members. The members of each commodity committee shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

§ 917.21 Nomination of Bartlett Pear Commodity Committee members.

Nominations for membership on the Bartlett Pear Commodity Committee shall be made by the growers of Bartlett pears, as follows:

(a) One nominee by the growers in the North Sacramento Valley District and the Central Sacramento Valley District.

(b) Three nominees by the growers in the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District.

(c) One nominee by the growers in the Placer-Colfax District.

(d) Four nominees by the growers in the Lake District.

(e) One nominee by the growers in the Mendocino District and the North Bay District.

(f) Two nominees by the growers in the El Dorado District and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Placer-Colfax District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, Mendocino District, and North Bay District.

§ 917.22 Nomination of Elberta Peach Commodity Committee members.

Nominations for membership on the Elberta Peach Commodity Committee shall be made by the growers of Elberta peaches, as follows:

(a) Four nominees by the growers in the Fresno District.

(b) One nominee by the growers in the Tulare District and Kern District.

(c) One nominee by the growers in the Stanislaus District.

(d) One nominee by the growers in all of the area not included in the Fresno District, Tulare District, Kern District, and Stanislaus District.

§ 917.23 Nomination of Plum Commodity Committee members.

Nominations for membership on the Plum Commodity Committee shall be made by the growers of plums, as follows:

(a) One nominee by the growers in the Kern District and the Southern California District.

(b) Two nominees by the growers in the Tulare District.

(c) Five nominees by the growers in the Fresno District.

(d) Two nominees by the growers in the Placer-Colfax District.

(e) One nominee by the growers in the North Sacramento Valley District and Central Sacramento Valley District.

(f) One nominee by the growers in all of the production area not included in the Kern District, Southern California District, Tulare District, Fresno District, Placer-Colfax District, North Sacramento Valley District, and Central Sacramento Valley District.

§ 917.24 Procedure for nominating members of various commodity committees.

(a) The Control Committee shall hold or cause to be held not later than February 15 of each year a meeting or meetings of the growers of the fruits in each district set forth in §§ 917.21, 917.22, and 917.23 for the purpose of designating nominees of the commodity committees. These meetings shall be supervised by the Control Committee, which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(b) Only growers who are present at such nomination meetings or represented at such meetings by duly authorized employees may participate in the nomination and election of nominees for commodity committee members. Each such grower, including employees of such grower, shall be entitled to cast but one vote for each nominee for member, and one vote for each nominee for alternate member in the district in which he produces the fruit for which the election is being held.

(c) A particular grower, including employees of such growers, shall be eligible for membership as principal or alternate to fill only one position on a commodity committee. A grower nominated for membership on the Bartlett Pear Commodity Committee must have produced at least 51 percent of the Bartlett pears shipped by him during the previous season, or he must represent an organization which produced at least 51 percent of the Bartlett pears shipped by it during such season. A grower nominated for membership on the Plum Commodity Committee may be a producer who has a proprietary interest in or is an employee of a commercial plum handler: *Provided*, That at least one representative and his alternate from each representation area shall be a producer who does not have a proprietary interest in or is not an employee of a commercial plum handler.

§ 917.25 Selection of members of various commodity committees.

The Secretary shall select the members of each commodity committee from nominations made by growers, as provided in §§ 917.21 through 917.24, or from among other persons. Any person selected as a member of a commodity committee shall qualify by filing with the Secretary a written acceptance of the appointment.

§ 917.26 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §§ 917.21 through 917.24, the Secretary may, without regard to nominations, select the members and alternate members of the commodity committees on the basis of the representation provided in §§ 917.21 through 917.23. In the event nominations are not made for membership on the Control Committee, pursuant to the provisions of §§ 917.17 and 917.18, by May 1 of each year, the Secretary may select such members without waiting for nominees to be designated.

§ 917.27 Alternates.

There shall be an alternate for each member of the Control Committee, and an alternate for each member of each commodity committee. Each such alternate shall possess the same qualifications, shall be nominated and selected in the same manner and shall hold office for the same term, as the member for whom he is alternate. An alternate shall, in the event of such member's absence at a meeting of the committee of which he is a member, act in the place and stead of such member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member. In the event both a member and his alternate are unable to attend a meeting the member or the committee members present may designate any other alternate to serve in such member's place and stead provided such action is necessary to secure a quorum.

§ 917.28 Procedure for filling vacancies on committees.

To fill any vacancy on the Control Committee or on any of the commodity committees occasioned by the failure of any person selected as a member or as an alternate member of committees to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of committees, a successor for the unexpired term of such member or alternate member of committees shall be nominated and selected in the manner specified in §§ 917.17 through 917.19, and §§ 917.21 through 917.25. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §§ 917.16 and 917.21 through 917.23.

§ 917.29 Organization of committees.

(a) A majority of all of the members of the Control Committee shall constitute a quorum, and any action of the Control Committee shall require the concurrence of the majority of all members present at the meeting.

(b) A quorum of the Bartlett Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Elberta Peach Commodity Committee shall consist of five members.

(c) The Control Committee and each commodity committee shall give to the Secretary the same notice of each meeting that is given to the members of the respective committee.

(d) The Control Committee or any commodity committee may, subject to disapproval by the Secretary, provide for, upon due notice to all of the members of the respective committee, voting by letter, telegraph, or telephone: *Provided*, That any member voting by telephone shall promptly thereafter confirm in writing his vote so cast.

§ 917.30 Removal and disapproval.

The members of the Control Committee, including their respective successors and alternates, and the members of each commodity committee, including their respective successors and alternates, and any agent or employee appointed or employed by the Control Committee or any other committee established pursuant to the provisions of this subpart, shall be subject to removal or suspension at any time by the Secretary. Each regulation, decision, determination, or other act of the Control Committee, or any commodity committee, or any other committee established pursuant to the provisions of this subpart, shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and, upon such disapproval, each such regulation, decision, determination, or other act, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 917.31 Expenses.

All committee members shall serve without compensation, but said members, and their respective alternates, shall be reimbursed for expenses necessarily incurred in the performance of their duties. At its discretion any committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses as aforesaid.

§ 917.32 Funds and other property.

(a) All funds received by the Control Committee, pursuant to the provisions of this subpart, shall be used solely for the purpose specified in this subpart; and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(b) Upon the death, resignation, removal, or expiration of the term of any member or employee of the Control Committee, or of any member of any commodity committee, all books, records, funds, and other property in his possession belonging to the Control Committee or any commodity committee shall be delivered to the Control Committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this subpart.

(c) The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any shipper for the collection of such shipper's pro rata share of expenses, pursuant to the provisions of this subpart.

§ 917.33 Powers of Control Committee.

The Control Committee shall have the following powers:

(a) To administer, as specifically provided in this subpart, the terms and provisions of this subpart;

(b) To make administrative rules and regulations in accordance with and to effectuate the terms and provisions of this subpart;

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

(d) To recommend to the Secretary amendments to this subpart.

§ 917.34 Duties of Control Committee.

The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or shipper;

(b) To keep minute books and records which will clearly reflect all of the acts and transactions of said Control Committee; and such minute books and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary;

(c) To investigate, from time to time, and assemble data on the growing, shipping, and marketing conditions respecting fruit, as defined in § 917.4, grown in the State of California; to engage in such research and service activities in connection with the handling of such fruit as may be approved, from time to time, by the Secretary; and to furnish to the Secretary such available information as may be requested;

(d) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation, and to define the duties of each;

(e) To submit at the beginning of each fiscal period to the Secretary, for his approval, a budget of its expenses;

(f) To confer with representatives of shippers and growers of fruit produced in other states and areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several states and areas in the United States in which such fruit is grown;

(g) To establish a Sales Managers' Committee of seven members for each of the fruits regulated under this subpart, the members of which shall be selected by the shipper members of the Control Committee;

(h) To establish and define the duties of additional committees or subcommittees to assist in the performance of any of the duties and functions of the Control Committee;

(i) With the approval of the Secretary, to redefine the districts into which the State of California has been divided under § 917.14 or change the representation of any district on any commodity committee: *Provided, however*, That, if any of such changes are made, representation on any such committee from the various districts shall be based, so far as practicable, upon the proportionate quantity of the respective fruit shipped from the respective districts during the preceding three seasons: *Provided further*, That each representation area shall have at least one representative if its average three-year fresh shipments exceed five percent of the total fresh shipments from the production area, and with respect to plums, the total fresh shipments from the production area and within the production area. In the event statistical information regarding such shipments is not available for one of the aforesaid three seasons, the nominations shall be based as aforesaid on the three seasons for which the shipments are available next preceding the season during which the nominations are being made;

(j) To defend all legal proceedings against any committee members (individually or as members) or any officers or employees of such committees arising out of any act or omission made in good faith pursuant to the provisions of this subpart;

(k) To cause the books of the Control Committee to be audited by a competent accountant at least once each fiscal period and at such other time or times as the Control Committee may deem necessary or as the Secretary may request. Such audit shall indicate whether the funds have been received and expended in accordance with the provisions of this subpart; and

(l) To appoint nomination committees if it deems proper for any or each nomination meeting held pursuant to §§ 917.21 through 917.23. Such nomination committee would canvass prospective members and alternate members to the commodity committees to determine their eligibility and willingness to serve and present a slate of nominees to the meeting or meetings. The presentation of nominees by the nominating committee at these meetings shall not exclude the right of any grower to nominate any eligible person at such meeting.

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to recommend to the Secretary regulation of shipments pursuant to the provisions of this subpart, and to possess such other powers and exercise such other duties as will properly effectuate the purposes of this subpart: *Provided, however*, That the Bartlett Pear and Plum Commodity Committee shall each make said recommendation pursuant to §§ 917.40 through 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further*, That the Elberta Peach Commodity Committee shall make said recommendation pursuant to §§ 917.40 through 917.43 only upon the affirmative vote of not less than five members of said committee;

(b) To make such rules and regulations with respect to fruit for which it was established as may be necessary to effectuate the terms and provisions of this subpart;

(c) To submit, as soon as practicable after the beginning of each fiscal period, a budget of its expenses to the Control Committee for the approval of the Control Committee;

(d) To forward to the Control Committee and to the Secretary a record of the minutes of each meeting of the commodity committee;

(e) To establish such other committees to aid the commodity committee in the performance of its duties under this subpart as may be deemed advisable;

(f) Each season prior to any recommendation to the Secretary for a regulation of shipments pursuant to §§ 917.40 through 917.43 to determine the marketing policy to be followed for the respective commodity during the ensuing fiscal period and to submit such policy to the Secretary, said policy report to contain, among other provisions, information relative to the estimated total production and shipments of the fruit by districts, information as to the expected general quality and size of fruit, possible or expected demand conditions of different market outlets, supplies of competitive commodities, such analysis of the foregoing factors and conditions as the committee deems appropriate, and the type of regulations of shipments expected to be recommended for the respective fruit.

EXPENSES AND ASSESSMENTS

§ 917.36 Expenses.

The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Control Committee during the then current season for maintenance and functioning of such committee and the respective commodity committees and for such research and service activities relating to the handling of fruit as the Secretary may determine to be appropriate. The funds to cover such expenses shall be acquired by the levying of assessments as provided in § 917.37.

§ 917.37 Assessments.

Each shipper of a particular fruit shall, upon demand, pay to the Control Committee such shipper's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, during the current season with respect to such fruit. Each such shipper's share of such expenses shall be that proportion thereof which the total quantity of such fruit shipped by such shipper during said season is of the total quantity of the same fruit shipped by all shippers during the same season. The Secretary shall fix the rate of assessment which shippers of such fruit shall pay. The Secretary may, from time to time, increase such rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred during said season for such fruit; and such increase shall be applicable to all such fruit shipped during the season. In order to provide funds to carry out the functions of the Control Committee and commodity committees prior to the commencement of shipments in any season, shippers may make advance payments of assessments, which advance payments shall be credited to such shippers and the assessments of such shippers shall be adjusted so that such assessments are based upon the quantity of fruit shipped by such shippers during such season. Any shipper who ships fruit for the account of a grower may deduct, from the account of sale covering such shipment or shipments, the amount of assessment levied on said fruit shipped for the account of such grower. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 917.38 Accounting.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Control Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part, and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH

§ 917.39 Market research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expense of such projects shall be paid from funds collected pursuant to § 917.37.

REGULATIONS

§ 917.40 Recommendations for regulations.

(a) Whenever the commodity committee deems it advisable to regulate the handling of any of the fruit in the manner provided in § 917.41, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the commodity committee shall give consideration to current information with respect to the factors affecting the supply and demand for fruit during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the commodity committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 917.41 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of fruit whenever he finds, from the recommendations and information submitted by the commodity committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any of the fruit grown in the production area;

(2) Limit the shipment of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of fruit;

(b) The commodity committee shall be informed immediately of any such regulation issued by the Secretary, and the commodity committee shall promptly give notice thereof to handlers.

§ 917.42 Modification, suspension, or termination of regulations.

(a) In the event the commodity committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 917.41 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the commodity committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 917.43 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 917.37, 917.41, 917.42, and 917.44, and the regulations issued thereunder, handle fruit (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the commodity committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § 917.41, § 917.42, § 917.45, or § 917.37, the handling of fruit (1) to designated market areas within the State of California; (2) to designated market areas outside the continental United States; (3) for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 917.39), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The commodity committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safe-

guards as it may deem necessary to prevent fruit handled under the provisions of this section from entering the channels of trade for other than the specified purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the commodity committee for authorization to handle fruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the fruit will not be used for any purpose not authorized by this section.

§ 917.44 Exemptions.

(a) Each commodity committee established pursuant to this subpart for a particular fruit, shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) In the event the Secretary issues a regulation for a particular fruit pursuant to the provisions of §§ 917.40 and 917.41, the commodity committee, or its agents, established pursuant to this subpart for such fruit shall determine what the percentage of such fruit permitted to be shipped from each district is of the total quantity of such fruit which would be shipped from such district in the absence of such regulation. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping, or having shipped, a percentage of his crop of such fruit equal to the percentage, determined as aforesaid, of all such fruit permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the percentage determined as aforesaid. Each such commodity committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section, and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of fruit thus to be exempted, and a record of all shipments of exempted fruit. Such additional information as the Secretary may require shall be recorded in the records of such committee. Each commodity committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of fruit thus exempted, and such additional information as may be requested by the Secretary.

(c) In the event the commodity committee, established pursuant to this subpart for a particular fruit, determines that by reason of general crop failure or any other unusual conditions within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers within such district or districts on the basis set forth in paragraph (b) of this section, it may issue exemption certificates on the basis of the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. An exemption certificate shall thereafter be issued by such committee to any grower who furnishes proof satisfactory to such committee to the effect that such grower will be prevented, because of the aforesaid regulation, from shipping, or having shipped, as large a percentage of his crop of such fruit as the average of the percentages, as determined under paragraph (b) of this section, of the crops of such fruit permitted to be shipped from all districts. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of such fruit equal to the average of the percentages determined as aforesaid.

(d) If any grower is dissatisfied with the action of a commodity committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

§ 917.45 Inspection and certification.

(a) Whenever the handling of any particular fruit is regulated pursuant to § 917.41 or § 917.42, each handler who handles such fruit shall, prior thereto, cause such fruit to be inspected by the Federal or Federal-State Inspection Service. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the commodity committee a copy of the certificate of inspection issued with respect to such fruit. The commodity committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

(b) The Control Committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, for any or all fruits, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

§ 917.50 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of fruits as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The quantities shipped, showing separately the variety, grade, and size of the fruit;

(6) The destination;

(7) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the fruits received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 917.60 Effective time.

The provisions of this subpart and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 917.61.

§ 917.61 Termination.

(a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart or the applicability of the provisions of this subpart to any one fruit whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers of the fruit or fruits: *Provided*, That such majority has during the

current fiscal period produced more than 50 percent of the volume of the fruit or fruits which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of March subsequent to the announcement thereof by the Secretary.

(d) The Control Committee shall consider all petitions from growers submitted to it for termination of this subpart provided such petitions are received by the Control Committee prior to October 1 of the then current fiscal period. Upon recommendation of the Control Committee, received not later than December 1 of the then current fiscal period, the Secretary shall conduct a referendum prior to February 15 of such year to ascertain whether continuance of this part is favored by producers.

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this subpart as to any fruit included in this subpart is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

(f) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 917.62 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart or the provisions pertaining to any fruit regulated by this subpart, the Control Committee then functioning shall for the purpose of liquidating the affairs of the Control Committee or the affairs of any fruit under this subpart continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all funds, property, and claims vested in the Control Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the Control Committee and upon the trustees.

§ 917.63 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 917.64 Compliance.

Each shipper must comply with all regulations. No shipper shall ship fruit in violation of the provisions of this subpart or in violation of an order issued by the Secretary pursuant to the provisions of this subpart.

§ 917.65 Duration of immunities.

The benefits, privileges, and immunities conferred by virtue of the provisions of this subpart shall cease upon its termination except with respect to acts done under and during the time the provisions of this subpart are in force and effect.

§ 917.66 Agents.

The Secretary may by a designation in writing name any person, including any officer or employee of the Government or any Bureau or Division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 917.67 Derogation.

Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

§ 917.68 Liability of committee members.

No member of the Control Committee, or any commodity committee, or any subcommittees, or any employee of the Control Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any shipper or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty.

§ 917.69 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, thing, or any particular kind of fruit is held invalid, the validity of the remainder of this subpart of the applicability thereof to any other person, circumstance, thing, or kind of fruit shall not be affected thereby.

§ 917.70 Counterparts.*

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.

§ 917.71 Additional parties.*

After the effective date hereof, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary; and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 917.72 Order with marketing agreement.*

Each signatory handler hereby requests the Secretary to issue an order, pursuant to the act, regulating the handling of fruit by all handlers in the same manner as provided in this agreement: *Provided, however,* That the provisions hereof may be made effective and applicable by the Secretary with regard to fresh Bartlett pears, plums, and Elberta peaches, jointly or severally, and the failure to make the provisions hereof effective and applicable to one or two of said fruits shall not prevent the Secretary from making the provisions hereof effective and applicable with regard to the other fruit or fruits.

Copies of this notice of hearing may be obtained from W. B. Blackburn, Field Representative, Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Room 8518, 650 Capitol Avenue, Sacramento, Calif., 95814, or from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Dated: March 12, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-2737; Filed, Mar. 16, 1965; 8:48 a.m.]

*Sections identified with an asterisk (*) apply only to the proposed marketing agreement.

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID; CONSTRUCTION

Proposed Policy; Extension of Time To Submit Comments

In F.R. Doc. 65-2214 appearing in the FEDERAL REGISTER issue of March 2, 1965 (30 F.R. 2681), all persons desiring to submit views or comments for consideration in connection with the proposed policy (Appendix to § 251.1) were given time to file same by close of business on April 2, 1965.

Notice is hereby given that, pursuant to request for additional time, the said date is hereby extended to read "by close of business on April 19, 1965."

Dated: March 12, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-2725; Filed, Mar. 16, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-19]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter airways in the vicinity of Jefferson City, Mo.

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, Central Region, Attention: 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. The proposal contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Agency is installing a VOR near Jefferson City, Mo., at latitude 38°35'32" N., longitude 92°09'38" W., scheduled to be commissioned in May 1965. The FAA proposes to realign Victor 175 from Vichy, Mo., via the new Jefferson City, Mo., VOR; the intersection of Jefferson City 337° and Hallsville, Mo., 209° True radial to Hallsville, and to designate a south alternate to Victor 12 from Blackwater, Mo., via Jefferson City to Readsville, Mo.

The alteration of Victor 175 as proposed herein would reduce the route mileage between Vichy, Mo., and Hallsville, Mo., and would provide better navigational guidance along this airway segment. The designation of Victor 12 south alternate would provide an access for traffic at Jefferson City to a major east/west airway.

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 March 10, 1965.

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

[F.R. Doc. 65-2729; Filed, Mar. 16, 1965; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 64-WA-85]

JET ROUTE AND CONTROL AREA

Proposed Establishment and Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting 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 U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action 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 FAA has under consideration the designation of a jet route from the Oakland, Calif., VORTAC via the Ukiah, Calif., VORTAC; the Fortuna, Calif., VOR; the North Bend, Oreg., VOR; the Newport, Oreg., VOR; the Hoquiam, Wash., VOR; to the Seattle, Wash., VORTAC. Such action would provide an alternate route along the coastline between Oakland and Seattle when inclement weather or unfavorable wind conditions would be encountered on the existing inland route. In order to provide sufficient controlled airspace along the portions of this jet route, which would lie outside the continental control area, it is proposed to list this jet route under § 71.161 of the Federal Aviation Regulations.

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

Issued in Washington, D.C., on March 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2682; Filed, Mar. 16, 1965; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-EA-12]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-2301 at Bethany Beach, Del.

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, 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 amendments. The proposals contained in this notice may be

changed in the light of comments received.

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

The Delaware Army National Guard has requested that action be taken to lower the ceiling and extend the time of use of R-2801. The proposed modified maximum altitude of 23,500 feet MSL would contain anti-aircraft firing at radio controlled drones up to 16,800 feet MSL and target drone operations up to 23,400 feet MSL. The National Guard stated that the extended time of use is required because of a recent change of drill schedules which was made to meet requirements for weekend training of personnel in air defense firing and to provide additional training during the months of June through September. Further, R-2801 is the only firing range in the State of Delaware where 40 mm air defense training can be conducted and transfer of this training exercise to another location would prevent its being accomplished during a weekend assembly.

If the above proposals are adopted the designated altitude of R-2801 would be amended to read from "Surface to 23,500 feet MSL." The time of designation would be amended to read "0800-2000 hours local time, Monday through Friday, June 1 through September 30, and 0800-1600 local time, Saturdays and Sundays, October 1 through May 31." The using agency would be amended to read "Adjutant General, State of Delaware, Wilmington, Del."

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 March 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc 65-2681; Filed, Mar. 16, 1965; 8:45 a.m.]

[14 CFR Part 93]

[Docket No. 6296; Notice 65-5]

ANCHORAGE, ALASKA, TERMINAL AREA

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 93 of the Federal Aviation Regulations to make the Bryant segment of the Anchorage Airport traffic area effective only during the hours the Bryant control tower is in operation. This amendment would eliminate the requirement for Bryant traffic to maintain two-way radio contact with the Elmendorf control tower when the Bryant control tower is not operating.

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 regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action 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.

Subpart D of Part 93 designates the Anchorage, Alaska, Airport traffic area, divides the airport traffic area into several segments, and prescribes rules governing the operation of aircraft at Anchorage International Airport and other airports in the vicinity. Section 93.57 prescribes the general rules for all segments of the area, including a requirement that aircraft operate only in the segment containing the airport of landing or takeoff, and that pilots maintain two-way radio contact with the control tower serving the airport of landing and takeoff. Section 93.67 contains the special rules pertaining to operations in the Bryant segment and provides that whenever the Bryant control tower is not operating, each person piloting an aircraft in the segment shall maintain two-way radio communications with the Elmendorf control tower.

Control of the Bryant segment by Elmendorf Tower, when Bryant Tower is closed, is considered unsatisfactory. The majority of flights in the Bryant segment are local flights out of Bryant Army Airfield and although Elmendorf Tower is in control of the Bryant segment, it is not able to maintain visual contact with the Bryant traffic. If Bryant traffic were relieved of the requirement to maintain two-way radio communications with Elmendorf Tower, this traffic would be free to contact Bryant Operations which has the capability of providing more accurate advisory service regarding field conditions, taxiing traffic, number of aircraft in the pattern, wind conditions, and altimeter. Additionally, the requirement that Bryant traffic must maintain radio communications with Elmendorf Tower adds to Elmendorf radio traffic without producing a corresponding benefit. The proposed rule also would alleviate the necessity of civil aircraft transmitting on the emergency frequency 121.5 mc when they may not have 126.2 mc, the Elmendorf Tower frequency, available.

In view of the foregoing, it is proposed to amend § 93.53, "Description of area," by adding a new subsection which would provide that when the Bryant control is not in operation, the Anchorage Airport traffic area would not include that airspace described as the Bryant segment in § 93.55(e).

In order to retain the traffic patterns and minimum flight altitudes prescribed for Bryant, § 93.67(b) would be amended to provide that whenever the Bryant control tower was not operating each person piloting an aircraft to or from Bryant Army Airfield would conform to the flow of traffic shown on the appropriate diagram in Part 93 Appendix A, and, while within the segment, would operate at an altitude of at least 1,000 feet MSL until maneuvering for a safe landing requires further descent. The communications provision of § 93.67(b) would be rescinded.

It is also proposed to correct an inconsistency in the inclusion of § 93.69 among the sections listed in § 93.57(a). Section 93.69 replaced the former § 619.15(c) which prescribed special requirements for operation at Lake Campbell and Sixmile Lake Airports. These airports are located outside the Anchorage Airport traffic area by reason of the exclusion provided in former § 619.15(a)(1) (i) and (ii), now § 93.53 (a) and (b). Aircraft operating to and from Lake Campbell and Sixmile Lake Airports are therefore not authorized to operate in the airport traffic area, as § 93.57 (a) and (d) may imply. Nor are they required to comply with § 93.57 (c) and (e). It is therefore proposed to amend § 93.57(a) by deleting the reference to § 93.69 in the section, and to amend the title of § 93.69 to read: "Special requirements, Lake Campbell and Sixmile Lake Airports."

Additionally, in Airspace Docket No. 63-AL-20, effective April 8, 1964 (29 F.R. 4908), the Eagle River, Alaska, Restricted Area R-2203 was divided into segments R-2203A and R-2203B, without changing the exterior boundaries. This did not effect a substantive change in the Anchorage Terminal Area, but reference to R-2203 does not accurately delineate the restricted area. It is therefore proposed to amend § 93.53 to reflect this division of R-2203 as follows: In § 93.53 "R-2203; thence west and north along the south and west boundary of R-2203" would be deleted and "R-2203A; thence west along the southern boundaries of R-2203A and R-2203B, thence north along the west boundary of R-2203B" would be substituted therefor.

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

Issued in Washington, D.C., on March 10, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-2683; Filed, Mar. 16, 1965; 8:45 a.m.]

[14 CFR Part 99]

[Docket No. 6515; Notice 65-6]

AIR TRAFFIC

Proposed Security Control

The Federal Aviation Agency is considering amendments to §§ 99.3 and 99.7 of Part 99 of the Federal Aviation Regulations that would clarify the extent to which the Administrator intends implementing his authority, under the Federal Aviation Act of 1958, to encourage and permit the maximum use of the navigable airspace by civil aircraft consistent with the national security.

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 regulatory docket or notice 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., 20553. All communications received on or before May 3, 1965, will be considered by the Administrator before action is taken on the proposed amendments. 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.

It is stated in § 99.7 that flight operations conducted in an ADIZ or a Defense Area during an Air Defense Emergency or Defense Emergency shall be conducted in accordance with any special security instructions issued by the Administrator. In order to provide for the issuance of special security instructions for situations which are tantamount only to hostile actions threatening national security, and which are determined by the Commander-in-Chief of a command under the Secretary of Defense or higher authority to be of a nature not warranting activity effected by a declaration of an Air Defense Emergency or Defense Emergency, amendments are proposed herein that would not limit the issuance of such special security instructions to an Air Defense Emergency or Defense Emergency. Although the amendments would provide for the implementation of special security instructions that are necessary to cope with security situations which cannot be anticipated, and which do not warrant the execution of all civil and military war plans, it would still permit the issuance of such instructions in the event of a declaration of an Air Defense Emergency or Defense Emergency.

Since §§ 99.3 and 99.7, as proposed below, would be consistent with any defense plan, both those presently existing and those that may be developed in the future, which involve the security control of air traffic, it is proposed herein to delete reference made in § 99.7 to the plan for the Security Control of Air Traffic and Electromagnetic Radiations (SCATER) during an Air Defense Emergency or Defense Emergency.

If the proposals, as set forth above, are adopted, Part 99 of the Federal Aviation Regulations would be amended, in part, as hereinafter set forth.

1. Paragraph (b) of § 99.3 would be amended to read as follows:

§ 99.3 General.

* * * * *

(b) Unless designated as an ADIZ, a Defense Area is any airspace of the United States in which the control of aircraft is required for reasons of national security.

* * * * *

2. § 99.7 would be amended to read as follows:

§ 99.7 Special security instructions.

Each person operating an aircraft in an ADIZ or Defense Area shall, in addition to the applicable operating rules of this Part, comply with special security instructions issued by the Administrator in the interest of national security.

These amendments are proposed under sections. 307, 1202, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1522).

Issued in Washington, D.C., on March 10, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-2684; Filed, Mar. 16, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-7546]

EQUITY SECURITIES; EXEMPTIONS FROM REGISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 3a11-1 (17 CFR 240.3a11-1) and Rule 12g-2 (17 CFR 240.12g-2) under the Securities Exchange Act of 1934. Rule 3a11-1 is proposed for the purpose of clarifying the term "equity security" as used in section 12(g) and section 16 of the Act and the rules and regulations thereunder. Proposed Rule 12g-2 would exempt issuers from the requirement to register certain equity securities under section 12(g).

Section 12(g) of the Act[1] requires certain companies with total assets exceeding $1,000,000, to file a registration statement with this Commission registering each class of its non-exempt equity securities which is held of record by 750 or more persons at a fiscal year end after July 1, 1964, and each such class of equity securities held of record by 500 or more persons at a fiscal year end after July 1, 1966.[2] The registration statement must be filed by such a company within 120 days after the first fiscal year end at which the class of equity security is held of record by the requisite number of persons, except as otherwise provided by Rule 12g-1 (17 CFR 240.12g-1).[3] Such registration statement will become effective 60 days after filing with the Commission or such shorter period as the Commission may direct.

After such registration statement is effective issuers will be required to file current and annual reports under section 13 of the Act and will be subject to the proxy rules adopted by the Commission pursuant to section 14 thereof. In addition officers, directors and holders of more than 10 percent of a class of registered equity security of such issuers will be subject to the insider trading and reporting requirements of section 16 of the Act.

Section 16(a) of the Act requires every person who is directly or indirectly the beneficial owner of more than 10 percent of a class of registered equity security, or an officer or director of the issuer of such security, to file ownership reports with the Commission, and any exchange on which such security is listed and registered, of the amount of each class of the issuer's equity securities which are beneficially owned, whether or not registered, and any changes in such ownership. Section 16(b) allows recovery by or on behalf of the issuer of any profit made by such officers, directors and beneficial owners in the purchase and sale, or sale and purchase, of such equity securities within a period of six months. Section 16(c) prohibits the sale of such equity securities by such officers, directors and beneficial owners if the person selling the equity security or his principal (1) does not own the equity security sold, or (2) if owning the equity security does not promptly deliver it against such sale.

Section 3(a)(11) of the Act defines the term "equity security" to mean any stock or similar security; or any security convertible, with or without consideration into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right. It also grants the Commission rule making authority to include within the meaning of such term any other security which the Commission deems to be of a similar nature and considers necessary or appropriate in the public interest or for the protection of investors.

Proposed Rule 3a11-1 would make clear that the term "equity security" includes a wide range of equity interests such as limited partnership interests, interests in joint ventures, certificates of interest in a business trust, voting trust certificates, and American and foreign depositary receipts as well as various other securities. Such securities are

[1] The provisions of section 12(g) were added to the Exchange Act by the Securities Acts Amendments of 1964 which were signed by President Johnson on Aug. 20, 1964. These amendments are more fully described in Securities Exchange Act Release No. 7425 (29 F.R. 13455).

[2] Definitions of the terms "held of record" and "total assets" are contained in Rules 12g5-1 and 12g5-2 which were adopted Jan. 5, 1965, in Securities Exchange Act Release No. 7492 (17 CFR 240.12g5-1 and 240.12g5-2; see 30 F.R. 483). The term "class" is defined in section 12(g)(5) to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges.

[3] Rule 12g-1, announced in Securities Exchange Act Release No. 7429 (29 F.R. 13461), provides a temporary exemption from section 12(g) for issuers which do not file reports with this Commission under either section 13 or section 15(d) of the Exchange Act. Pursuant to Rule 12g-1, such issuers which otherwise would be required to file a registration statement pursuant to section 12(g) at an earlier date may delay such filing until Apr. 30, 1965. A temporary exemption from section 14 until two months after a registration statement is due or Dec. 31, 1965, whichever is earlier, is also provided by such rule.

in addition to common, preferred, redeemable, or other stocks which are specifically included within the definition of the term "equity security" in section 3(a)(11) of the Act. However, an exemption from registration for certain specified types of equity securities would be provided by proposed Rule 12g–2 which is set forth below.

Proposed Rule 3a11–1 (17 CFR 240.–3a11–1), which would be adopted pursuant to sections 3(a)(11), 3(b) and 23(a) of the Act, would read as follows:

§ 240.3a11–1 Definition of the term equity security.

The term "equity security" is hereby defined to include any stock or similar security, certificate of interest or participation in any profit sharing agreement, preorganization certificate or subscription, transferable share, voting trust certificate or certificate of deposit for an equity security, limited partnership interest, interest in a joint venture, or certificate of interest in a business trust; or any security convertible, with or without consideration into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(Secs. 3 and 23, 48 Stat. 882 and 901, as amended, 15 U.S.C. 78c and 78w)

The Commission also proposes to adopt a new Rule 12g–2 which would exempt issuers from the registration requirements of section 12(g) with respect to certain securities. The proposed rule would be adopted pursuant to sections 12(h) and 23(a) of the Act.

Section 12(h) of the Act provides the Commission with authority to exempt in whole or in part any issuer or class of issuer from the provisions of section 12(g). Exemption may be provided by rule or regulation, or upon application of an interested person, by order, after notice and opportunity for hearing, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

Proposed Rule 12g–2 would exercise the Commission's rule-making authority to exempt issuers from the requirement to register under section 12(g) any interest or participation in an employee stock bonus, profit sharing, pension, retirement, incentive, thrift, savings, or similar plan which is not transferable except in the event of death or mental incompetency and any security which is issued solely to fund such plans. It would also exempt any certificate or interest in a bank common trust fund. The proposed rule would also make clear that an issuer is not required to register any class of equity security which would not be outstanding 60 days after a registration statement otherwise would be required to be filed with respect thereto.

Proposed Rule 12g–2 (17 CFR 240.–12g–2) would read as follows:

§ 240.12g–2 Exemptions from registration under section 12(g) of the act.

Issuers shall be exempt from the provisions of section 12(g) of the Act with respect to the following securities:

(a) Any interest or participation in an employee stock bonus, profit sharing, pension, retirement, incentive, thrift, savings or similar plan which is not transferable by the holder except in the event of death or mental incompetency, or any security issued solely to fund such plans;

(b) Any interest or participation in a bank common trust fund; and

(c) Any class of equity security which would not be outstanding 60 days after a registration statement would be required to be filed with respect thereto.

(Secs. 12 and 23, 48 Stat. 892 and 901, as amended, 15 U.S.C. 78l and 78w)

All interested persons are invited to submit their views and comments on the proposed rules, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before April 2, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, March 8, 1965.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–2687; Filed, Mar. 16, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

MESCALERO RESERVATION, NEW MEXICO

Ordinance Legalizing the Introduction, Sale and Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 67 Stat. 586), I certify that the following Ordinance No. 15 relating to the application of the Federal Indian liquor laws on the Mescalero Reservation was duly enacted on January 9, 1965, by the Tribal Business Committee of the Mescalero Apache Tribe which has jurisdiction over the area of Indian country included in the ordinance:

Pursuant to the Act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st sess., 67 Stat. 586), an Indian Tribe having appropriate jurisdiction is empowered to make an ordinance legalizing the introduction, sale and possession of intoxicating beverages within any area of Indian country coming within the jurisdiction of such Tribe, and

Whereas, at an election held on the 18th day of December 1964, the majority of voters of the Mescalero Apache Tribe indicated approval of repeal of the Federal Indian Liquor Laws to any act or transaction within the Mescalero Apache Reservation, and did further assent to the legalizing of the introduction, sale and possession of intoxicants within the Mescalero Apache Reservation,

Now, therefore, be it resolved and ordained by the Mescalero Tribal Business Committee as follows:

1. That the introduction, sale and possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Mescalero Apache Indian Tribe: *Provided*, That such introduction, sale and possession is in conformity with the laws of the State of New Mexico: *Provided further*, That the sale of intoxicating beverages upon the Mescalero Apache Reservation by any person other than the Mescalero Apache Indian Tribe shall be pursuant to license issued by the Mescalero Apache Tribe.

2. That any Tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction and possession of intoxicating beverages within the Mescalero Apache Reservation are hereby repealed.

3. That this ordinance shall be effective upon its certification by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

Dated: March 11, 1965.

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

[F.R. Doc. 65-2694; Filed, Mar. 16, 1965; 8:46 a.m.]

JAMES S. BROADDUS

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) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 1, 1965.

Dated: March 1, 1965.

JAMES S. BROADDUS.

[F.R. Doc. 65-2695; Filed, Mar. 16, 1965; 8:46 a.m.]

CHARLES M. CUSTER

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 March 1, 1965.

Dated: March 4, 1965.

CHAS. M. CUSTER.

[F.R. Doc. 65-2696; Filed, Mar. 16, 1965; 8:46 a.m.]

JOHN W. HIERONYMUS

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 March 1, 1965.

Dated: March 1, 1965.

JOHN W. HIERONYMUS.

[F.R. Doc. 65-2697; Filed, Mar. 16, 1965; 8:46 a.m.]

HOMER G. KEESLING

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) Abacus Fund (Retained); Adams-Mills Corp. (Retained); California Packing Corp. (Retained); Pacific Gas & Electric Co. (Pension).
(3) No change.
(4) No change.

This statement is made as of March 3, 1965.

Dated: March 3, 1965.

H. G. KEESLING.

[F.R. Doc. 65-2698; Filed, Mar. 16, 1965; 8:46 a.m.]

H. LESTER LIVINGOOD

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 March 2, 1965.

Dated: March 2, 1965.

H. LESTER LIVINGOOD.

[F.R. Doc. 65-2699; Filed, Mar. 16, 1965; 8:46 a.m.]

CHARLES K. MILLEN

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 March 3, 1965.

Dated: March 3, 1965.

CHARLES K. MILLEN.

[F.R. Doc. 65-2700; Filed, Mar. 16, 1965; 8:46 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Pro-

duction 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) Additions: 100 shares American Radiator & Std Sanitary; 100 shares U.S. Rubber Co. Deletions: 100 shares Avco Corp.; 50 shares Continental Ins. Co. of N.Y.; 50 shares Marathon Oil Co.
(3) No change.
(4) No change.

This statement is made as of March 1, 1965.

Dated: March 4, 1965.

GEORGE A. PORTER.

[F.R. Doc. 65-2701; Filed, Mar. 16, 1965; 8:46 a.m.]

STANLEY M. SWANSON

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) None.
(2) Deletion: Allis Chalmers Mfg. Co.
(3) None.
(4) None.

This statement is made as of March 1, 1965.

Dated: March 1, 1965.

STANLEY M. SWANSON.

[F.R. Doc. 65-2702; Filed, Mar. 16, 1965; 8:46 a.m.]

EDWARD W. WELCH

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) My combined financial assets consist of: U.S. Gov't bonds ("E", "H", and "K"); U.S. Treasury notes; Bank Deposits (savings and checking account); Savings Certificates in four local banks in city of Janesville, namely: M & S Savings; 1st Nat'l; Rock County & Bank of Janesville.
(2) Deletions: None.
(3) Additions: Continued to purchase U.S. Bonds; also, reinvested in Bank Deposit Certificates, in last 4 months.
(4) Own joint tenancy with my wife, in homestead (which is unencumbered) located in city of Janesville, Rock County, Wis.).

This statement is made as of March 3, 1965, at the city of Janesville, Wis.

Dated: March 3, 1965.

E. W. WELCH.

[F.R. Doc. 65-2703; Filed, Mar. 16, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 22-60]

CORNELIS LODEWIJKX AND C. LODEWIJKX

Notice of Termination of Related Party Status

By notice dated May 12, 1964 (29 F.R. 6961, May 27, 1964), notice was given that a determination had been made by the Office of Export Control that Cornelis Lodewijkx doing business as C. Lodewijkx, Boezemsingel 181C Rotterdam 1, The Netherlands, was a related party to Pierre Emile Marie Contresty (also known as Pierre Ernest Contresty and Pierre Scott) against whom an order denying export privileges had been entered on January 16, 1964.

Information has now been received that said Cornelis Lodewijkx has severed all connections with said Pierre Emile Marie Contresty and that the basis on which the related party determination was made no longer exists.

Accordingly, notice is hereby given that the status of Cornelis Lodewijkx as a related party to said Contresty is hereby terminated.

Dated: March 9, 1965.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 65-2685; Filed, Mar. 16, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15931]

PACIFIC WESTERN AIRLINES LTD.

Notice of Hearing

Application of Pacific Western Airlines Ltd., for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage from Canada into the United States.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on March 23, 1965, at 10 a.m., e.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., March 12, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-2734; Filed, Mar. 16, 1965; 8:47 a.m.]

FRONTIER AIRLINES, INC., AND MIAMI AVIATION CORP.

Notice of Proposed Approval

Application of Frontier Airlines, Inc., and Miami Aviation Corp. for approval under section 408(b) of the Federal Aviation Act of 1958, as amended, Docket 15804.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 12, 1965.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[Docket 15864]

ORDER OF APPROVAL

By application filed February 17, 1965, Miami Aviation Corp. (Miami) and Frontier Airlines, Inc. (Frontier) jointly request approval, without hearing, under the provisions of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of the sale of 12 Douglas DC-3 aircraft and 12 spare engines by Frontier to Miami at a price of $360,000.

The application states that Frontier is in the process of modernizing its aircraft fleet by the addition of Convair 340 aircraft and their further modification to turbo-prop configuration; that the phase-out of these 12 DC-3's under the terms of the sale contract is to be accomplished over a period extending from June 1965 to January 1967; and that Frontier may delay delivery of one or more of the seven aircraft scheduled for delivery on the latter date if continued use of the equipment is necessary to meet scheduled operating requirements.[1] Applicants further note that Frontier's ability to perform the operations required by its certificate of public convenience and necessity will at no time be adversely affected, and that no other persons have an interest in the transaction. Applicants also state that although the aircraft and spare engines are not considered a substantial part of Frontier's properties within the meaning of section 408, the sales contract nevertheless is specifically conditioned on its approval by the Board.

No comments relative to the joint application, or requests for a hearing, have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that the transaction involves the purchase by Miami of a substantial part of the properties of Frontier within the meaning of section 408 of the Act.[2] However,

[1] In the event that delivery of any of the aircraft is thus deferred, the selling price of each aircraft will be reduced by $250 for each month of retention from Jan. 1, 1967, through June 1967 and $500 per month thereafter. (NOTE: For accounting purpose, such amounts should not be regarded as operating expenses but as a decrease in the capital gain or an increase in the capital loss to Frontier on the sale of each such aircraft.)

[2] As of Sept. 30, 1964, Frontier reported ownership of 17 DC-3 and 15 Convair aircraft. The sale of the 12 DC-3's thus involves 37.5 percent of Frontier's flight equipment. In this connection, see, for example, Capital Airlines, Inc.-Pan American

it has been further concluded that it does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing. Finally, the 12 aircraft will become surplus to the carrier's requirements as the relatively more modern Convairs are phased into its operations. It therefore appears that approval of the transaction would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved without a hearing under section 408(b) of the Act.

Accordingly, it is ordered. 1. That the transaction described in the instant application be and it hereby is approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-2733; Filed, Mar. 16, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SW-3]

NOE ENTERPRISES, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following notice of construction and has conducted a study (SW-OE-7428) to determine its effect upon the safe and efficient utilization of navigable airspace.

Noe Enterprises, Inc., Monroe, La., proposes to increase by 100 feet the overall height of a previously approved television antenna structure (FAA Southwest Region Study No. SW-OE-6326). The site is the same, that being latitude 32°11'45" N., longitude 92°04'10" W. The new overall height would be 2,149 feet above mean sea level (2,085 feet above ground).

At the proposed location and height, the structure would exceed the standards of § 77.23(a)(1) of the Federal Aviation Regulations, in that the structure would extend above a height of 500 feet above the ground at the site of the construction.

The aeronautical study disclosed that the proposed structure would be located approximately five miles north of the newly opened Columbia, La., Airport and approximately five miles from the centerline of the approved off-airway route between the Monroe VORTAC and the Ealer, La., VOR.

The structure would not adversely affect aeronautical operations at the Columbia Airport because of the distance and there being no instrument procedures established. Nor would the structure have a substantial adverse effect upon the use of the off-airway route although the route is used extensively by air carrier aircraft. The structure, however, would have a substantial adverse effect upon visual flight rules air traffic operating at flight levels below 2,600 feet above terrain in the general vicinity of the site. At altitudes approaching 2,000 feet or more above the surface, aircraft tend to operate as near a direct line between departure and arrival points, or en route check points, as possible. Extremely tall and isolated structures, such as proposed in this case, are a substantial hazard to such flights even when notices of their presence are carried in airmen's publications and are charted on aeronautical charts. In the instant case, the Agency has evidence that flights frequently operate over the site at altitudes of 2,000 feet and above. Thus, even the 1,993-foot height of the structure previously approved in Aeronautical Study No. SW-OE-6326 was marginal. In addition, the Agency, in approving the 1,993-foot structure, overruled an objection by the segment of aviation most affected by the structure, the general aviation group. This group, represented by the Aircraft Owners and Pilots Association, strongly objects to the proposed increase in height.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 8, 1965.

GEORGE R. BORSARI, *Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 65-2730; Filed, Mar. 16, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15254 etc.; FCC 65M-282]

ULTRAVISION BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, N.Y., Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

In re applications of Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

Integrated Communication Systems, Inc., of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Mass., Docket No. 15324, File No. BPCT-3169; for construction permits for new television broadcast stations.

1. The three cases listed above relate to separate pending comparative proceedings for UHF television stations in Buffalo, N.Y., Cleveland, Ohio, and Boston, Mass. Motions to enlarge the issues were filed by parties to the proceedings and the Review Board, because of the important policy issue concerning the applicants' projection of estimated revenues raised in each case, certified the matters to the Commission for determination. Pursuant to authority granted by the Commission, all parties filed comments concerning the certified questions. Upon consideration of the comments filed, and in view of the similarity of the problems presented in the three cases, the Commission directed that a consolidated oral argument be held before this panel of the Commission.[1] Oral argument was presented to the panel on September 21, 1964. The three cases will be considered together in this memorandum, and the pertinent facts with respect to each proceeding are set forth below.

The Buffalo Proceeding. 2. This case involves the mutually exclusive applications for a UHF television station on Channel 29 at Buffalo, N.Y., filed by Ultravision Broadcasting Co., a partnership consisting of three partners, and WEBR, Inc., licensee of WEBR and WEBR-FM, in Buffalo. At present, three VHF commercial stations and one UHF noncommercial station are operating in this community. By Order, FCC 63-1191, released December 31, 1963, the applications were designated for comparative hearing to determine which applicant would better serve the public interest. With respect to Ultravision, a limited financial qualifications issue was added because of deficiencies in the bank letter submitted in support of its application.

3. In a motion to enlarge the issues, filed January 22, 1964, WEBR requested, insofar as pertinent here,[2] deletion of the limitation upon the inquiry into Ultravision's financial qualifications and the addition of the following issue:

World Airways, Inc., aircraft lease, Order E-15876, Oct. 4, 1960 (Docket 11079); Charlotte Aircraft Corp.-Eastern Air Lines, Inc., aircraft purchase, Order E-19088, Dec. 11, 1962 (Docket 14142).

[1] In addition to addressing themselves to the various motions, the parties were requested to express their views concerning a possible redefinition of the Commission's criteria for the establishment of basic financial qualifications along lines suggested by the Broadcast Bureau or, in the alternative, the desirability of requiring applicants to submit evidence of their estimated revenues.

[2] Another requested issue went to matters pertaining to the Grade A and Grade B contours of the proposed station.

To determine whether Ultravision Broadcasting Company's estimate of first year's operating revenues is reasonable and, if not, whether there is a reasonable assurance of effectuation of the program proposal contained in the Ultravision application.

The Cleveland Proceeding. 4. Three applicants filed applications for a UHF station on Channel 65 at Cleveland, Ohio, as follows: Cleveland Telecasting Corp.; The Superior Broadcasting Corp.; and United Artists Broadcasting, Inc., a wholly owned subsidiary of United Artists Corp., a distributor of motion picture films. Three VHF television stations presently operate in Cleveland. By Order, FCC 63–1161, released December 23, 1963, the applications were designated for consolidated hearing on a number of issues, including the financial qualifications of Cleveland Telecasting and Superior Broadcasting because of certain specified deficiencies in their respective applications.

5. On January 16, 1964, United Artists filed two virtually identical petitions to enlarge the hearing issues as to both Cleveland Telecasting and Superior Broadcasting as follows (the names of the applicants being omitted):

(a) To determine whether the program proposals of * * * are feasible for a UHF television station without network affiliation in the Cleveland market and whether there is a reasonable prospect that the program proposals can be effectuated.

(b) To determine whether the operating deficit of * * * is likely to continue beyond the first year of operation and if so to determine the extent to which the funds available to * * * are sufficient to enable it to make a sustained effort to continue UHF operations.

6. Thereafter, United Artists requested leave to amend its application to specify Channel 31 at Lorain, Ohio. By Order, FCC 64M–275, released April 1, 1964, the Hearing Examiner granted the request and United Artists' application was thereupon removed from hearing status and returned to the processing line. In view of the important public interest considerations raised by the motion of United Artists, we shall, on our own motion, consider the issues raised therein even though United Artists, the movant, has since withdrawn from the proceeding.

7. This case involves the mutually exclusive applications for a UHF television station on Channel 25 at Boston, Mass., filed by Integrated Communications Systems, Inc., of Massachusetts, and by United Artists Broadcasting, Inc. Boston now has three VHF television stations and one VHF non-commercial educational station; construction permits for one UHF non-commercial educational station and one UHF commercial station;[3] and WIHS, a UHF station now on the air. By Order, FCC 64–96, released February 12, 1964, the Commission designated the applications for hearing. In addition to the standard comparative issues, and to other issues not relevant here, the Commission designated limited issues going to the financial qualifications of Integrated.[4]

8. United Artists filed a motion on March 2, 1964, requesting the addition of the following issue with respect to Integrated:[5]

To determine whether the program proposals of the applicant are feasible for a UHF television station without network affiliation in the Boston market; whether there is a reasonable prospect that the program proposals can be effectuated; and, in light of evidence adduced with respect to the foregoing, whether the applicant is qualified to operate its station in the manner proposed in its application.

9. The main thrust of the arguments advanced by WEBR and United Artists in support of the requested issues is that the standards ordinarily applied in determining the financial qualifications of an applicant to construct and operate a broadcast facility are inadequate with respect to a UHF station which will be in competition with three existing VHF television stations and which will have no network affiliation. The Commission's Broadcast Bureau also asserts that the circumstances presented herein require a more substantial financial showing in order to provide assurance of television service on a continuing basis, but disagrees with the standard suggested by WEBR and United Artists. The Bureau would require UHF applicants to demonstrate an ability to meet all of their fixed operational costs, i.e., to amortize loans and for equipment payments, during the first year in addition to the usual showing. Ultravision, Cleveland Telecasting, Superior Broadcasting, and Integrated object to the addition of any issues which would tend to impose a higher standard in determining the financial qualifications of applicants for UHF stations.

10. A discussion of the statutory requirements and of past Commission policy in regard to finances will be helpful in placing our present problem in proper perspective. Under Sections 308(b) and 319(a) of the Communications Act, applicants for construction permits and licenses must demonstrate that they possess the financial qualifications to construct and operate the proposed broadcast facility. In FCC v. Sanders Brothers, 9 Pike & Fischer, R.R. 2008, 2011, the United States Supreme Court held that:

An important element of the public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts. That such ability may be assured the Act contemplates inquiry by the Commission, inter alia, into an applicant's financial qualifications to operate the proposed station.

* * * * *

In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel.

* * * * *

Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public.

The policy applied by the Commission in determining the showing necessary to meet the minimum requirements for statutory qualifications has been dictated by the stage of development of the industry and by the economy of the times, and changes in policy have occurred when warranted by changed circumstances. Thus, during the period 1935 to 1939, applicants for licenses to operate standard broadcast stations were required to demonstrate by affirmative proof that sufficient advertising revenues would be forthcoming to support the proposed facility. Siever, Bayless, and Steele, 2 FCC 103, 105–106 (1935); Carl C. Struble, 2 FCC 115, 117 (1935); Brownsville Broadcasting Co., 2 FCC 336, 339–340 (1936); Curtis Radiocasting Corp., 6 FCC 7, 10 (1938).

11. By the post-war period, however, the AM industry had been established as a financially lucrative medium of communications. As experience was acquired over the years in assessing of revenues after the station became operative, the Commission relaxed its requirement for evidentiary proof that adequate commercial support was available to maintain the proposed station. Instead, the Commission took the position that an applicant was financially qualified if it could show sufficient funds to complete construction and to operate without income for a reasonable period of time, generally three months. Sanford A. Schafitz, 24 FCC 363, 376, 14 Pike & Fischer, R.R. 852, 864b (1958); Atlantic City Broadcasting Co., 9 Pike & Fischer, R.R. 647, 683–684 (1954). See also, Voice of Cullman, 6 Pike & Fischer, R.R. 164, 168–169 (1950). In Southeastern Enterprises, 22 FCC 605, 610, 13 Pike & Fischer, R.R. 139, 145 (1957), the Commission noted with respect to financial qualifications, that "there is a sufficient showing that the station can be constructed and its operation commenced, and that is all that we require. The concept of public interest is not so exacting that it demands a licensee capable of sustaining great losses for long periods and pledged to do so." See also, Iredell Broadcasting Co., (WDBM), 23 FCC 79, 85–86, 13 Pike & Fischer, R.R. 996, 1003 (1957). As a general rule, the same standard has been applied to applications for FM and television facilities. Cherokee Broadcasting Co., 25 FCC 92, 13 Pike & Fischer, R.R. 725, 747 (1958); Radio Associates, Inc., 32 FCC 166, 172–173, 21 Pike & Fischer, R.R. 368, 370f (1962); Louis Vander Plate, FCC 64–883, released September 24, 1964.

12. Before us in these proceedings is a basic question as to the showing necessary on the part of a UHF station entering a market in competition with three

[3] The permit specified Cambridge as the principal city.

[4] Deficiencies were noted in the showing of Integrated concerning the ability of certain stockholders to meet their commitments to loan funds to the corporation.

[5] An issue was also requested with respect to Integrated's staff proposal.

existing VHF stations to establish its financial qualifications for constructing and continuing the operation which it proposes.

13. Over one hundred commercial UHF stations that were once on the air are now off the air. Nearly two hundred commercial UHF stations have been granted construction permits, but never went on the air. The obstacles which have beset the growth and development of UHF, particularly in competition with VHF stations, have been stated too frequently to require repetition here. Expanded Use Of UHF Television Channels, 21 Pike & Fischer, R.R. 1711 (1961); Second Report on Deintermixture, Docket No. 11532, 13 Pike & Fischer, R.R. 1571 (1956). In reviewing the television situation, the Commission determined that an adequate nationwide commercial and educational television system in the United States can be achieved only through utilization of all 82 channels, 12 VHF and 70 UHF, now allocated for television broadcasting. Congress enacted the all-channel receiver law* in furtherance of full utilization of all 82 channels. This law will unquestionably serve to foster and encourage the expanded use of UHF both because the operator, and the advertisers upon whom the operator must depend for the financial success of his station, can look forward to UHF receiver saturation in the service area; and because incentive has been provided to manufacturers to improve UHF transmitting and receiving equipment. Deintermixture Cases, FCC 62-953, 23 Pike & Fischer, R.R. 1645 (1962). However, we must also consider the fact that the all-channel receiver legislation will not provide an immediate panacea. While estimates vary as to the time which will elapse before the legislation has a substantial effect upon set conversion, it may be assumed that a period fo several years will be required. During this period, we must seek to strike a balance between our desire, on the one hand, to stimulate the earliest possible development of the UHF medium, and the danger, on the other hand, that attainment of our alternate goal may be impaired if there should be any broad-scale repetition of the financial failures of the early UHF years. While we want those who acquire UHF permits to construct their stations without unreasonable delay, we are concerned that once on the air they continue to operate in a manner that serves the public interest—and without a likelihood that they will shortly seek a transfer of the permit or license to someone else.

14. In the cases here before us, the financial proposal of each applicant establishes that, after construction of the station, its continued operation will depend upon receipt of an estimated amount of advertising revenues in order to off-set estimated operating costs. This is evident from our work sheets attached hereto [Exhibits A–G]. Thus, in the Boston case, of the $350,000 actually committed by United Artists to the proposed station, $238,750 will be required to construct and to operate the station for an initial period of three months. Manifestly, therefore, additional funds will be required before the end of the first year of operation, based on its own estimate of a $250,000 operating cost for the first year. The same is true with respect to the other Boston applicant, Integrated; a Cleveland applicant, Cleveland Telecasting; and a Buffalo applicant, Ultravision. Although Superior Broadcasting (Cleveland) and WEBR (Buffalo) are in a somewhat better position since they have indicated a greater cash commitment, their proposals, dependent essentially upon borrowed funds, likewise contemplate the use of advertising revenues for continuing operations. Thus, in these three proceedings, immediate revenue is vitally necessary for continued operation.

15. The applicants dependence upon immediate revenue is also shown by further analysis of our worksheets (Exhibits A–G)[6a] annexed hereto. Based upon these worksheets, it is apparent that no applicant proposes to make substantial investments of equity capital, which is to be left in the enterprise, as distinguished from debt or borrowed capital which must be repaid.[7] These worksheets also show that the applicants have not made commitments to provide additional financing should it be required for a continuing operation of the station (supported by a showing of their capacity to do so). We therefore do not have before us applicants which have (a) substantial equity capital; or (b) stockholders who are committed to advance additional funds either by additional equity or debt contributions, should it be required for continued operation of the station; or (c) loan commitments from others (such as banking institutions, etc.) to provide such additional financing should it be required for continued operation.

16. It is of further significance to note that our examination of the applications discloses a wide divergence in the estimates of revenues during the first year of operation. Since the application form does not require the applicants to submit a detailed showing to support estimates, it cannot be determined from the information now before us whether these divergent estimates of revenues to be derived from the same market are realistic even assuming that differences in methods of proposed operation would, likewise, result in differences in revenues. Thus, with respect to Buffalo, WEBR estimates revenues of only $86,000 whereas Ultravision estimates $275,000. As to Boston, United Artists estimates revenues of $250,000 whereas Integrated estimates $150,000. For Cleveland, Superior Broadcasting estimates $200,000 whereas Cleveland Telecasting estimates $300,000 (and United Artists prior to withdrawal of its Cleveland application estimated $250,000—the same as its estimate for Boston). In a showing of financial qualifications, when an applicant relies upon stock subscriptions, we require evidentiary proof that the subcribers in fact have adequate funds with which to meet their commitments; when an applicant relies upon a loan, we require evidentiary proof that the lender can and will make such loan; when an applicant relies upon credit for the purchase of equipment, to be paid on a monthly installment plan, we require evidentiary proof that the equipment manufacturer will extend such credit. When, as here, an applicant for a UHF station in a three-VHF market relies upon specified expected revenues for continued operation, it is equally important to require evidentiary proof that there is a reasonable likelihood of the applicant's obtaining that revenue.

17. We believe that a determination of which, if any, of these applicants' estimates as to anticipated revenue are realistic can be made only after a hearing in which all of the relevant matters are fully explored. The applicants will have an opportunity to develop and support the representations they have made with respect to their estimated revenues. Pertinent thereto are the expected rate of UHF set conversion, the potential of this medium for attracting advertising revenues in the light of newly developing circumstances, and the challenges which a new UHF facility in a three-VHF market will face. Through the adjudicatory process, the applicants' estimates may be tested and their weaknesses, if any, exposed. Information which withstands the test of cross-examination and which establishes reasonably dependable statistical probabilities could substantiate the applicants' representations as to expected revenue, and constitute a basis not only for the disposition of the cases before us but also for determining whether we should require all UHF applicants seeking facilities in major markets already served by three VHF stations affiliated with the respective networks, to make these types of showings.

18. We shall depend upon the applicants' ingenuity and expertise for evolvement of methods which should be utilized in ascertaining a sound basis for their estimate of revenues. These methods may well include inquiry into the expected rate of set conversion and the relationship of the level of UHF set ownership to station revenues. Since a network affiliation is not presently depended upon by any of the applicants, data would be helpful concerning the ratio of non-network to network viewing where both are available and the level of station revenues earned with non-network programming in competition with network programming. Information concerning possible rate schedules, the type of advertisers who would be attracted to a local UHF station without network affiliation, and the potential for revenues from such advertisers in the proposed

* Public Law 87-529, 76 Stat. 150-151, approved July 10, 1962.

[6a] Exhibits A–G filed as part of original document.

[7] Equity capital is used here as "The amount invested in an enterprise-proprietorship, partnership, or corporation—by its owners; paid in capital." A Dictionary for Accountants, Second Edition, by Eric L. Kohler, Prentice-Hall, Inc., 1957. Debt capital, as used herein, refers to sums which have been advanced to the enterprise on a long-term basis by the owners, a bank, or others, giving rise to a debtor-creditor relationship between the enterprise and the lender of the funds.

service area would also tend to throw light on the issue. Applicants may, of course, choose other methods to ascertain the revenue potential of the service area, such as a canvass of advertisers. It must be emphasized, however, that the factors upon which an applicant relies in reaching a conclusion as to projected revenues should be disclosed on the record.

19. An important factor for consideration is the period for which projected revenues should be required. We are not satisfied that estimates limited to the first year of operation will suffice because of the transition period required for set conversion. In our Report and Order in Docket No. 13864, where we had under consideration the adoption of rules with respect to the transfer of broadcast facilities, we noted that "* * * experience has demonstrated that time is needed to fully or substantially implement the proposals or to gain a better understanding of the program needs and desires of the community and to adjust programming to such needs and interests."[4] On the basis of our investigation in that rule making proceeding, we concluded that a uniform period should be fixed within which proposed transfers or assignments would be regarded as raising substantial questions of "undue interruption" and we were "persuaded that three years is an appropriate benchmark." We are likewise persuaded that during this interim period awaiting set saturation, estimates of annual revenues projected over a three-year period are essential in order to give the applicant an adequate basis for establishing the durability of its proposed operation. A three-year study will disclose expectable trends in set conversion and advertiser potential which are not likely to be determinable if the data relate only to the first year of operation. For the foregoing reasons, we conclude that estimated annual revenues should be projected over a three-year period.

20. Manifestly, a determination as to reasonable likelihood of a continuing operation must rest on a realistic estimate of construction costs and operating expenses, as well as of operating revenues. It is necessary, therefore, that each applicant disclose all factors which were considered in computing construction costs and operating expenses. Any substantial miscalculation or underestimation of costs for constructing and putting the proposed station into operation could reduce seriously the funds with which the applicant had expected to meet initial operating expenses, and, also, materially increase payments which the applicant must make during such period. The record should reflect in detail the amounts allocated for staffing, programming, fixed charges, and other expenses. With respect to programming, the evidence should establish a reasonable likelihood of effectuation with the funds allocated and available for this purpose. Elaborate plans for programming which far exceed an applicant's financial capability, or the cost of which would jeopardize its survival, add nothing to its comparative standing. The goal to be achieved is the commencement of service at the earliest possible time, followed by provision of a continuing service in the public interest. Only realistic estimates of anticipated revenues, operating expenses, and construction costs based on practical proposals, in the light of the obstacles which will be faced by the new stations, will establish whether an applicant has a reasonable likelihood of a continuing operation in the public interest.

21. Further exploration by each applicant into the areas which we have outlined may disclose the need to amend the applications submitted, and fairness requires that the parties be accorded an opportunity to do so. The applicants in these three proceedings will therefore be afforded an opportunity to submit revised estimates of operating expenses during the first year of operation (or for a three-year period if deemed advisable) and revised estimates of anticipated revenues projected over a three-year period. In addition these applicants may, if they so desire, amend program proposals as to hours of broadcast, program content, or both. We also wish to make clear that no inference adverse to any of these applicants will be drawn from the fact that the amended estimates or program proposals differ from those originally submitted. The amendments must be filed within 60 days after the release of this Memorandum Opinion and Order.[5] An additional period of 30 days may be allowed in the discretion of the Hearing Examiner. In the period required by the applicants to make the necessary studies relative to the amendments, the hearings should proceed with respect to the other issues.

22. In order to keep at a minimum the expense of securing the additional information required herein, the applicants may submit a joint showing to the extent possible. Some information, of course, such as the rates to be charged advertisers and the estimated cost of programming, must be based on the independent research of each applicant. However, a considerable portion of such data—for example, the expected rate of set conversion, and the relationship of station viewing, both network and nonnetwork, to station revenues—could be obtained through a joint survey by the applicants in each of the respective markets, viz, Buffalo, Boston, Cleveland.

23. Finally, we have carefully considered the argument advanced that any attempt to explore the basis for estimated revenues would result only in the production of a mass of meaningless information which would be speculative and conjectural. We disagree. If this were true, the applicants' present estimates of anticipated revenues would have to be considered meaningless also. In many types of proceedings, reliance is placed upon evidence concerning reasonable statistical probabilities and we perceive no reason why such evidence cannot be produced here. Hall v. Federal Communications Commission, 237 F. 2d 567, 99 U.S. App. D.C. 66. Where appropriate, financial, economic and other data which the Commission has will be made available to the applicants to assist them in their preparation of certain types of joint showings concerning each market. The members of our staff in possession of such data are instructed to make the information available for the preparation of such joint showings.

24. For the reasons outlined above, we do not believe the precise issues requested by WEBR and United Artists will serve to provide the type of information we deem essential to a determination in these cases and their motions for enlargement of issues will be denied except to the extent they may be included in the action here taken. Similarly, the test suggested by the Broadcast Bureau is rejected because it would not accomplish our purpose. By the simple expedient of arranging for the deferment of installment payments or other fixed charges until the expiration of the first year of operation, an applicant could meet such a test with a showing not much different from that presently submitted. And, moreover, there would be no information concerning the bases for estimated revenues and operating expenses which we believe to be vital to a determination of whether a continuing operation is likely under the circumstances of these cases (para. 19). On our own motion, we are designating additional issues as set forth below. The issues designated herein apply to all applicants in the three cases before us. The burden of proceeding with the introduction of evidence and of proof will be upon each applicant with respect to its own estimates. Any joint showings submitted shall be considered as the evidence of all parties participating therein.

Accordingly, it is ordered, This 11th day of March 1965, That the issues in each of the three proceedings enumerated above are enlarged, by the addition of the following issues;

(a) To determine the basis of each applicant's (1) estimated construction costs, (2) estimated operating expenses for the first year of operation (or for a three-year period, if desired), and (3) estimated annual revenues projected over a three year period; and

(b) To determine, in light of the evidence adduced, which of the applicants, if any, has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest.

It is further ordered, That each of the parties to these proceedings is granted a period of 60 days from the date of release of this Memorandum Opinion and Order within which to amend its application to include estimates of anticipated annual revenues projected over a three-year period, and if deemed desirable, to revise its estimates of operating expenses during the first year of operation (or over a three-year period), and to revise its proposals as to hours of broadcast, pro-

[4] Voluntary Assignments and Transfers of Control, FCC 62-296, 23 Pike and Fischer, R.R. 1503, 1504.

[5] The limited authority to amend which we grant here does not modify our prior decisions in these cases denying requests for permission to amend in other respects.

gram content, or both; [10] that the Hearing Examiner is authorized to allow an additional period of 30 days within which to make the foregoing amendments; and that in the period required by the applicants to make the necessary studies, the hearings should proceed with respect to the other issues.

It is further ordered, That the hearing examiners in these three cases are authorized to schedule a joint type of initial pre-hearing conference for purposes of discussing the preparation of the required data.

It is further ordered, That the motions of WEBR, Inc., and United Artists Broadcasting, Inc., for enlargement of issues are denied except to the extent granted herein.[11]

Released: March 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[12]

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

[F.R. Doc. 65-2739; Filed, Mar. 16, 1965; 8:48 a.m.]

[Docket Nos. 15868, 15869; FCC 65-182]

WFLI, INC. (WFLI) AND NEWHOUSE BROADCASTING CORP (WAPI)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WFLI, Inc. (WFLI), Lookout Mountain, Tenn., Docket No. 15868, File No. BMP-8439, has 1070 kc, 1 kw, 10 kw-LS, DA-2, U, Class II-B, requests 1070 kc, 1 kw, 50 kw-LS, DA-2, U, Class II-B; Newhouse Broadcasting Corp. (WAPI), Birmingham, Ala., Docket No. 15869, File No. BP-15259, has 1070 kc, 5 kw, 50 kw-LS, DA-2, U, Class II-B, requests 1070 kc, 5 kw, 50 kw-LS, DA-N, U, Class II-B; for construction permits.

1. The Commission has before it (a) the above-captioned and described applications; (b) a petition to deny the application of the Newhouse Broadcasting Corp. (WAPI) filed on March 2, 1962, by WDIA, Inc., licensee of Station WDIA, Memphis, Tenn. (1070 kc, 5 kw, 50 kw-LS, DA-2, U); (c) WAPI's opposition to the petition; (d) a reply to the opposition filed by WDIA; (e) a letter dated December 14, 1964, requesting a grant of the application of WFLI, Inc. (WFLI) without hearing [1]; and (f) a letter of January 19, 1965, stating WAPI's opposition to WFLI's request.

2. The proposed operation of Station WAPI would cause interference to the existing and proposed operation of WFLI. Interference from the proposed operation of WAPI to the WFLI proposal may affect more than ten percent of the population within the proposed WFLI service area. These facts indicate that a hearing on the two proposals is necessary. In addition the proposed WAPI operation would cause interference to Station WDIA. Therefore, WFLI's request for a grant of its application without hearing will be denied, and the petition of WDIA, insofar as it requests a hearing on the WAPI proposal, will be granted.

3. WDIA requests a denial of the WAPI application because of interference which WAPI would cause WDIA, and WAPI opposes the request on the ground that the interference to WDIA would be "de minimis" and that, in any event, the present operation of WDIA was authorized in 1953 at a time when WAPI had on file an application requesting the authorization of the same facilities proposed in WAPI's present application and that the WDIA operation was authorized subject to the condition that WDIA would accept any interference that would result from a grant of the then pending WAPI application. In its reply, WDIA contends that WDIA, Inc., was not the licensee of WDIA at the time its present operation was authorized, that WAPI elected to amend its application to specify a directional operation, which amended application was subsequently granted. WDIA disputes WAPI's characterization of the interference to be expected as "de minimis".

4. The dispute between WAPI and WDIA also involves measurement data filed as an amendment to the WAPI application on December 3, 1962, on the basis of which WAPI claims that the interference to WDIA would affect only 0.38 percent of the population in WDIA's service area. WDIA questions the validity of these measurements. The Commission is of the opinion that the conflicting contentions can best be resolved on the basis of an evidentiary hearing.

5. With respect to WAPI's contention that the present WDIA proposal was granted on condition that it accept the interference from a proposal pending in 1953 which specified an operation identical to that now under consideration, the Commission has previously held that the condition imposed upon WDIA does not protect the present WAPI application. The 1953 condition required WDIA to accept interference from a specific pending application as a condition of its own grant. Since the 1953 application of WAPI was amended to specify directional operation and was granted in 1958, the condition imposed upon WDIA has become moot. Newhouse Broadcasting Corp., 22 RR 959 (1962).

6. In its letter of December 14, 1964, WFLI requests a grant of its application without hearing, alleging that the proposed operation of WFLI will cause no additional interference to either the existing or proposed operation of WAPI; that future action on the WAPI application would not be prejudiced by a grant of the WFLI application since the interference received by WFLI would actually be less if WFLI is authorized to operate with a power of fifty kilowatts; and that the possibility of a grant of the WAPI application is remote since WAPI's proposed nondirectional operation would cause interference to WFLI affecting more than ten percent of the population within its proposed normally protected primary service area and would cause interference to WDIA.

7. WAPI opposes the WFLI request for a grant of its application without hearing on the ground that a grant of the WFLI proposal without requiring WFLI to accept interference from WAPI would place WFLI in a stronger position to contest favorable action on the WAPI proposal; and that favorable action on the WAPI proposal is not remote because WAPI has shown by measurements that the interference to WFLI would be less than WFLI claims. WAPI requests that WFLI's request be denied or that any grant of the WFLI application be made subject to the condition that WFLI shall accept any interference received from the proposed operation of WAPI.

8. As previously indicated, the Commission finds that the question of interference to the existing and proposed operations of WFLI and to the existing operation of WDIA from the proposed operation of WAPI requires a hearing on the WAPI and WFLI proposals.

9. WFLI, Inc., proposes to increase daytime power from 10 to 50 kilowatts utilizing a three-element directional antenna system at its present transmitter site. The calculated theoretical radiation in the null area is 24 mv/m and the MEOV is 64 mv/m. In the immediate vicinity of the antenna site the terrain is mountainous and exhibits abrupt irregularities. The proof-of-performance measurement data presently on file for WFLI indicates considerable signal scatter presently exists and is not adequate to demonstrate that the proposed 50-kilowatt pattern could be adjusted and maintained within the radiation limits proposed.

10. In view of the foregoing, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct, own and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WAPI and WFLI and the availability of other primary service to such areas and populations.

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[1] WFLI requests, in the alternative, that if a hearing on its application is ordered, that the application of Fleet Enterprises for a new standard broadcast station at Greenville, S.C. (File No. BP-15548), be consolidated for hearing with the WAPI and WFLI proposals. This aspect of WFLI's request is being considered in a separate document.

[10] See footnote 9, supra.

[11] The petitions of WEBR, Inc., Cleveland Telecasting Corp., and the Broadcast Bureau to correct transcript of consolidated oral argument are granted and the transcript is accordingly corrected.

[12] Dissenting statement of Commissioner Robert E. Lee filed as part of original document.

2. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the proposals.

3. To determine whether the proposal of Newhouse Broadcasting Corp. would cause objectionable interference to existing Stations WDIA, Memphis, Tenn., and WFLI, Lookout Mountain, Tenn., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received by each proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the proposed directional antenna system of Station WFLI can be adjusted and maintained within the proposed maximum expected operating values of radiation.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, the Petition to Deny, filed by WDIA, Inc., is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That, WDIA, Inc., licensee of Station WDIA, Memphis, Tenn., is made a party to the proceeding.

It is further ordered, That the request of WFLI, Inc., for a grant of its application without hearing is hereby denied.

It is further ordered, That WFLI, Inc., is made a party respondent with respect to the existing operation of WFLI.

It is further ordered, That in the event of a grant of either application in this proceeding, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of WFLI, Inc., the construction permit shall contain the following condition: In addition to the required proof on the daytime directional antenna system, permittee shall submit sufficient measurements on the existing nighttime directional antenna system to show that the rearrangement of the existing antenna array plus the installation of the new tower has not distorted the nighttime directional antenna pattern.

It is further ordered, That, in the event of a grant of Newhouse Broadcasting Corp., the construction permit shall contain the following condition: Permittee shall submit a non-directional proof of performance to show that no adverse distortion of the radiation pattern has occurred due to the presence of high tension transmission lines or other man made structures and terrain irregularities in the vicinity of the transmitter site.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on 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.

Adopted: March 10, 1965.

Released: March 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 65-2740; Filed, Mar. 16, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1212]

MEDITERRANEAN-U.S.A. GREAT LAKES FREIGHT POOL

Modifications of Agreement; Investigation and Proceeding

On November 10, 1964, the parties to approved Agreement 9020 filed with the Federal Maritime Commission a modification thereto designated Agreement 9020-6 which was subsequently refiled on January 4, 1965. This modification amends the basic agreement to (1) include within its scope Italian Islands of the West Coast of Italy; (2) add Setubal to the Portuguese ports named therein; (3) effect changes in the loading charges at the ports designated and added thereto, and (4) provide for an additional change relating to the fulfillment of sailing obligations at the port of Naples.

Another modification, Agreement 9020-7 which was filed on December 16, 1964, proposes (1) the extension of the duration of the basic agreement to include the 1968 season unless otherwise resolved by unanimous decision of all members; (2) changes in the minimum number of calls at loading ports specified in Article 9 of the basic agreement, and (3) amends Article 5 of the basic agreement to make certain changes in the loading charges at the ports designated to become effective at the beginning of the 1965 navigation season.

Whereas, the Commission has instituted a proceeding in Docket No. 1212 to determine inter alia whether Agreement 9020, as amended, and 9020-2, 9020-3, 9020-4, and 9020-5 should be approved, disapproved or modified; and

Whereas, a prehearing conference will be scheduled to be held before presiding Examiner Paul D. Page, Jr., at such time as certain documents are made available in these matters;

Now therefore, it is ordered, That Agreements 9020-6 and 9020-7, pursuant to sections 15 and 22 of the Shipping Act, 1916, be made subject to the investigation and proceeding heretofore ordered in Docket No. 1212; and

It is further ordered, That a copy of this order be served upon all parties to Docket No. 1212 as well as upon the Hearing Examiner assigned thereto, and published in the FEDERAL REGISTER.

All persons having interest in Agreements 9020-6 and 9020-7 and desiring to intervene in Docket No. 1212 (if they have not already intervened), should file a petition for leave to intervene and serve copies thereof on the respondents on or before March 22, 1965, with 15 copies to the Commission.

By order of the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-2708; Filed, Mar. 16, 1965; 8:46 a.m.]

BEHRING-SOUTH PORTS SHIPPING, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working 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 agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301. 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 or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Behring-South Ports Shipping, Inc., Houston, Tex., is party to the following agreements, the terms of which are identical. The other parties are:

H. S. Thielen, Inc., Lake Charles, La.	FF-1817
Air-Sea Forwarders, Inc., Los Angeles, Calif.	FF-1821
Tone Forwarding Co., New York, N.Y.	FF-1822
Oceanic Forwarding Co., San Francisco, Calif.	FF-1823

The following agreements have similar terms:

Inter-Maritime Forwarding Co., Inc., New York, N.Y.; A. W. Fenton Co., Cleveland, Ohio	FF-1814
Schenkers International Forwarders, Inc., New York, N.Y.; T. Parker Host, Inc., Newport News, Va.	FF-1815
R. G. Holbelmann & Co., Inc., Baltimore, Md.; Universal Transport Corp, New York, N.Y.	FF-1816
Taub, Hummel & Schnall, Inc., New York, N.Y.; Baxter Co. Customhouse Brokers, Inc., New Orleans, La.	FF-1819
William H. Masson, Inc., Baltimore, Md.; S. Jackson & Son, McCandless, Inc., New Orleans, La.	FF-1824

Agreement FF-1813, between H. L. Ziegler, Inc., Houston, Tex., and Schenkers International Forwarders, Inc., New York, N.Y., is a working arrangement whereunder forwarding and service fees are to be divided as agreed between the parties. Ocean freight compensation is to be divided equally between the parties.

Agreement FF-1818, between James A. Green Jr. & Co., Kansas City, Mo., and L. Grodwohl & Son, New York, N.Y., is a working arrangement whereunder forwarding and service fees will be retained by L. Grodwohl & Son. Ocean freight compensation will be divided equally between the parties.

Agreement FF-1820 between H. L. Ziegler, Inc., Galveston, Tex., and San Diego Traffic Services, San Diego, Calif., is a working arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation is to be divided equally between the party.

Agreement FF-1825, between Herb B. Meyer & Co., Inc., Inglewood, Calif., and Norman G. Jensen, Inc., Minneapolis, Minn., is a working arrangement whereunder forwarding and service fees are $2 to clear S.E.D. and $7.50 for preparation of S.E.D. and ocean bill of lading. Ocean freight compensation is to be divided equally between the parties.

Dated: March 12, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2709; Filed, Mar. 16, 1965; 8:46 a.m.]

NEW YORK FREIGHT BUREAU

Notice of Agreements 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.

Average voyage ceiling and pooling arrangement filed by:

Herman Goldman, Esq., Attorney and Counsellor at Law, Equitable Building, 120 Broadway, New York, N.Y., 10005.

Agreement 9431, between the member lines of the New York Freight Bureau (Hong Kong), operating under approved Agreement 5700, establishes an average voyage ceiling of 2,850 revenue tons on cargo loaded by participants at Hong Kong over successive 3-month periods and provides for the payment of $10 per ton as liquidated damages on tonnage found to have been over-carried at the end of each 3-month period. Amounts paid in will be apportioned among the participants in accordance with the number of sailings each has had during the 3-month period in question, but an over-carrying member shall not share in any monies which it has been required to pay in. The agreement will run for a period of 1 year from date of approval, but may be further extended upon unanimous resolution of the participants. Provision is also made for the increase or decrease in the amount payable for over-carriage and for the upward or downward adjustment of the ceiling so that the agreement will at all times conform to the exigencies of the trade.

Dated: March 12, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2710; Filed, Mar. 16, 1965; 8:46 a.m.]

UNITED STATES LINES CO. AND COMPAGNIE GENERALE TRANSATLANTIQUE

Notice of Agreements 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 10 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:

L. F. Nichols, Treasurer,
United States Lines Co.,
One Broadway,
New York, N.Y. 10004.

Agreement 8580-1, between United States Lines Company and Compagnie Generale Transatlantique (French Line), modifies approved Agreement 8580, between these carriers which covers an arrangement for the scheduling of sailings of the SS UNITED STATES, of the United States Lines Company, and the SS FRANCE, of the French Line, in the passenger trade between the port of New York, on the one hand, and ports of Southampton and LeHavre, on the other hand. The purpose of this modification is to include a provision that (1) each carrier may jointly advertise for the benefit of the traveling public the advantages and convenience of the spaced sailings for the SS UNITED STATES and the SS FRANCE, and (2) each company may stock passenger tickets and exchange orders to cover transportation on the vessel of the other, and may issue such tickets and/or orders for travel in either direction, i.e., to or from New York on the vessel of the other line.

Dated: March 12, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2711; Filed, Mar. 16, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 505]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Mower, Houston, Fillmore, and Olmsted Counties in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 1, 1965.

OFFICE

Small Business Administration Regional Office, 603 Second Avenue South, Minneapolis, Minn., 55402.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1965.

Dated: March 3, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-2676; Filed, Mar. 16, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-526, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 5, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before April 21, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI65-526	Phillips Petroleum Co. (Operator), Bartlesville, Okla.	4	[2] 25	Michigan-Wisconsin Pipe Line Co. (Sherman Plant, Hugoton Field, Hansford County, Tex.) (R.R. District No. 10).	$1,171,000	2-5-65	[3] 3-8-65	8-8-65	[6] [8] 14.21863 [7] [8] 14.13644 [8] [10] 14.0785 12.6749	[4] [8] [7] 15.38311 [4] [7] [9] 15.29581 [4] [7] [10] 15.2350 [4] [8] 15.4254[7]	RI60-349, RI60-348, RI60-346.
RI65-527	Phillips Petroleum Co.	377	[11] 1	Michigan-Wisconsin Pipe Line Co. (Kathryn Acreage (Deep Gas), Hugoton Field, Sherman and Hansford Counties, Tex.) (R.R. District No. 10).	74,265	2-5-65	[3] 3-8-65	8-8-65			

[2] Includes amendments dated Jan. 18, 1965, to basic contract dated Dec. 11, 1945, and contract dated Dec. 1, 1949 (Stratford acreage) which provide for increased rates and eliminate indefinite pricing provisions under said contracts.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Texas dedicated acreage (Dallam, Sherman, and Hansford Counties, Tex.).
[7] Includes base rate of 15.22 cents per Mcf plus applicable tax reimbursement (tax reimbursement varies from month to month re: Stratford and Texas dedicated acreage).
[8] Includes base rate of 14.0635 cents per Mcf plus applicable tax reimbursement (tax reimbursement varies from month to month re: Stratford and Texas dedicated acreage.
[9] Stratford acreage (Sherman and Moore Counties, Tex.).
[10] Oklahoma dedicated acreage (Texas County, Okla.).
[11] Includes amendment dated Jan. 18, 1965, which provides for increased rate and eliminates indefinite pricing provisions under basic contract.

Phillips Petroleum Co. (Operator) and Phillips Petroleum Co. (both referred to herein as Phillips) assert that their proposed rate increases should be accepted for filing without suspension by the Commission for the reason that by eliminating the indefinite pricing provisions from the contracts involved, Phillips is relinquishing its contractual right to increased base rates in excess of the instant proposed rates and also future escalation increases. Although Phillips has eliminated the indefinite pricing provisions under the subject rate schedules, the proposed rates do not qualify under the Seventh Amendment to General Policy Statement No. 61-1 which specifies an 11.6 cents per Mcf rate as being acceptable for sales in the subject area where indefinite pricing provisions are being eliminated.

Phillips also claims that the proposed rate increase under Rate Schedule No. 377 should be compared with the initial rate ceiling in the area since the contract dated December 1, 1949, comprising Rate Schedule No. 377 was filed subsequent to the issuance of the Commission's Statement of General Policy No. 61-1 and initial deliveries did not commence thereunder until January 1, 1962. The increased rate ceiling is applicable to the instant rate increase filing. Moreover, while we have permitted one day suspensions in cases where the contract was entered into subsequent to the policy statement and the proposed rate increase was not above the initial rate ceiling in the area, there is no justification for such an approach here since Phillips' contract was entered into prior to the issuance of the policy statement.

Phillips requests a one day suspension period for the proposed increase under its Rate Schedule No. 4, if such rate is suspended. In support of such request, Phillips contends that it should be accorded the same treatment given Cities Service Oil Co. (Cities Service) by Commission order issued November 12, 1964, in Docket No. RI65-298, involving a proposed $1,569,488 rate increase to Phillips under Cities Service's Rate Schedule No. 107 which was suspended for one day.* Even as-

[1] Does not consolidate for hearing or dispose of the several matters herein.

*Although it was indicated in the November 12 order that Phillips resells to Michigan Wisconsin 50 percent of the gas purchased from Cities Service, Cities Service also pointed out (in addition to the above statement) in its filing in that case that Phillips plans to sell only 25 percent of the gas purchased from it to Michigan Wisconsin in the future.

suming arguendo there is some merit to Phillips position, we are in no position at the present time to shorten the suspension period here since Phillips has not indicated to what extent gas purchased from Cities Service under Rate Schedule No. 107 will be thereafter resold to Michigan Wisconsin under Phillips' Rate Schedule No. 4. We also recognize that Phillips, although claiming it had the contractual right to make a higher rate effective at the same time Cities Service was contractually entitled to a higher rate, chose not to file for a higher rate until over two months after the Cities Service rate increase became effective. Accordingly, we shall deny Phillips request for a one day suspension.

The proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended [18 CFR, Ch. I, Part 2, § 2.56].

[F.R. Doc. 65-2601; Filed, Mar. 16, 1965; 8:45 a.m.]

[Docket No. RI65–536]

R. W. RINE DRILLING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 8, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before April 14, 1965.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI65-536	The R. W. Rine Drilling Co. (Operator), et al., 420 Union Center Bldg., Wichita, Kans.	4	1	Cities Service Gas Co. (Doby Springs Field, Harper County, Okla.) (Panhandle Area).	$600	2-11-65	[1] 3-14-65	[2] 3-15-65	[3] 16.0	[3] [4] 17.0	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.

The R. W. Rine Drilling Co. (Operator), et al. (Rine), requests a retroactive effective date of January 1, 1964, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Rine's rate filing and such request is denied.

The contract related to the rate change filed by Rine was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, that Rine's rate filing should be suspended for one day from March 14, 1965, the date of expiration of the required statutory notice.

[F.R. Doc. 65-2602; Filed, Mar. 16, 1965; 8:45 a.m.]

[Docket No. RI65–526 etc.]

MONSANTO CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 5, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before April 14, 1965.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-528	Monsanto Co., 1300 Main St., Houston, Tex., 77002.	37	1	Northern Natural Gas Co. (Upper Morrow Field, Roberts County, Tex.) (R.R. District No. 10).	$2,800	2-5-65	[2] 3-8-65	8-8-65	[1] 16.5	[2] [4] 17.5	
RI65-529	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	40	8	Kansas-Nebraska Natural Gas Co. (Camrick Field, Beaver County, Okla.) (Panhandle Area).	2,370	2-8-65	[3] 3-11-65	8-11-65	[1] 17.0	[4] [7] 17.6	
	Graham-Michaelis Drilling Co. (Operator), et al.	30	2	Colorado Interstate Gas Co. (Hugoton Field, Stanton County, Kans.).	3,580	2-11-65	[6] 3-14-65	8-14-65	[1] 12.5	[4] [5] 13.5	
RI65-530	The British-American Oil Producing Co., Post Office Box 749, Dallas 21, Tex.	7	8	Mississippi River Fuel Corp. (Web Rogers Lease, Waskom Field, Harrison County, Tex.) (R.R. District No. 6).	667	2-4-65	[2] 3-7-65	8-7-65	[9] 14.889	[2] [4] [8] 15.394	RI62-128
RI65-531	Thomas A. Dugan, Post Office Box 234, Farmington, N. Mex.	4	6	El Paso Natural Gas Co. (Blanco-Mesa Verde and Tapacito-Pictured Cliffs Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	635	2-8-65	[2] 3-11-65	8-11-65	13.0	[2] [10] 14.6678	
RI65-532	Monsanto Co., et al. 1300 Main St., Houston, Tex., 77002, Attn.: Mr. B. L. Allen.	35	1	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	28	2-5-65	[2] 3-8-65	8-8-65	13.0	[2] 14.0	
RI65-533	Shell Oil Co., 50 West 50th St., New York 20, N.Y., Attn.: Mr. F. C. Sweat.	146	3	Colorado Interstate Gas Co., (Greenwood Field, Baca County, Colo.).	156	2-8-65	[3] 3-11-65	8-11-65	[11] 14.625	[4] [12] 17.0	
RI65-534	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex.	63	1	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.)	323	2-10-65	[2] 3-13-65	8-13-65	20.0	[4] [13] 22.8	
RI65-535	Robert W. O'Meara (Operator), et al., 208 Richards Bldg., New Orleans 12, La.	1	1	Tennessee Gas Transmission Co. (South Timbalier, Caillou Island Field, Terrebonne Parish, La.)	1,900	2-11-65	[2] 3-14-65	8-14-65	[14] 18.5	[2] [4] [15] 19.5	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to downward B.t.u. adjustment.
[5] The stated effective date is the effective date requested by Respondent.
[6] Three-step periodic rate increase.
[7] Includes 0.25 cent per Mcf charge to buyer for dehydration.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[10] Renegotiated rate increase.
[11] Settlement rate in Shell Oil Co.'s general rate settlement approved by order issued Aug. 1, 1962, in Docket No. G-9446, et al. (moratorium period expired Jan. 1, 1965).
[12] Redetermined rate increase.
[13] Includes 1.5 cents per Mcf tax reimbursement.

Monsanto Co. and Monsanto Co., et al., request that their proposed rate increases be permitted to become effective as of January 1, 1964, the contractually provided effective date. The British-American Oil Producing Co. and Thomas A. Dugan request an effective date of March 1, 1965; Tenneco Oil Co. (Operator), et al., propose an effective date of November 24, 1964, for their rate filings, and Robert W. O'Meara (Operator), et al., request waiver of the 30-day notice period in order to permit their proposed rate increase to become effective as of February 11, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Ch. I, Pt. 2, § 2.56].

[F.R. Doc. 65-2597; Filed, Mar. 16, 1965; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

Delegation of Authority With Respect to Advances for Public Works Planning, First and Second Programs

The Community Facilities Commissioner in connection with the liquidation of the first and second programs of advances for public works planning is hereby authorized:

1. To execute the functions, powers, and duties under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note; and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451 (which functions were transferred to the Housing and Home Finance Administrator under Reorganization Plan No. 17 of 1950, 64 Stat. 1269, 5 U.S.C. 1958 ed. 133z-15).

2. To execute the functions, powers, and duties vested in the Housing and Home Finance Administrator under section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h).

This delegation supersedes the delegation effective March 31, 1954 (19 F.R. 1783, March 31, 1954).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 15th day of January 1965.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 65-2713; Filed, Mar. 16, 1965; 8:46 a.m.]

COMMUNITY FACILITIES COMMISSIONER

Delegation of Authority With Respect to Advances for Public Works Planning; Third Program

The Community Facilities Commissioner is hereby authorized to execute the functions, powers, and duties vested in the Housing and Home Finance Administrator with respect to the third program of advances for public works planning under subsections 702 (a), (c), (g), and (h) of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (a), (c), (g), and (h).

This delegation supersedes the delegation effective October 24, 1962 (27 F.R. 10598, October 31, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 15th day of January 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-2714; Filed, Mar. 16, 1965; 8:46 a.m.]

HHFA REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Advances for Public Works Planning; First and Second Programs

Each Regional Administrator of the Housing and Home Finance Agency in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

3. To redelegate to the Regional Director of Community Facilities any of the authority delegated herein.

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 15th day of January 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-2715; Filed, Mar. 16, 1965; 8:46 a.m.]

HHFA REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Advances for Public Works Planning, Third Program

Each Regional Administrator of the Housing and Home Finance Agency in carrying out the third program of advances for public works planning under section 702 of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (herein called the "Act"), is hereby authorized within the Region:

1. To approve applications of, authorize advances to, and execute agreements with, public agencies and Indian tribes, involving advances to aid in planning proposed public works.

2. To amend or modify agreements for planning advances with public agencies and Indian tribes.

3. To make determinations concerning the liability of a public agency or Indian tribe for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency or Indian tribe undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

4. To redelegate to the Regional Director of Community Facilities the authority delegated herein except the authority to approve applications, authorize advances, and amend or modify agreements for planning advances.

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective June 4, 1963 (28 F.R. 5486, June 4, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 15th day of January 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-2716; Filed, Mar. 16, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1745]

FIBERCRAFT PRODUCTS CORP. ET AL.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MARCH 11, 1965.

I. Fibercraft Products Corp. ("Issuer"), a Florida corporation, together with two (2) individual selling stockholders, Thomas C. Bennett, Jr., and Jacqueline W. Bennett, 1820 Northeast 146th Street, North Miami, Fla., 33161, filed with the Commission on November 24, 1964, a notification on Form 1-A and its exhibits relating to a proposed offering of an unspecified number of shares of its $0.10 par value common stock at market price with a maximum aggregate offering price of $50,000, 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) and Regulation A promulgated thereunder, specifically, Rule 257 under that regulation. A comment letter was sent by the Atlanta Regional Office on November 30, 1964, but no amendments were filed.

II. The Commission has reasonable cause to believe that:

A. The issuer and its two selling stockholders have failed to meet the terms and conditions of Regulation A in that:

1. The $50,000 ceiling imposed by Rule 257, computed in compliance with the provisions of Rule 254(a)(3), is exceeded due to the fact that immediately prior to the filing of the notification, the principal officer and stockholder of the issuer, as well as one of the selling stockholders of the offering, along with an affiliate of the issuer, both sold a number of shares of their personally-owned unregistered stock of the issuer in violation of section 5 of the Securities Act of 1933.

2. Sales literature in the form of an interim report to stockholders, distributed after the filing of the notification, was not filed with the Commission as required by Rule 258. This material, prepared and signed by the principal officer and stockholder of the issuer, as well as one of the two selling stockholders of the offering, was widely disseminated by the issuer and the offerors through broker-dealers.

B. The interim report to stockholders contains false statements of material

facts, omits to state material facts and contains a materially misleading presentation of facts with respect to the statements therein relating to the issuer's past and projected sales, earnings and net worth.

C. The notification fails to meet the requirements of Regulation A in that:

1. The notification fails to disclose the complete address of each affiliate, controlling stockholder, director and officer of the issuer shown, as required by Items 2 and 3 of Form 1–A.

2. The notification fails to disclose the name and address of affiliates of the issuer, or the nature of their affiliation, as required by Item 2(b) of Form 1–A.

3. The notification fails to disclose the required information with respect to unregistered securities issued by the issuer within one year prior to the filing of the notification, as required by Item 9 of Form 1–A.

4. The notification fails to disclose the issuer's contemplated offering of 5 percent convertible debentures, as required by Item 10 of Form 1–A.

D. The statement permitted under Rule 257 (hereinafter referred to as "Exhibit"), filed as an exhibit to the notification fails to meet the requirements of Regulation A and omits to state material facts in that:

1. The Exhibit fails to describe the nature of the issuer's business operations, to state the nature of its present products and services, the principal markets therefor and method of sales operation, or to state the location and general character of the plants, machinery, equipment or other physical properties now held, or presently intended to be acquired by the issuer, the title under which held, whether encumbered, and if so, the terms thereof, all of which is required by paragraph 8C of Schedule I.

2. The Exhibit fails to disclose the name and address of the issuer's affiliates, together with the nature of affiliation, business relationships and material transactions with the issuer, as required by paragraph 8C of Schedule I.

3. The Exhibit fails to disclose that the principal officer and stockholder of the issuer, as well as one of its selling stockholders, along with an affiliate of the issuer, immediately prior to the filing of the notification sold a number of shares of their personally-owned common stock of the issuer, as required by paragraph 9(c) of Schedule I.

4. The Exhibit fails to disclose the amount of the issuer's securities owned by each of its officers, directors, and affiliates, as required by paragraph 9(c) of Schedule I.

5. The Exhibit fails to disclose the issuer's capitalization.

E. The issuer and the two selling stockholders have failed to cooperate in that they failed to file amendments correcting the material deficiencies set forth in the initial comment letter dated November 30, 1964, from the Atlanta Regional Office.

F. It thus appears that the offering would operate as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption 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 thirty days after the entry of this order; that within twenty 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 thirtieth 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 be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-2688; Filed, Mar. 16, 1965; 8:45 a.m.]

[File No. 70-4255]

PHILADELPHIA ELECTRIC POWER CO. AND SUSQUEHANNA POWER CO.

Supplemental Notice Regarding Proposed Extension of Maturity Date of Outstanding Notes to Banks Pending Completion of Proposed Permanent Financing

MARCH 11, 1965.

The above-named companies have pending before the Commission a joint application-declaration under applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and rules thereunder, proposing, among other things, the issuance and sale by Philadelphia Electric Power Co. ("Power"), a registered holding company, of $25,000,000 principal amount of -- percent Series Debentures due 1995, and the use of the proceeds thereof, in part, to pay Power's presently outstanding $20,000,000 principal amount of Notes to banks, which mature on March 31, 1965. Notice of the transactions proposed in said application-declaration was given by the Commission on March 9, 1965 (Holding Company Act Release No. 15198).

Notice is hereby given that applicants-declarants have filed an amendment to said application-declaration, designating sections 6(a) and 7 of the Act as applicable to the transactions proposed therein. All interested persons are referred to said amendment, on file at the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

By said amendment, applicants-declarants state that because of unavoidable delays it now appears that the Debenture financing cannot be completed prior to early April 1965. Accordingly, applicants-declarants request authorization to extend from March 31, 1965 to April 30, 1965 the time during which the Notes (and the related open account advances for construction heretofore made by Power to its wholly-owned subsidiary company, The Susquehanna Power Co. ("Supco"), 1000 Chestnut Street, Philadelphia, Pa., 19105) may remain outstanding. The amendment states further that in all other respects the terms and conditions of the Notes shall remain as previously authorized by the Commission by Order dated March 29, 1962 (Holding Company Act Release No. 14613); and that Power is advised there will be no penalty imposed upon repayment of the Notes on any date prior to April 30, 1965.

The amendment also States that Power will apply to the Pennsylvania Public Utility Commission for permission to extend from March 31, 1965, to April 30, 1965, the time during which said open account advances from Power to Supco may remain outstanding, and that a copy of said Commission's action will be filed herein upon receipt thereof.

Notice is further given that any interested person may, not later than March 25, 1965, request in writing that a hearing be held in respect of said joint application-declaration as amended, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission 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 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 amended, or as it may be further 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. 65-2689; Filed, Mar. 16, 1965; 8:45 a.m.]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

ORGANIZATION

The United States Arms Control and Disarmament Agency was established by the act approved September 26, 1961 (75 Stat. 631; 22 U.S.C. 2551). The Agency is responsible for the conduct, support, and coordination of research for arms control and disarmament policy formulation; the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; the dissemination and coordination of public information concerning arms control and disarmament; and the preparation for, operation of, or, as appropriate, direction of United States participation in such international control systems as may under treaty arrangements become part of United States arms control and disarmament activities.

The Agency is headed by a Director, appointed by the President with the advice and consent of the Senate, who is responsible for the executive direction of the Agency. He also functions as the principal adviser to the President and the Secreary of State on arms control and disarmament matters and, under the direction of the Secretary, has primary responsibility within the Government for such matters. The Deputy Director, also appointed by the President with the advice and consent of the Senate, performs such duties and exercises such powers as the Director may prescribe and exercises the power of the Director during his absence.

The Agency's program responsibilities are primarily discharged through four bureaus—International Relations Bureau, Weapons Evaluation and Control Bureau, Science and Technology Bureau, and Economics Bureau—each of which is headed by an Assistant Director appointed by the President with the advice and consent of the Senate. Staff elements participating in the policy formulation process are the Disarmament Advisory Staff and the Office of the General Counsel. Other organizational units with staff responsibilities are the Office of the Public Affairs Adviser, the Executive Staff, and the Reference Research Staff.

A General Advisory Committee of 15 members, appointed by the President, with the advice and consent of the Senate, meets at least twice each year to advise the President, the Secretary of State, and the Director of the Agency on matters affecting arms control, disarmament, and world peace.

A major share of the Agency's effort has gone into nuclear test ban and disarmament discussions and negotiations both at the United Nations and at Geneva. Research occupies an important role, since the Agency is responsible for insuring the conduct of research into the problems of disarmament through (1) studies performed with its own resources; (2) arrangements, including contracts, agreements, and grants, for the conduct of research, development, and other studies by private or public institutions or persons; and (3) coordination of activities conducted in this field by or for other Government agencies in accordance with procedures established by the organic law.

Requests for information about the Agency and its activities should be directed to the Public Affairs Adviser.

Dated: March 12, 1965.

WILLIAM C. FOSTER,
Director.

[F.R. Doc. 65-2712; Filed, Mar. 16, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 746]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 12, 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 statements 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 119422 (Sub-No. 29), filed March 8, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, 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: *Commodities*, in bulk, from Tri-City Regional Port Complex, located in Madison County, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Wisconsin, and Kentucky.

HEARING: March 29, 1965, at the Pick-Mark Twain Hotel, 116 North Eighth Street, St. Louis, Mo., before Examiner Wm. N. Culbertson.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2719; Filed, Mar. 16, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 12, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. Assigned Com 45, filed February 4, 1965. Applicant: NORTHERN LIGHTS ENGINE & MACHINE COMPANY, INC., Post Office Box 464, Kodiak, Alaska, 99615. Applicant's representative: Charles W. Brennan (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk, in tank-type equipment), between points on Kodiak Island, Alaska, over irregular routes.

HEARING: April 26, 1965, at 1 p.m., in the District Magistrate's Court, Kodiak, Alaska.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Public Service Commission, 440 Fifth Avenue, Anchorage, Alaska, and should not be directed to the Interstate Commerce Commission.

State Docket No. 11180, Supplement No. 2, filed February 26, 1965. Applicant: GERALD L. AND ADELINE M. PETERSEN, doing business as, DAVID CITY TRANSFER, 1375 "C" Street, David City, Nebr. Applicant's attorney: J. C. Hranac, David City, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except explosives to and from Federal installations and those requiring special equipment), between points and places within a 15-mile radius of Rising City, Nebr., and between points and places within said radial area, on the one hand, and, on the other, points and places within a 200 mile radius of Rising City, over irregular routes.

HEARING: March 23, 1965, at 10 a.m., in the courthouse, David City, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

State Docket No. M-11344, Supplement No. 1, filed March 2, 1965. Applicant: DUANE L. HOBSCHEIDT, doing business as, N & W TRANSFER, Nehawka, Nebr. Applicant's representative: Rollin R. Bailey, 525 Stuart Building, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment). Regular operations: (1) from Weeping Water to and from Lincoln, Nebr., via No. 50 to intersection with U.S. Highway No. 34; thence via U.S. Highway No. 34 to Lincoln, no intermediate points to be served, off-route points to be served are Avoca, Nehawka, and Otoe, and (2) Weeping Water to and from Omaha via Nebraska No. 50 to its intersection with Nebraska No. 1; thence over Nebraska No. 1 to its intersection with U.S. Highway No. 75; thence over U.S. Highway No. 75 to Omaha returning over the same route; optional route between Weeping Water and Omaha via Nebraska No. 50 to its intersection with Nebraska No. 31; thence over Nebraska No. 31 to Omaha and return over the same route serving the intermediate point of Murray and the off-route points of Manley, Avoca, Nehawka, and Otoe. Irregular route operations: From Weeping Water and within a 50-mile radius therefrom to and from local points, and occasionally to North Platte and points in the State at large, provided that all trips either originate or terminate within a 50-mile radius of Weeping Water.

HEARING: March 30, 1965, at 9:30 a.m., in the Commission Hearing Room, Lincoln, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-2721; Filed, Mar. 16, 1965; 8:47 a.m.]

[Notice 745]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 12, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 217 (Sub-No. 5), filed February 24, 1965. Applicant: POINT TRANSFER, INC., 500 Main Court, Canton, Ohio. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 504 (Sub-No. 77), filed February 17, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Baxley, Ga., and Vidalia, Ga.; from Baxley over U.S. Highway 1 to junction Georgia Highway 15, thence over Georgia Highway 15 to Vidalia and return over the same route, serving all intermediate points; (2) between Jacksonville, Ga., and McRae, Ga., over U.S. Highway 441, serving all intermediate points; (3) between Hazelhurst, Ga., and Lyons, Ga.; from Hazelhurst over U.S. Highway 221 to junction Georgia Highway 135, thence over Georgia Highway 135 to junction Georgia Highway 130, thence over Georgia Highway 130 to Vidalia, Ga., thence over U.S. Highway 280 to Lyons and return over the same route, serving all intermediate points; and (4) between Macon, Ga., and Alma, Ga., over U.S. Highway 23, serving the intermediate point of Hazelhurst, Ga.

NOTE: Applicant states: "All the foregoing routes are complementary to applicant's existing regular routes and will be utilized in conjunction with said routes for purpose of joinder for the movement of local and through traffic." Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 504 (Sub-No. 73), filed February 25, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta and Albany, Ga., over U.S. Highway 19, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations between these termini.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 180), filed March 1, 1965. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14287, Houston, Tex. Applicant's attorney: Dale Woodall, Post Office Box 123, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and detergents*, from Linden, N.J., to points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 623 (Sub-No. 76), filed February 19, 1965. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, from Mead, Nebr., to Lincoln, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 730 (Sub-No. 246), filed February 19, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Earl J. Brooks (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (1) *Confectionery, syrups, sauces, toppings,* and *chocolate products* (except in bulk, in tank vehicles), and *advertising materials and displays* and *dispensing equipment and premiums*, from Oakdale, Calif., to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington and (2) *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakdale, Calif., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 2304 (Sub-No. 26), filed February 19, 1965. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 2900 Chester Avenue, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Illinois, and those in the Lower Peninsula of Michigan and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 2900 (Sub-No. 114), filed February 26, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious to or contaminating to other lading), between Jacksonville, Fla., and Charlotte, N.C., from Jacksonville over U.S. Highway 1 to junction U.S. Highway 301 at Callahan, thence over U.S. Highway 301 to junction U.S. Highway 321, thence over U.S. Highway 321 to junction U.S. Highway 21 at or near Columbia, S.C., thence over U.S. Highway 21 to Charlotte, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8989 (Sub-No. 205), filed February 25, 1965. Applicant: HOWARD SOBER, INC., 2400 West Saint Joseph Street, Lansing, Mich., 48904. Applicant's attorney: Albert F. Beasley, 1019 Investment Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, tractors,* and *chassis*, in initial movements, in truckaway service, and *bodies* and *cabs*, and *accessories* for and *parts* of such vehicles when moving in connection therewith, from Lansing, Mich. to points in Minnesota.

NOTE: Applicant states it presently holds authority in Docket No. MC 8989, Sub-No. 167, to transport trucks, tractors and chassis, in initial movements, in truckaway service, truck and tractor bodies and cabs, and parts of or accessories for the aforementioned commodities when moving with the vehicles, bodies or cabs in which they are to be installed, from Lansing, Mich., to points in several States including Minnesota. The purpose of this application is to enlarge the commodity description in respect to movements to points in Minnesota. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 17839 (Sub-No. 1), filed March 1, 1965. Applicant: BEN FRANKLIN LINES, INC., 65 Dock Street, Yonkers 1, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable and wire*, from Yonkers, N.Y., to points in New Jersey, and *empty reels and rejected and returned shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 22195 (Sub-No. 106), filed February 15, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from Aberdeen, S. Dak., and points within 15 miles thereof, to points in Minnesota, Montana, North Dakota, and Wyoming and (2) from Jamestown, N. Dak., and points within 15 miles thereof (except from the site of the pipeline terminal of Standard Oil Co. and/or American Oil Co., approximately 12 miles west of Jamestown, N. Dak., on U.S. Highway 10) to points in Minnesota, Montana, South Dakota, and ports of entry on the international boundary line between the United States and Canada located in North Dakota, and *rejected and returned shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 25869 (Sub-No. 33), filed February 23, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 184, South Omaha Station, 2509 O Street, South Omaha, Nebr. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from Burns Harbor, Porter County, Ind., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 31600 (Sub-No. 580), filed February 17, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, dry and *sodium silicate compounds*, dry, in bulk, in tank or hopper type vehicles, from Rahway and Woodbridge, N.J., to points in Onondago County, N.Y., west of U.S. Highways 11 and 57.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 33323 (Sub-No. 21), filed February 19, 1965. Applicant: SUN TRANSPORTATION COMPANY, a corporation, Box 1187, Boise, Idaho. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Spokane, Wash., and points within 10 miles thereof, to points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 33421 (Sub-No. 2), filed February 23, 1965. Applicant: HERBERT F. CHASE, doing business as CHASE TRUCKING, 70 Central Street, Claremont, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Such commodities* as are dealt in by grocery stores, from Lawrence, Mass., to Claremont, N.H., from Lawrence over Massachusetts Highway 28 to Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Man-

chester, thence over New Hampshire Highway 114 to Bradford, thence over New Hampshire Highway 103 to Claremont, and return over the same route, serving no intermediate points.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 117192, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 41849 (Sub-No. 23), filed February 26, 1965. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 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: *Pig iron*, in bulk, in dump vehicles, from Chicago, Ill., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 41), filed March 1, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. Applicant's attorney: Irving Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, from Greenfield and Dresden, Tenn., and Little Rock, Ark., to Chicago, Ill., Philadelphia, Pa., and points in the New York, N.Y., commercial zone, as defined by the Commission, and *returned wearing apparel*, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52869 (Sub-No. 77), filed March 3, 1965. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. 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 points in Brown County, S. Dak., to points in Montana, North Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pierre, Rapid City, or Sioux Falls, S. Dak.

No. MC 53965 (Sub-No. 38), filed February 23, 1965. Applicant: GRAVES TRUCK LINE, INC., Salina, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points within a five (5) mile radius of Garden City, Kans., to points in Laramie County, Wyo., points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas, Baca, Prowers, Bent, and Otero Counties, Colo., and points in Nebraska, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Florida, North Dakota, South Dakota, New Mexico, Arizona, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 54515 (Sub-No. 8), filed February 3, 1965. Applicant: BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. Applicant's attorney: William M. Houston, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and those requiring special equipment), (1) between points in Maine, serving all intermediate points: From Brownville Junction over Maine Highway 11 (formerly Maine Highway 221) to Milo, thence over Maine Highway 16 to Dover-Foxcroft, and return over the same route; from East Millinocket over Maine Highway 157 to Millinocket, thence over unnumbered highway to Norcross, and return over the same route; from Sherman Mills over unnumbered highway to junction Maine Highway 2, and return over the same route; from Sherman over Maine Highway 11 to Patten, thence over Maine Highway 159 to Island Falls, and return over the same route; from Houlton over Alternate U.S. Highway 2 to junction unnumbered highway, thence over unnumbered highway to New Limerick, and return over the same route; from Presque Isle over Maine Highway 167 to Fort Fairfield (also from Presque Isle over Maine Highway 10 to Westfield, thence over unnumbered highway via Easton to Easton Center, thence over Alternate U.S. Highway 1 to Fort Fairfield), and return over the same route;

From Van Buren over U.S. Highway 1 to Frenchville, and return over the same route; from Winterville over Maine Highway 11 to Fort Kent, thence over Maine Highway 161 to St. Francis, and return over the same route; between Greenville, Maine, and Sangerville, Maine, serving all intermediate points and the off-route point of Blanchard, Maine: From Greenville over Maine Highway 15 to junction unnumbered highway east of Guilford, Maine, thence over said unnumbered highway to Sangerville, and return over the same route; between Sherman, Maine, and Mars Hill, Maine, serving all intermediate points and the off-route points of Oakfield and Robinsons, Maine; from Sherman over Maine Highway 158 via Sherman Mills, Maine, to junction U.S. Highway 2, thence over U.S. Highway 2 to Houlton, Maine, thence over U.S. Highway 1 to Mars Hill, and return over the same route; between Presque Isle, Maine, and Perham, Maine, serving no intermediate points; from Presque Isle over Maine Highway 163 to Mapleton, Maine, thence over Maine Highway 228 to Perham, thence return over Maine Highway 228 to junction Maine Highway 164, thence over Maine Highway 164 to junction U.S. Highway 1, thence over U.S. Highway 1 to Presque Isle; between Limestone, Maine, and Stockholm, Maine, serving all intermediate points and the off-route point of New Sweden, Maine; from Limestone over Maine Highway 89 to Caribou, Maine, thence over Maine Highway 161 to Stockholm, and return over the same route; between Portage, Maine, and Masardis, Maine, serving all intermediate points between Ashland, Maine, and Masardis, and the off-route point of Sheridan, Maine; from Portage over Maine Highway 11 via Ashland to Masardis, and return over the same route.

(2) *General commodities* (except commodities in bulk and those requiring special equipment), serving rail stations of the Bangor and Aroostook Railroad Co., in Aroostook County, Maine, as off-route points in connection with carrier's regular-route operations to and from Presque Isle and Houlton, Maine.

NOTE: Applicant states that the only purpose of this application is to substitute the restriction that "service be limited to shipments which have an immediately prior or immediately subsequent movement by rail" for the present restriction that "service shall be limited to less-than-carload shipments which have an entire prior or entire subsequent movement by rail and move on a rail bill of lading". Applicant is also authorized to conduct operations as common carrier of passengers in MC 57662 and Subs thereunder. This application was accompanied by a motion to dismiss, also published in this issue of the FEDERAL REGISTER. If a hearing is deemed necessary, applicant requests it be held at Bangor, Maine.

No. MC 54515 (Sub-No. 8) (MOTION TO DISMISS), filed February 3, 1965. Petitioner: BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. Petitioner's attorney: William M. Houston (same address as applicant). Petitioner is authorized in No. MC 54515 Subs 6 and 7 to operate as a common carrier, by motor vehicle, over specified regular routes in Maine, transporting general commodities (except commodities in bulk and those requiring special equipment), limited to shipments having a prior or subsequent rail haul. In addition, each of the two certificates contains, among others, the restriction "Service shall be limited to less-than-carload shipments which have an entire prior or entire subsequent movement by rail and move on a rail bill of lading." Petitioner has filed a permanent authority application, also published in this issue of the FEDERAL REGISTER. By the instant petition, petitioner requests that the Commission find that it already has authority to interchange less-than-carload freight with a motor common carrier at a rail junction point on the line of applicant, and dismiss the application, or that in the alternative, it clarify applicant's certificates by deleting the above-mentioned restriction and substitute therefor the restriction that all shipments will have an immediately prior or immediately subsequent movement by rail. Any person or persons 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.

No. MC 59609 (Sub-No. 6), filed February 15, 1965. Applicant: HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and salvage material*, in dump and self-unloading vehicles, between points in Illinois, Indiana, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenosha, or Madison, Wis.

No. MC 60190 (Sub-No. 2), filed February 19, 1965. Applicant: ACTIVE MOVING & STORAGE CO., INC., 39 South Hinds, Seattle, Wash. Applicant's attorney: George H. Hart, 1100 I.B.M. 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, between points in Washington, in and west of Klickitat, Yakima, Kittitas, Douglas, and Okanogan Counties.

NOTE: Applicant states the proposed service is to be restricted to shipments having a prior or subsequent movement beyond Washington, in containers and further restricted to pick up and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. No authority is sought to duplicate that now held in MC 60190. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 61396 (Sub-No. 125), filed February 15, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 63101 (Sub-No. 4), filed February 25, 1965. Applicant: KEENE'S TRANSFER, INC., doing business as KEENE'S TRANSFER, Post Office Box 67, Tomah, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and empty containers*, new or used, from Chicago, and North Chicago, Ill., to points in Adams, Ashland, Chippewa, Clark, Iron, Jackson, Juneau, Lincoln, Marathon, Monroe, Oneida, Portage, Price, Rusk, Sawyer, Taylor, Vilas, Washburn, and Wood Counties, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 64112 (Sub-No. 23), filed February 23, 1965. Applicant: NORTH-EASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. Delbert Turner, Sr., 1415 East Boulevard, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from Farmville, N.C., to Pen Argyl, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 64932 (Sub-No. 372), filed February 18, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. 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 chemicals*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Maryland, Delaware, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 80428 (Sub-No. 43), filed February 23, 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, from Albany, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and *returned, refused*, and *rejected shipments* of the above commodities, on return.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 83217 (Sub-No. 14), filed February 23, 1965. Applicant: DAKOTA EXPRESS, INC., Wilson Terminal Building, Post Office Box 533, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, (1) from Sioux Falls, S. Dak., and Estherville, Iowa, to points in Iowa, Minnesota, South Dakota, and Wisconsin, and (2) from Estherville and Ottumwa, Iowa, to points in Nebraska, and *exempt commodities*, on return in (1) and (2) above.

NOTE: Applicant states no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 87231 (Sub-No. 20), filed February 25, 1965. Applicant: BAY AND BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's attorney: Donald A. Morken, One Thousand First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having a prior or subsequent movement by rail or water, between points in Minnesota, on the one hand, and, on the other, points in Iowa, North Dakota, South Dakota, Wisconsin and the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Minneapolis, Minn.

No. MC 87928 (Sub-No. 42), filed February 19, 1965. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Wayne, Mich., 48184. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks*, and *busses* as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in driveaway and truckaway service, and *parts* and *accessories* thereof moving at the same time and with the vehicles of which they are a part and on which they are to be installed, from points in Wayne County, Mich., on and south of Interstate Highway 96 (formerly U.S. Highway 16) to points in Minnesota and Iowa, and (2) *farm type tractors moving in mixed shipments with automobiles and trucks*, and *parts* and *accessories* thereof moving at the same time and with the tractors of which they are a part and on which they are to be installed, from points in Wayne County, Mich., on and south of Interstate Highway 96 (formerly U.S. Highway 16) to points in Minnesota and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88161 (Sub-No. 67), filed February 23, 1965. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids* and *chemicals*, in bulk, in tank vehicles, between the ports of entry on the international boundary line between the United States and Canada located in Idaho and Montana, on the one hand, and, on the other, points in Idaho, Oregon, and Montana.

NOTE: Applicant states it will transport *rejected* and *contaminated shipments*, on return. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 92983 (Sub-No. 464), filed March 3, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. 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 Kansas City, Mo., to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 97246 (Sub-No. 4), filed February 23, 1965. Applicant: CONRAD

TRUCKING COMPANY, INC., ¼ Jackson Street, Binghamton, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Binghamton, N.Y., to points in Ohio, Indiana, Illinois, Michigan, and those in Pennsylvania west of U.S. Highway 15.

NOTE: Applicant states that it intends to "tack" the authority sought with its presently held authority in MC 97246 (Subs 1 and 2) and may "tack" the same with the authority which might result upon approval of applications presently pending in MC–F 8869 and MC 126588, which is directly related to MC–F 8869. In the event of prior approval of the above-referenced applications it is intended that Kerr Motor Lines, Inc., applicant therein, will be substituted as applicant herein. In the event of prior approval of this application, the application in MC–F 8869 will be amended to include any authority granted herein. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 99494 (Sub-No. 3), filed February 11, 1965. Applicant: CHESTER H. FLIESBACH AND CLARK N. WILLIAMS, a partnership, doing business as OREGON TRAIL CARTAGE CO., Scottsbluff, Nebr. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment), (1) between Bridgeport, Nebr., and Scottsbluff, Nebr., over Nebraska Highway 92 (formerly Nebraska Highway 86), serving no intermediate points, but serving the off-route points of Minatare, Bayard, and Northport, Nebr.; and (2) between Bridgeport, Nebr., and Lewellan, Nebr., over U.S. Highway 26, serving the intermediate points of Broadwater, Lisco and Oshkosh, Nebr.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 102616 (Sub-No. 760), filed February 19, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 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: *Fly ash*, in bulk, in hopper type vehicles, from Albright, W. Va., to Point Marion, Pa.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 103435 (Sub-No. 165), filed February 15, 1965. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 533 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular Routes: *General commodities* (except those of unusual value, household goods as defined by the Commission and liquid commodities in bulk), serving missile testing launching sites and supply points therefor, located in Toole, Pondera, Teton, Cascade, and Chouteau Counties, Mont., as off-route points in connection with applicant's authorized regular-route operations in Toole, Pondera, Teton, Cascade, and Chouteau Counties, Mont.; Irregular Routes: *General commodities* (except those of unusual value, household goods as defined by the Commission and liquid commodities in bulk), between Great Falls, Havre, and Shelby, Mont., and points within ten miles thereof, on the one hand, and, on the other, ballistic missile testing and launching sites and supply points therefor in Toole, Pondera, Teton, Cascade, and Chouteau Counties, Mont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 103993 (Sub-No. 201), filed February 26, 1965. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *component parts* thereof, when shipped therewith, in initial movements, in truckaway service, from points in East Carroll Parish, La., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 104004 (Sub-No. 162), filed February 23, 1965. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017. Applicant's representative: John P. Tynan (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, S.C., and Greenville, S.C., from Charleston over Interstate Highway 26 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 104523 (Sub-No. 30), filed February 17, 1965. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed* and *feed ingredients*, between points in Texas, Oklahoma, Arkansas, Kansas, Wyoming, Nebraska, Colorado, Iowa, South Dakota, and Montana.

NOTE: Applicant states the above proposed operation will be restricted against transportation in tank vehicles and further restricted against the transportation of salt and salt compounds. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 105387 (Sub-No. 38), filed March 1, 1965. Applicant: R. A. CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. 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, Missouri, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 105902 (Sub-No. 12), filed February 12, 1965. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. 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 all intermediate points on New York Highway 17, between Elmira and Binghamton, N.Y., including Binghamton, in connection with applicant's regular-route operations in MC 105902, between Elmira and New York, N.Y., as follows: (1) From Elmira over New York Highway 17 via Binghamton to the New York-New Jersey State line, thence over New Jersey Highway 17 to Newark, N.J., thence over U.S. Highway 1 to Jersey City, N.J., and thence across the Hudson River to New York, and return over the same route, serving the intermediate points of Newark and Jersey City, N.J.; and (2) from Elmira to Binghamton, N.Y., as specified above, thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to junction New Jersey Highway 30, thence over New Jersey Highway 30 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 29, thence over New Jersey Highway 29 to Newark, N.J., and thence to New York, as specified above, and return over the same route, serving the intermediate points of Newark and Jersey City, N.J.

NOTE: Applicant states it now holds authority to serve Binghamton via Penn Yan on less-than-truckload traffic; on truckload traffic over irregular routes, and all other points on truckload traffic over irregular routes. It holds intrastate rights over a regular route to serve all points sought herein. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106037 (Sub-No. 4), filed February 24, 1965. Applicant: ROADWAY TRANSPORT LIMITED, 2515 Gerrard

Street East, Scarborough, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *buses* as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *including parts and accessories thereof* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, via truckaway and driveaway methods, in initial and secondary movements, (1) between the ports of entry on the international boundary line between the United States and Canada located on the St. Clair River and points in St. Clair County, Mich., (2) between the ports of entry on the international boundary line between the United States and Canada located on the Niagara River and points in Niagara and Erie Counties, N.Y., and (3) between the ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River and points in Jefferson and St. Lawrence Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 106398 (Sub-No. 261), filed March 1, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 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, in truckaway service, from points in Hanover County, Va., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 106968 (Sub-No. 3), filed February 25, 1965. Applicant: ROBERT B. WHITE, doing business as BOB WHITE'S HORSE TRANSPORTATION, Post Office Box 64, San Ysidro, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses*, and in the same vehicle with such horses, *supplies* and *equipment* used in the transportation, care and exhibition of such horses, and *the personal effects of their attendants*, between points in Maricopa County, Ariz., on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico located at or near El Paso, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 107107 (Sub-No. 336), filed February 25, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, from points in Iowa, to points in North Carolina and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held either in Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 361), filed February 23, 1965. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, from East Dubuque, Ill., and points within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107496 (Sub-No. 362), filed February 24, 1965. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sand*, from points in St. Louis County, Mo., to points in Illinois.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107515 (Sub-No. 508), filed February 17, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., and points within 10 miles thereof, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 509), filed February 25, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Frankfort, Mich., on the one hand, and, on the other, Allentown, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107727 (Sub-No. 17), filed February 23, 1965. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex. Applicant's attorney: Dan Felts, Suite 204, 904 LaVaca Street, Post Office Box 1117, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission and commodities in bulk), between Laredo, Tex., and a point 25 miles northwest thereof on Farm-to-Market Road 1472; from Laredo in a northwesterly direction on Farm-to-Market Road 1472 to a point 25 miles from Laredo and approximately eight (8) miles beyond the Delores Ranch, and coordinating the service with applicant's regular-route authority, serving all intermediate points, including Laredo Airfield and Laredo Feedlot and off-route points within five (5) miles of Farm-to-Market Road 1472 served by all access and/or unnumbered roads.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Laredo, Tex.

No. MC 108449 (Sub-No. 199), filed February 24, 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: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from Consumers Cooperative Association plant located at or near Fort Dodge, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108460 (Sub-No. 12), filed February 25, 1965. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 3901 West 12th Street, Sioux Falls, S. Dak. Applicant's attorney: Mead Bailey, 305 Northwestern Bank Building, Sioux Falls, S. Dak., 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, in bulk, in tank vehicles, from Aberdeen, S. Dak., and points within 15 miles thereof, to points in Minnesota, Montana, North Dakota, and Wyoming, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110157 (Sub-No. 25), filed February 23, 1965. Applicant: LANG TRANSIT COMPANY, a corporation, 38th and Quirt Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., 13th Floor, Great Plains Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those

requiring special equipment), between Hereford and Springlake, Tex., from Hereford over U.S. Highway 385 to Springlake, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, serving Hereford, as a point of joinder only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lubbock, Tex.

No. MC 110420 (Sub-No. 417), filed February 18, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as above). 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 Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 419), filed February 23, 1965. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils; vegetable oils and petroleum naphtha* (mineral spirits) combined, in bulk, in tank vehicles, from Red Wing, Minn., to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania (on and west of U.S. Highway 219), South Dakota, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110525 (Sub-No. 706), filed February 25, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005; 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: *Spent phosphoric acid*, in bulk, in tank vehicles, (1) from Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, and Riga, Mich., 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 Washington, D.C.

No. MC 110525 (Sub-No. 707), filed March 1, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005; 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: *Xylol*, in bulk, in tank vehicles, from Bethlehem, Pa., to Big Flats, N.Y.

NOTE: Applicant states the purpose of this application is to eliminate the gateway at Carteret, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 708), filed March 1, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Edwin H. van Deusen, 506 East Lancaster Avenue, Downingtown, Pa.; and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Gibbstown, N.J., to Middleway, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 709), filed March 1, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., 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: *Crude lecithin oil*, in bulk, in tank vehicles, from Bellevue, Ohio, to Carnegie, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 298), filed February 23, 1965. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carpentersville, Ill., to points in North Carolina, South Carolina, Virginia, Maryland, West Virginia, New Jersey, Nevada, Utah, California, and Arizona.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111231 (Sub-No. 59), filed February 18, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Kans., and points in its commercial zone to points in Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111397 (Sub-No. 67), filed February 17, 1965. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215, Katterjohn Building, Box 1284, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Maury County, Tenn., to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111687 (Sub-No. 27), filed March 2, 1965. Applicant: BENJAMIN H. RUEGSEGGER, Route 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Ligionier, Ind., and *empty malt beverage containers*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 111941 (Sub-No. 6), filed February 26, 1965. Applicant: PIERCETON TRUCKING COMPANY, INC., Laketon, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete and materials and supplies used in the erection thereof*, from Indianapolis, Ind., to points in Illinois, Iowa, Ohio, Michigan, Kentucky, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 112617 (Sub-No. 193), filed February 23, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia), in bulk, from Mount Vernon, Ind., and points within five (5) miles thereof, to points in Illinois, Indiana, Kentucky, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113362 (Sub-No. 62), filed February 26, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, articles distribtued by meat packinghouses*, and *such commodities as are used by meatpackers* in the conduct of their business when destined to and for use by meatpackers, as described in sections A, 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, Iowa, Maine,

Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Washington, D.C.

No. MC 113470 (Sub-No. 2), filed February 23, 1965. Applicant: SLINGER TRANSFER CO., INC., Post Office Box 693, Cedarburg, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between junction Wisconsin Highways 83 and 175, and Hartford, Wis., over Wisconsin Highway 83, serving all intermediate points; (2) between junction Wisconsin Highway 60 and U.S. Highway 41 and Hartford, Wis., over Wisconsin Highway 60 serving the intermediate point of Slinger, Wis., and serving junction Wisconsin Highway 60 and U.S. Highway 41 for the purpose of joinder only; and (3) between Hartford, Wis., and North Lake, Wis., over Wisconsin Highway 83, serving no intermediate points.

NOTE: Applicant states that the purpose of this application is to eliminate from its present authority in Certificate No. MC 113470 (Sub-No. 1) the restriction relating to Hartford, Wis., which states "and serving Hartford for the purpose of joinder only." Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 113678 (Sub-No. 108), filed February 23, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 114045 (Sub-No. 170), filed February 24, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packinghouses*, as defined by the Commission in 61 M.C.C. 209, from Louisville, Ky., to points in Florida, Georgia, Tennessee, South Carolina, Alabama, Mississippi, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 114045 (Sub-No. 171), filed February 24, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as defined by the Commission in 61 M.C.C. 209, from Columbus, Ind., to points in Florida, Georgia, Tennessee, South Carolina, Alabama, Mississippi, Louisiana, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 114045 (Sub-No. 172), filed March 1, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared or preserved* (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 114106 (Sub-No. 45), filed February 17, 1965. Applicant: MAYBELLE TRANSPORT COMANY, a corporation, Post Office Box 573, 1820 South Main Street, Lexington, N.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Lexington, N.C., to points in Virginia east of Virginia Highway 16.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 114284 (Sub-No. 21), filed February 24, 1965. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles thereof, to points in Arkansas, Arizona, California, Colorado, Iowa, Oklahoma, Nebraska, New Mexico, South Dakota, and Texas, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114569 (Sub-No. 72), filed February 17, 1965. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials made of metal, handles, ears, pumps, pump plungers, fire pots, roofing brackets, solder coppers, handles, and flexes; and parts, accessories, advertising material and hand tools relative to, and when in the same vehicle with the above-named commodities, no single item to weigh more than 2,000 pounds*, from points in Lower Southampton Township, Bucks County, Pa., to points in Alabama, Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114692 (Sub-No. 4), filed February 18, 1965. Applicant: O. B. HILL MOTOR TRANS. COMPANY, INC., 209 West Central Street, Natick, Mass. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated houses and buildings*, assembled and unassembled, and *parts* and *accessories thereof*, from Millis, Mass., to points in New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, and Pennsylvania, those in that part of Maine on and south of U.S. Highway 2 and west of the Penobscot River, and those in New York east and south of a line beginning at the New York-Pennsylvania State line south of Binghamton and extending along New York Highway 12 to junction New York Highway 28 at or near Alder Creek, thence along New York Highway 28 via Wevertown to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 73 at Severance, thence along New York Highway 73 to Ticonderoga, including points on the portions of highways specified, the District of Columbia and Delaware, points in Arlington and Fairfax Counties, Va., Alexandria and Falls Church, Va., and points in Maryland east of the Washington-Frederick County line (except those in Carroll County, Md.)

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Hodgson Houses, Inc. of Millis, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 115162 (Sub-No. 107), filed February 19, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Michigan to points in Texas and Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Grand Rapids or Lansing, Mich.

No. MC 115162 (Sub-No. 109), filed February 25, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Ever-

green, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Canton, Miss., to Grapevine, Alvin, Tyler, Georgetown, and, New Braunfels, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115331 (Sub-No. 106), filed February 15, 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: *Anhydrous ammonia*, in bulk, from the site of Monsanto Co.'s terminal, located at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 115331 (Sub-No. 108), filed February 19, 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: *Caramel coloring, syrup, burnt sugar, liquid sugar*, and *blends* thereof, in bulk, in tank vehicles, from Clinton, Iowa to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas (except Bonner Springs), Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 112), filed February 26, 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: *Fertilizer* and *fertilizer ingredients*, in bulk, from Dubuque, Iowa, and points within 10 miles thereof, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115491 (Sub-No. 56), filed February 26, 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: *Canned goods*, from points in Florida to points in North Carolina, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, and New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115841 (Sub-No. 223), filed February 24, 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: *Meats, meat products, and meat byproducts*, from Nashville, Tenn., to points in Wisconsin and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116254 (Sub-No. 51), filed February 24, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. 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: *Fertilizers and fertilizer ingredients*, from points in Alabama to points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Montgomery or Birmingham, Ala.

No. MC 116282 (Sub-No. 15), filed February 17, 1965. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporaton, 246 Broad Street, Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, (1) from Lincoln, R.I., to Lewiston, Maine, under a continuing contract with the Lonsdale Bakery Co., of Lincoln, R.I., and (2) from Natick, Mass., to Augusta, Bangor, Biddeford, Brunswick, Ellsworth, Lewiston, Livermore Falls, Newport, Portland, Rockland, Rumford, and Waterville, Maine, and Dover, Berlin, Hampton, and Portsmouth, N.H., under a continuing contract with Continental Bakery of Boston and Natick, Mass.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117119 (Sub-No. 196), filed February 15, 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: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within ten (10) miles thereof, to points in Alabama, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and Tennessee (except Memphis).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wichita, Kans.

No. MC 117119 (Sub-No. 197), filed February 23, 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: *Fibreboard boxes*, corrugated, knocked down flat, from Wallula, Wash., to Ontario and Vale, Oreg., and Caldwell, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117439 (Sub-No. 14), filed February 19, 1965. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Port Allen, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground oyster shells*, in bulk, in hopper type vehicles, from Mobile, Ala., to Pensacola, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 117815 (Sub-No. 35), filed February 24, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles of Garden City, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wichita, Kans.

No. MC 117980 (Sub-No. 2), filed February 24, 1965. Applicant: WILLIAM BADGIO AND SONS, INC., 291 Green Street, Brockton, Mass., 02403. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark, N.J., to Brockton, Cambridge, New Bedford and Worcester, Mass., Providence, R.I., and Manchester, N.H.

NOTE: Applicant states that it will transport *exempt commodities*, on return. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 118196 (Sub-No. 27), filed February 23, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products* and *bakery product ingredients*, in vehicles equipped with mechanical refrigeration units, from Carrollton, Mo., and Seelyville, Ind., to points in Arkansas, Oklahoma, Kansas, Nebraska, Colorado, New Mexico, Arizona, California, Nevada, Utah, Wyoming, Idaho, Oregon, Washington, Montana,

Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE: Applicant states the proposed service is restricted to traffic originating at the plant sites of the supporting shippers at Carrollton, Mo., and Seelyville, Ind. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 118196 (Sub-No. 28), filed February 23, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Hiway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as defined by the Commission, from Garden City, Kans., and points within ten miles thereof, to points in California, Arizona, Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Iowa, Minnesota, Wisconsin, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Illinois, Mississippi, Alabama, Georgia, Florida, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118468 (Sub-No. 18), filed February 23, 1965. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials* moving therewith, from the plant site of the United States Gypsum Co., Fort Dodge, Iowa, to points in Minnesota, and *damaged and rejected shipments*, on return.

NOTE: Applicant states that the proposed operation will be limited to a transportation service to be performed under a continuing contract with United States Gypsum Co. of Fort Dodge, Iowa. Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 124813 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118963 (Sub-No. 2), filed February 23, 1965. Applicant: CHARLES L. PHILLIPS, 928 South Glenstone, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, sewer tile*, and *concrete block*, from Humboldt, Kans., to Springfield, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119373 (Sub-No. 3), filed February 17, 1965. Applicant: LEE ROUNDY FEED & GRAIN, INC., Anthony, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points within a 5-mile radius of Garden City, Kans., to points in California, New Mexico, Texas, Arizona, Idaho, Washington, and Oregon.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 56), filed February 23, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in mechanically refrigerated equipment, from Rock Rapids, Iowa, to Deerfield, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 57), filed February 23, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, 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 123048 (Sub-No. 57), filed February 19, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in California, Colorado, Idaho, Montana, Washington, and Wyoming to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 124048 (Sub-No. 22), filed February 23, 1965. Applicant: SCHWERMAN TRUCKING CO., OF INDIANA, INC., 611 South 28 Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Sawyer and Bridgman, Mich., to South Bend, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124123 (Sub-No. 23), filed February 26, 1965. Applicant: SCHWERMAN TRUCKING CO., OF ILL., INC., 611 South 28 Street, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Sawyer and Bridgman, Mich., and Michigan City, Ind., to Peoria, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 32), filed February 25, 1965. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highway 71 and 18 North, Spencer, Iowa. Authority sought to operate as a *comon 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. 209, between Rock Falls and Sterling, Ill., on the one hand, and, on the other, points in Iowa, Nebraska, and Minnesota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124669 (Sub-No. 10), filed February 25, 1965. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Aberdeen, S. Dak., and points within fifteen (15) miles thereof, to points in Wyoming, Montana, North Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124774 (Sub-No. 11), filed February 15, 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: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles, and except hides), from points in Dakota County, Nebr., to points in Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 124951 (Sub-No. 7), filed February 19, 1965. Applicant WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, 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 irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis.; Belleville and Peoria, Ill.; Evansville, Ind.; and St. Louis and St. Joseph, Mo., to points in Kentucky on and west of U.S. Highway 31E, and *empty containers, cases*, and *bottles*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 125353 (Sub-No. 1) (AMENDMENT), filed October 2, 1964, published in FEDERAL REGISTER issue of October 21, 1964, amended October 28, 1964, republished November 4, 1964, and republished as further amended this issue. Applicant: ROCHESTER AIR FREIGHT SERVICE CORPORATION, Air Cargo Building, Monroe County Airport, Rochester 11, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediately prior or immediately subsequent movement by air, (1) between the Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and on the other, points in Orleans, Genesee, Monroe, Livingston, Wyoming, Wayne, Ontario, and Yates Counties, N.Y., and (2) between the Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, the John F. Kennedy International Airport (Queens and Nassau Counties), La Guardia Airport (Queens County), the Greater Buffalo International Airport (Erie County), Rochester-Monroe County Airport (Monroe County), Oneida County Airport (Oneida County), Broome County Airport, (Broome County), Chemung County Airport (Chemung County), Albany County Airport Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), Tompkins County Airport (Tompkins County), and the Clarence E. Hancock Airport (Onondaga County), N.Y., Newark Airport (Essex County), N.J., and Cleveland-Hopkins Airport (Cuyahoga County), Ohio.

NOTE: The purpose of this republication is to clarify that applicant proposes to join the authority in (1) and (2) above for the purpose of performing a through transportation service. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 125973 (Sub-No. 1), filed February 17, 1965. Applicant: CROWN WAREHOUSE & TRANSPORTATION, COMPANY, INC., 710 East Ninth, Gary, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, salt, and canned goods*, between the plant site of The Indiana Wholesale Food Supply Corp. located at Gary, Ind., on the one hand, and, on the other, points in Kentucky, New Jersey, New York, West Virginia, and Wisconsin.

NOTE: Applicant states it presently conducts operations pursuant to a contract with the Indiana Wholesale Food Supply Corp. of Gary, Ind., and by the proposed service seeks to enlarge the destination territory for the same shipper under a continuing contract or contracts. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126537 (Sub-No. 2), filed March 1, 1965. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as, TURNER EXPEDITING SERVICE, Post Office Box 21132, Louisville, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classes A and B explosives), between Standiford Field (Airport) at Louisville, Ky., Blue Grass Field (Airport) near Lexington, Ky., the Greater Cincinnati Airport near Erlanger, Ky., on the one hand, and, on the other, points in Laurel, Knox, Whitley, Pulaski, Carroll, Grant, Nicholas, Garrard, Mercer, Montgomery, Lincoln, and Shelby Counties, Ky., restricted to the handling of shipments having an immediate prior or immediate subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 126575 (Sub-No. 2), filed March 3, 1965. Applicant: CLARENCE R. CRIST, 535 East Fifth Street, Crete, Nebr., 68333. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed feed*, in bulk or bags, from Morrill, Kans., to points in Adams, Buffalo, Clay, Dawson, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Richardson, Saline, Seward, Thayer, Webster, and York Counties, Nebr., and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126712 (AMENDMENT), filed November 9, 1964, published in FEDERAL REGISTER issue of November 25, 1964, amended March 5, 1965, and republished as amended this issue. Applicant: HARDING LEE CREASY, doing business as H. L. CREASY, R.F.D. 1, Bluefield (Abb's Valley, Tazewell County), Va. Applicant's attorney: M. Crockett Hughes, Jr., Bluefield, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Gary, W. Va., to points in that part of Virginia beginning at the West Virginia-Virginia State line near Horsepen, Va., thence over unnumbered Virginia Highway to junction of Virginia Highway 644, thence over Virginia Highway 644 to junction Virginia Highway 16, thence over Virginia Highway 16 to junction Virginia Highway 643, thence over Virginia Highway 643 to junction Virginia Highway 102, thence over Virginia Highway 102 to Virginia-West Virginia State line, and thence along Virginia-West Virginia State line to point of beginning.

NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Bluefield, W. Va.

No. MC 126717 (Sub-No. 2), filed February 25, 1965. Applicant: WALTER PLOUGH, doing business as WALT'S DRIVE-A-WAY SERVICE, Rural Route No. 4, Kuebler Road, Evansville, Ind. Applicant's attorney: William L. Mitchell, Suite 315 Old National Bank Building, Evansville, Ind., 47708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chassis* for self-propelled cranes in drive-away service, from Tulsa, Okla., and Clintonville, Wis., to Evansville, Ind., and Erie, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 126736 (Sub-No. 41), filed March 1, 1965. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 126774 (Sub-No. 1), filed February 26, 1965. Applicant: F. R. COSTELLO, doing business as COSCO SALES & SERVICE, Post Office Box 1662, Casper, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies used in replacing, servicing and repair of machinery and equipment used in, or in connection with the discovery, development and production of natural gas and petroleum or their products and byproducts*, between Casper, Wyo., on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo.

No. MC 126791 (AMENDMENT), filed December 9, 1964, published FEDERAL REGISTER issue of December 23, 1964, amended March 5, 1965 and republished as amended this issue. Applicant: BEAR VAN LINES, a corporation, 1855 East Avenue, Sand City, Calif. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Santa Barbara, San Luis Obispo, Monterey, San Benito, and Santa Cruz Counties, Calif., and (b) between points in said counties on the one hand, and, on the other, ports and points on San Francisco Bay, Calif., restricted to shipments having a prior or subsequent movement beyond said ports, points and counties, and further restricted to pickup and delivery service incidental to and in con-

nection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments.

NOTE: The purpose of this republication is to correctly set forth the authority sought, and to show that authority is sought by the above-named corporation, rather than by Richard E. Pagano, doing business as Bear Transfer & Storage, as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126875, filed January 11, 1965. Applicant: C. A. KNAACK, doing business as KNAACK DRAY LINE, Owen, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Owen, Wis., and Longwood, Wis.; from Owen over Wisconsin Highway 29 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to Longwood and return over the same route, serving all intermediate points and the off-route point of Withee, Wis.; and (2) between Owen, Wis., and Curtiss, Wis.; from Owen over Wisconsin Highway 29 to junction County Road E, thence over County Road E to Curtiss and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126899 (Sub-No. 1) (CORRECTION), filed February 4, 1965, published FEDERAL REGISTER issue of February 25, 1965, and republished as corrected this issue. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: Louis J. Amato, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., Peoria, Ill., and Milwaukee, Wis., to Owensboro, Ky.

NOTE: The purpose of this republication is to show the correct name of applicant in lieu of Usher Transport Co., Inc., previously published. If a hearing is deemed necessary, applicant requests it be held at Owensboro, Ky.

No. MC 126946, filed February 3, 1965. Applicant: HAROLD J. SCHERY AND HOWARD A. SCHERY, doing business as SCHERY AND SCHERY TRUCKING, Post Office Box 14, Geneseo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Livingston County, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, New Jersey, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 126980, filed February 17, 1965. Applicant: ELBE TRANSPORT, INC., 511 Fidelity Building, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Colorado and New Mexico to points in Indiana on and north of U.S. Highway 50 and on and south of U.S. Highway 24 and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 126987, filed February 16, 1965. Applicant: VINCENT FISTER, INC., 831 National Avenue, Lexington, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Breathitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitley, Wolfe, and Woodford Counties, Ky.

NOTE: Applicant states the above proposed operations will be restricted to shipments having a prior or subsequent movement beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 126988, filed February 16, 1965. Applicant: WALTER BRIENZA AND RICHARD BRIENZA, a copartnership, doing business as FERRARA BROS., 555 West 22d Street, New York, N.Y., 10011. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marble*, from piers located at the Port of Newark, and those located in New Jersey, on the Hudson River, and those in New York, N.Y., to points in Pennsylvania, New Jersey, and New York, and (2) *glass lamp parts, glass blocks, brass lamp parts, wood turnings*, and *wooden tables*, from piers located in New York, N.Y., to points in Pennsylvania, New Jersey, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126995, filed February 18, 1965. Applicant: RICHARD L. GEORGE, doing business as G&R, ENTERPRISES, 10289 U.S. Highway 20, Osceola, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Panels, plywood, boards, building wall* and/or *insulating*, and *materials and supplies*, used in the installation of said products, from the plant site of the Miratile Panel Products Division of the Abitibi Corp., Elkhart, Ind., to points in Michigan on and south of Michigan Highway 21.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127014, filed February 23, 1965. Applicant: EMMETT NEPA, Rural Delivery 4, Box 3, Uniontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware, dinnerware, glassware, and pottery*, from Canonsburg, Pa., to points in Tennessee, North Carolina, South Carolina, Georgia, and Florida.

NOTE: Applicant states the proposed service is to be under a continuing contract with Canonsburg Pottery Co., and its subsidiaries, Steubenville Pottery Co., and Jefferson Dinnerware Sales Corp., and all of the aforementioned transportation limited to the origin point of Canonsburg, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127017, filed February 23, 1965. Applicant: ALBANY TRANSFER CO., INC., 217 North Washington Street, Albany, Ga. Applicant's attorney: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment for handling, between points in Georgia, on the one hand, and, on the other, points in Tennessee, Alabama, South Carolina, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, Ga.

No. MC 127022, filed February 25, 1965. Applicant: CLYDE LOVE DISTRIBUTING COMPANY, a corporation, 520 East Seventh Street, Joplin, Mo. Applicant's attorney: Frank J. Iuen, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo. to Frontenac, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127023, filed February 26, 1965. Applicant: R. M. E. TRANSPORT, INC., Box 418, Streator, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Illinois, restricted to shipments having a prior or subsequent rail movement.

NOTE: Applicant states the service requested will be supplemental to rail service.

If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 51), filed February 19, 1965. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Fair Oaks, N.Y., and Parksville, N.Y.; from junction New York Highway 17M (formerly New York Highway 17) and New York Highway 17 in Fair Oaks, over New York Highway 17 to junction unnumbered highway (formerly New York Highway 17) in Parksville and return over the same route, serving all intermediate points; also using all access and exit roads to and from New York Highway 17 connecting to and from various highways as follows: (a) between Exit No. 116 and junction access roads and New York Highway 17K near Bloomingburg, N.Y., over access roads; (b) between Exit No. 114 and junction access roads and unnumbered highway (formerly New York Highway 17) near High View, N.Y., over access roads; (c) between Exit No. 113 and junction access roads and New York Highway 209 near Wurtsboro, N.Y., over access roads; (d) between Exit No. 112 and junction access roads and unnumbered highway (formerly New York Highway 17) near Wurtsboro Hills, N.Y., over access roads; (e) between Exit No. 110 and junction access roads and unnumbered highway (formerly New York Highway 17) near Wanasink Lake, N.Y., over access roads; (f) between Exit No. 109 and junction access roads and unnumbered highway (formerly New York Highway 17) near Rock Hill, N.Y., over access roads; (g) between Exit No. 106 and junction access roads and unnumbered highway (formerly New York Highway 17), southeast of Monticello, N.Y., over access roads; (h) between Exit No. 105 A and B and junction access roads and New York Highway 42 near Monticello, N.Y., over access roads.

(i) between Exit No. 104 and junction access roads and unnumbered highway (formerly New York Highway 17), northwest of Monticello, N.Y.; (j) between Exit No. 103 and junction access roads and unnumbered highway (formerly New York Highway 17), near Kinnebrook, N.Y., over access roads; (k) between Exit No. 102 and junction access roads and unnumbered highway (formerly New York Highway 17), near Harris, N.Y., over access roads; (l) between Exit No. 101 and junction access roads and unnumbered highway (formerly New York Highway 17), near Ferndale, N.Y., over access roads; (m) between Exit No. 100 and junction access roads and unnumbered highway (formerly New York Highway 17), southeast of Liberty, N.Y., over access roads; and (n) between Exit No. 99 and junction access roads and unnumbered highway (formerly New York Highway 17), northwest of Liberty, N.Y., over access roads; serving no intermediate points in connection with (a) through (n) above; (2) between junction New York Highways 17 and 209 south of Wurtsboro, N.Y., and junction New York Highway 209 and unnumbered highway (formerly New York Highway 17), over New York Highway 209, serving all intermediate points; (3) between Parksville, N.Y., and Livingston Manor, N.Y.; from junction unnumbered highway (formerly New York Highway 17) and New York Highway 17 in Parksville, over New York Highway 17 to junction unnumbered highway (formerly New York Highway 17) in Livingston Manor and return over the same route, serving all intermediate points; also using all access and exit roads to and from New York Highway 17 connecting to and from various highways as follows:

(a) Between Exit No. 98 and junction access roads and Sullivan County Highway 85 in Parksville, N.Y., over access roads; (b) between Exit No. 97 and junction access roads and unnumbered highway (formerly New York Highway 17) northeast of Livingston Manor, N.Y., over access roads; and (c) between Exit No. 96 and junction access roads and Sullivan County Highway 81 in Livingston Manor, N.Y., over access roads; serving no intermediate points in connection with (a) through (c) above; (4) between junction New York Highway 17 and Sullivan County Highway 85 in Parksville, N.Y., and junction Sullivan County Highway 85 and unnumbered highway (formerly New York Highway 17) in Parksville, N.Y., over Sullivan County Highway 85, serving all intermediate points; (5) between junction New York Highway 17 and Sullivan County Highway 81 in town of Rockland, N.Y., and junction Sullivan County Highway 81 and unnumbered highway (formerly New York Highway 17), over Sullivan County Highway 81, serving all intermediate points; (6) between East Branch, N.Y., and Tylers, N.Y.; from junction unnumbered highway (formerly New York Highway 17) and New York Highway 17 in East Branch, over New York Highway 17 to junction unnumbered highway (formerly New York Highway 17) near Tylers, N.Y., and return over the same route, serving all intermediate points; also using all access and exit roads to and from New York Highway 17 connecting to and from various highways as follows: (a) between Exit No. 90 and junction access roads and unnumbered highway (formerly New York Highway 17) near East Branch, N.Y., over access roads; and (b) between Exit No. 89 and junction access roads and unnumbered highway (formerly New York Highway 17) near Fish Eddy, N.Y., over access roads; serving no intermediate points in connection with (a) and (b) above; (7) between Deposit, N.Y., and Occanum, N.Y.; from junction unnumbered highway (formerly New York Highway 17) and New York Highway 17 south of Deposit, over New York Highway 17 to junction old New York Highway 17 at Occanum and return over the same route, serving all intermediate points; also using all access and exit roads to and from New York Highway 17 connecting to and from various highways as follows:

(a) Between Exit No. 84 and junction access roads and unnumbered highway (formerly New York Highway 17) south of Deposit, N.Y., over access roads; (b) between Exit No. 83 and junction access roads and unnumbered highway (formerly New York Highway 17) west of Deposit, N.Y., over access roads; (c) between Exit No. 82 and junction access roads and New York Highway 41 near McClure, N.Y., over access roads; (d) between Exit No. 81 and junction access roads and unnumbered highway (formerly New York Highway 17) west of McClure, N.Y., over access roads; (e) between Exit No. 80 and junction access roads and unnumbered highway (formerly New York Highway 17) near Damascus, N.Y., over access roads; (f) between Exit No. 79 and junction access roads and unnumbered highway (formerly New York Highway 17) near Windsor, N.Y., over access roads; and (g) between Exit No. 78 and junction access roads and unnumbered highway (formerly New York Highway 17) near Windsor, N.Y., over access roads; serving no intermediate points in connection with (a) through (g) above; (8) between junction New York Highways 17 and 41 in Town of Sanford, N.Y., and junction New York Highway 41 and unnumbered highway (formerly New York Highway 17), over New York Highway 41, serving all intermediate points; (9) between Monroe, N.Y., and Ellenville, N.Y., *during the season from September 15th of each year to June 15th of the following year;* from Monroe over New York Highway 208 to junction New York Highway 52, thence over New York Highway 52 to Ellenville, and return over the same route, serving all intermediate points; (10) between Middletown, N.Y., and Newburgh, N.Y.; from Middletown, over New York Highway 84 to junction New York Highway 17K, thence over New York Highway 17K to junction New York Highway 208, thence over New York Highway 208 to junction New York Highway 52, thence over New York Highway 52 to Newburgh and return over the same route, serving all intermediate points.

(11) between Bloomingburg, N.Y., and Newburgh, N.Y., over New York Highway 17K, serving all intermediate points; and (12) between Harriman, N.Y., and Fair Oaks, N.Y.; from junction U.S. Highway 6 and New York Highway 17 at Harriman, over New York Highway 17 to junction New York Highway 17M at Fair Oaks and return over the same route, serving all intermediate points; also using all access and exit roads to and from New York Highway 17 connecting to and from various highways as follows: (a) between Exit No. 130 and junction access roads and New York Highway 208 near Monroe, N.Y., over access roads; (b) from Exit No. 129 over access roads to junction unnumbered highway near Monroe, N.Y., thence over unnumbered highway to junction New York Highway 208 near Monroe, N.Y., and return over the same route; (c) between Exit No. 127 and junction access roads and New York Highway 17M near Chester, N.Y., over access roads; (d) between Exit No. 126 and junction access roads and New York

Highway 94 near Chester, N.Y., over access roads; (e) between Exit No. 125 and junction access roads and New York Highway 17M near Goshen, N.Y., over access roads; (f) between Exit No. 124 A and B and junction access roads and New York Highway 17A near Goshen, N.Y., over access roads; (g) from Exit No. 122 over access roads to junction unnumbered highway near Phillipsburg, N.Y., thence over unnumbered highway to Middletown, N.Y., and return over the same route; (h) between Exit No. 120 and junction access roads and New York Highway 84 near Middletown, N.Y., over access roads; (i) between Exit No. 119 and junction access roads and New York Highway 302 near Fair Oaks, N.Y., over access roads; (j) between Exit No. 118 and junction access roads and New York Highway 17M near Fair Oaks, N.Y., over access roads; and (k) between Exit No. 118A and junction access roads and New York Highway 17M near Fair Oaks, N.Y., over access roads; serving no intermediate points in connection with (a) through (k) above.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 84728 (Sub-No. 50) (CORRECTION), filed October 9, 1964, published FEDERAL REGISTER October 28, 1964, and republished as corrected this issue. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, 1012 14th Street NW., Washington, D.C., 20005. The purpose of this correction is to show the correct docket number assigned thereto, in lieu of MC 84728 (Sub-No. 51), shown in previous publication in error.

No. MC 109312 (Sub-No. 38), filed February 19, 1965. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: John J. Budd, 60 Park Place, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Little Falls Township and Verona, N.J., from junction U.S. Highway 46 and Notch Road Ramp in Little Falls Township, thence over Notch Road Ramp to junction Notch Road, thence over Notch Road to junction Long Hill Road, thence over Long Hill Road to junction Ridge Road, thence over Ridge Road to junction New Jersey Highway 23 in Cedar Grove, thence over New Jersey Highway 23 to junction Bloomfield Avenue in Verona, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 120083 (Sub-No. 5), filed February 18, 1965. Applicant: LINCOLN COACH LINES, a corporation, 1008 Lincoln Highway West, Irwin, Pa. Applicant's attorney: James W. Hagar, Commerce Building (Post Office Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, (1) between the junction Pennsylvania Highways 8 and 173 at Stone House, Pa., and Oil City, Pa., over Pennsylvania Highway 8, serving all intermediate points; and (2) between Grove City, Pa., and junction Pennsylvania Highways 208 and 8 at Barkeyville, Pa.; from Grove City over Pennsylvania Highway 173 to junction Pennsylvania Highway 208, thence over Pennsylvania Highway 208 to junction Pennsylvania Highway 8, at Barkeyville, and return over the same route, serving all intermeidate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 126878 (AMENDMENT), filed January 11, 1965, published FEDERAL REGISTER issue of February 3, 1965, amended March 7, 1965, and republished as amended, this issue. Applicant: NEW YORK–JERSEY SHORE TRANSIT CORP., 79–02 47th Avenue, Elmhurst, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Great Neck, N.Y., and Atlantic City, N.J.; (a) from Station Plaza in Great Neck over Lakeville Road to Lake Success, N.Y., thence over Long Island Expressway to Bayside, N.Y., thence over Clearview Expressway to Hillside Avenue, thence over Hillside Avenue to Van Wyck Expressway Service Road, thence over Van Wyck Expressway Service Road to Atlantic Avenue, thence over Atlantic Avenue to Flatbush Avenue, thence over Flatbush Avenue to Prospect Park, thence over Prospect Park to Prospect Expressway, thence over Prospect Expressway to Hamilton Parkway, thence over Hamilton Parkway to entrance to Verrazano Bridge, thence over Verrazano Bridge to Staten Island Expressway, thence over Staten Island Expressway to Goethals Bridge.

Thence over Goethals Bridge (leaving New York, N.Y.) to New Jersey Turnpike Interchange 13, thence over New Jersey Turnpike to Interchange 11, thence over U.S. Highway 9 to Garden State Parkway, thence over Garden State Parkway to Interchanges 40 and/or 40A and/or 36, thence over U.S. Highways 30 and/or 40, and/or Atlantic City Expressway to Atlantic City, and return over the same routes, and (b) from Station Plaza in Great Neck over the above-specified route in (a) above to Garden State Parkway, thence over Garden State Parkway to junction New Jersey Highway 66, thence over New Jersey Highway 66 to Asbury Park, thence over New Jersey Highway 66 to Garden State Parkway, thence over Garden State Parkway to Interchanges 40 and/or 40A and/or 36, thence over U.S. Highways 30 and/or 40, and/or Atlantic City Expressway to Atlantic City, and return over the same routes, and (2) between Great Neck, N.Y., and Asbury Park, N.J.; (a) from Station Plaza in Great Neck over the above-specified route in (1) (a) above to Garden State Parkway, thence over Garden State Parkway to junction New Jersey Highway 66, and thence over New Jersey Highway 66 to Asbury Park, and return over the same route, (b) from Station Plaza in Great Neck over the above-specified routes in (1) (a) above to Interchange 11, thence over U.S. Highway 9 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to junction New Jersey Highway 66, and thence over New Jersey Highway 66 to Asbury Park, and return over the same route, serving all intermediate points in (1) and (2) above, except carrier will provide no pickup or drop-off service in New Jersey between the junction of the Staten Island Expressway and the New Jersey Turnpike, and Laurence Harbor, N.J. This portion is to be a so-called "closed door" operation.

NOTE: The purpose of this republication is to more clearly set forth the proposed operation. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126916, filed January 28, 1965. Applicant: CONNECTICUT-NEW YORK AIRPORT BUS CO., INC., 852 Post Road, Darien, Conn. Applicant's attorney: Samuel B. Zinder, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between New Haven, Conn., and the John F. Kennedy International Airport, LaGuardia Airport, and the Flushing (Main Street) and Jamaica (Sutphin Boulevard) Stations of the Long Island Rail Road Company, N.Y.; from New Haven over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Milford, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Stratford, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Bridgeport, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Fairfield, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Westport, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Norwalk, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Darien, Conn., thence return over city streets to junction Interstate Highway 95.

Thence over Interstate Highway 95 and city streets to Stamford, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway 95 and city streets to Greenwich, Conn., thence return over city streets to junction Interstate Highway 95, thence over Interstate Highway

95 to New York, N.Y., thence over city streets, boulevards, expressways and avenues to John F. Kennedy International Airport, LaGuardia Airport, and the Flushing (Main Street) and Jamaica (Sutphin Boulevard) Stations of the Long Island Rail Road Company, serving the intermediate points of Stratford, Bridgeport, Milford, Fairfield, Westport, Norwalk, Darien, Stamford, and Greenwich, Conn., and (2) between Fairfield and Westport, Conn., over city streets and U.S. Highway 1, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations, and (3) between Westport and Norwalk, Conn., over city streets and U.S. Highway 1, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bridgeport, Conn.

No. MC 126986, filed February 17, 1965. Applicant: DUFOUR BROTHERS, INC., Main Street, Lakeville, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and *their baggage*, in the same vehicle, in seasonal operations extending from June 15th to September 20th, inclusive of each year, beginning and ending at Salisbury, Conn., and extending to points in Massachusetts and New York.

NOTE: Applicant states that the above operation will be restricted to transporting children of school age and counselors accompanying children. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

APPLICATIONS FOR FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF-316 (ROUTED THRU-PAC, INC.), Freight Forwarder. Application, filed March 3, 1965. Applicant: ROUTED THRU-PAC, INC., 350 Broadway, New York, N.Y. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the forwarding of used household goods, used automobiles and unaccompanied baggage, between points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR WATER CARRIERS

WATER CARRIERS OF PASSENGERS

No. W-1124 (Sub-No. 5), WILSON LINE OF WASHINGTON, INC.—EXTENSION—NORFOLK, filed March 3, 1965. Applicant: WILSON LINE OF WASHINGTON, INC., Pier 4, Maine Avenue and N Street SW., Washington 24, D.C. Applicant's attorney: Edward M. Reidy, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Application filed March 3, 1965, for a revised certificate authorizing transportation as a common carrier by water, of passengers, by cruise ship, hydrofoil operations or other type of self-propelled vessel, between points on the Potomac River out of Washington, D.C., and Alexandria, Va., and also Newport News, Norfolk, Old Point Comfort, Va., and points and ports on the Potomac, James and York Rivers, the Chesapeake Bay and Hampton Roads, Va., and surrounding origin and destination points.

NOTE: Applicant states if demand warrants, cruises will include sleeping accommodations, meals, supplemental sightseeing trips by bus, and entertainment.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub-No. 77), filed February 23, 1965. Applicant: H. MESSICK, INC., Post Office Box 214, Joplin, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, materials*, and *supplies*, from the plant sites of Atlas Chemical Industries, Inc., located at or near Atlas, Mo., and Pittsburg and Baxter Springs, Kans., to points in Wyoming.

No. MC 14582 (Sub-No. 10), filed February 26, 1965. Applicant: ELFRINK TRUCK LINES, INC., Advance, 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 regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis-East St. Louis commercial zone and Cape Girardeau, Scott City, and Dexter, Mo.: (1) from St. Louis, Mo., over U.S. Highway 61 to Cape Girardeau, Mo., and return over the same route, serving no intermediate points, (2) from St. Louis across the Mississippi River to East St. Louis, Ill., thence over U.S. Highway 460 to Belleville, Ill., thence over Illinois Highway 159 to Red Bud, Ill., thence over Illinois Highway 3 to Chester, Ill., thence across the Mississippi River over Missouri Highway 51 to junction U.S. Highway 61, at Perryville, Mo., and return over the same route, serving no intermediate points, but serving said junction at Perryville, Mo., for purpose of joinder only, (3) from Cape Girardeau, Mo., over U.S. Highway 61 and/or Interstate Highway 55 to Scott City, Mo., and return over the same route, serving no intermediate points, and (4) from Bloomfield, Mo., over Missouri Highway 25 to Dexter, Mo., and return over the same route, serving no intermediate points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 26373 (Sub-No. 4), filed March 1, 1965. Applicant: VANWAYS, INC., 1027 Royal Boulevard, Boise, Idaho. Applicant's attorney: Ben D. Browning, 1355 Foothill Boulevard, Post Office Box 8195, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities injurious or contaminating to other lading) between Boise, Idaho, and Baker, Oreg.; from Boise over U.S. Highway 30 to Baker, Oreg., and return over the same route, serving no intermediate points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 59855 (Sub-No. 2), filed February 23, 1965. Applicant: HUNNEWELL TRUCKING, INC., 551 Commercial Street, Portland, Maine. Applicant's attorney: Francis P. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Woolwich, Maine, from Boston over U.S. Highway 1 to Kittery, Maine, thence over U.S. Highway 1 (or Maine Turnpike) to Portland, Maine, thence over Interstate Highway 95 to Brunswick, Maine, and thence over U.S. Highway 1 to Woolwich, and return over the same route, serving the intermediate points of Brunswick and Bath, Maine, and the off-route point of Topsham, Maine.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 60012 (Sub-No. 70), filed February 23, 1965. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo., 80221. Applicant's attorney: Ernest Porter, 1531 Stout Street, Post Office Box 5482, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives* (except household goods, livestock, commodities in bulk, commodities which because of size or weight require special equipment and commodities which might contaminate other lading), between Leadville, Colo., and Dowd, Colo.; from Leadville over Colorado Highway 91 to junction U.S. Highway 6, thence over U.S. Highway 6 to Dowd and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. 76449 (Sub-No. 4), filed February 19, 1965. Applicant: NELSON'S EXPRESS, INC., 242 Market Street, Millersburg, Pa. Applicant's representative: John W. Frame, Post Office Box 626-2267 Old Gettysburg Road, Camp Hill, Pa.

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating), (1) between Middletown and Northumberland, Pa.; (a) from Middletown over U.S. Highway 230 to Harrisburg, Pa., thence over Pennsylvania Highway 147 (formerly U.S. Highway 14), to Northumberland, and return over the same route; (b) from Middletown, Pa., over U.S. Highway 230 to Harrisburg, Pa., thence over Interstate Highway 83 to Camp Hill, Pa., thence over U.S. Highway 11 or 15 to Shamokin Dam, Pa., thence over U.S. Highway 11 to Northumberland, and return over the same route, serving all intermediate points in (1) (a) and (b) above, and (2) between points on the following routes in Pennsylvania:

(a) from Rockville, Pa., over Pennsylvania Highway 147 to junction Pennsylvania Highway 443, thence over Pennsylvania Highway 443 to Indiantown Gap Military Reservation, and return over the same route; (b) from Millersburg, Pa., over U.S. Highway 209 to Newton, Pa., and return over the same route; (c) from Millersburg, Pa., over Pennsylvania Highway 25 to Fountain, Pa., and return over the same route; (d) from Berrysburg, Pa., over Pennsylvania Highway 225 to Uniontown, Pa., thence over an unnumbered highway through Klingerstown, Pa., to Haas, Pa., and return over the same route; (e) between Gratz, Pa., and Klingerstown, Pa., over an unnumbered highway route via Erdman, Pa.; (f) from junction Pennsylvania Highways 225 and 147 near Herndon, Pa., over Pennsylvania Highway 225 to Shamokin, Pa., thence over Pennsylvania Highway 125 to Paxinos, Pa., and return over the same route; (g) from Marysville, Pa., over Pennsylvania Highway 850 to Shermans Dale, Pa., and return over the same route; (h) from Amity Hall, Pa., over U.S. Highway 22 or 322 to Mifflintown, Pa., thence over Pennsylvania Highway 35 to Richfield, Pa., thence over an unnumbered highway to Seven Stars, Pa., and thence over Pennsylvania Highway 235 to Liverpool, Pa., and return over the same route; (i) from Newport, Pa., over Pennsylvania Highway 34 to New Bloomfield, Pa., thence over Pennsylvania Highway 274 to Loysville, Pa., and return over the same route; (j) from Green Park, Pa., over Pennsylvania Highway 74 to junction Pennsylvania Highway 75, thence over Pennsylvania Highway 75 to Port Royal, and return over the same route; (k) from Millerstown, Pa., over Pennsylvania Highway 17 to Ickesburg, Pa., and return over the same route; (l) from Liverpool, Pa., over Pennsylvania Highway 104 to Mifflinburg, Pa., thence over Pennsylvania Highway 304 to Winfield, Pa., and return over the same route, serving the off-route point of Millmont, Pa.; (m) from Selinsgrove, Pa., over Pennsylvania Highway 204 to New Berlin, Pa., thence over an unnumbered highway to Middleburg, Pa., and thence over U.S. Highway 522 to Beaver Springs, Pa., and return over the same route; (n) from Mifflintown, Pa., over Pennsylvania Highway 35 to Richfield, Pa., thence by an unnumbered highway to Seven Stars, Pa., thence over Pennsylvania Highway 235 to Liverpool, Pa., and return over the same routes, serving all intermediate points in (2) (a) through (n) above.

No. MC 77396 (Sub-No. 7), filed February 23, 1965. Applicant: ESTATE OF ALVIN R. HOLMES, doing business as HOLMES TRANSPORTATION SERVICE AND/OR JONES EXPRESS (DOROTHY HOLMES AND ROBERT C. HOLMES, ADMINISTRATORS), 550 Cochituate Road, Framingham, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 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 by the Commission, commodities in bulk, solid fuel and petroleum products in tank trucks, and those injurious or contaminating to other lading), between Bridgeport, Conn., and Secaucas, N.J., from Bridgeport over U.S. Highway 1 to junction of New Jersey Highway 3, thence over New Jersey Highway 3 to Secaucus (also from Bridgeport over Interstate Highway 95 to New York, N.Y., thence as specified above to Secaucus), and return over the same routes, serving all intermediate points.

NOTE: No duplicating authority is sought. Common control may be involved. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carriers operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 87689 (Sub-No. 7), filed February 25, 1965. Applicant: INTER-CITY TRUCK LINES LIMITED, Post Office Box 900, Station "U", Toronto 18, Ontario, Canada. Applicant's representative: Floyd B. Piper, 47 Ramsdell Avenue, Buffalo, N.Y., 14216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Buffalo, N.Y., and the port of entry on the international boundary line between the United States and Canada located at or near Buffalo, N.Y., over city streets and/or Interstate Highway 190, and (2) between Niagara Falls, N.Y., and the port of entry on the international boundary line between the United States and Canada located at or near Niagara Falls, N.Y., over city streets and/or Interstate Highway 190, serving all intermediate points on (1) and (2) above.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 93682 (Sub-No. 12), filed February 24, 1965. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Francis P. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186. 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 Portland, Maine, and Bangor, Maine, from Portland over U.S. Highway 1 to Brunswick, Maine (also from Portland over Interstate Highway 95 to Brunswick), thence over U.S. Highway 201 to Augusta, Maine, thence over U.S. Highway 201 to Waterville, Maine (also from Augusta over Maine Highway 11 to Waterville), thence over Maine Highway 11 to Newport, Maine, thence over U.S. Highway 2 to Bangor (also from Augusta over Interstate Highway 95 to Bangor), and return over the same routes, serving the intermediate points of Gardiner, Farmingdale, Hallowell, Augusta, Riverside, Vassalboro, Winslow, Waterville, Fairfield, Benton, Clinton, Burnham, Pittsfield, Detroit, Newport, and Oakland, Maine; (2) between Portland, Maine, and Millinocket, Maine, from Portland to Bangor as specified above, thence over U.S. Highway 2 to Mattawamkeag, Maine, and thence over Maine Highway 157 to Millinocket, and return over the same routes serving no intermediate points; (3) between Portland, Maine, and Princeton, Maine, (a) from Portland to Bangor as specified above, thence over alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Milbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Milbridge over Alternate U.S. Highway 1 to Harrington).

Thence over U.S. Highway 1 to Jonesboro, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro over Alternate U.S. Highway 1 to Machias), and thence over U.S. Highway 1 to Princeton, and return over the same routes, serving the intermediate points of Machias, East Machias, Whiting, Dennysville, Perry, North Perry, Robbinston, Red Beach, Calais, Baring, and Baileyville (Woodland), Maine; (b) from Portland to Bangor as specified above, thence over Maine Highway 9 to junction U.S. Highway 1, at or near Baring, Maine, and thence over U.S. Highway 1 to Princeton, and return over the same routes, serving the intermediate points of Baring and Baileyville (Woodland), Maine; (c) from Portland to Ellsworth as specified in (3) (a) above, thence over Maine Highway 182 to Cherryfield, Maine, thence over U.S. Highway 1 to Princeton, and return over the same routes, serving all intermediate points specified in (3) (a) above; and (d) from Portland to Machias as specified in (3) (a) above, thence over U.S. Highway 1 to East Machias, thence over Maine Highway 191 to Baring, and thence over U.S. Highway 1 to Princeton, and return over the same routes, serving the intermediate points of Machias, East Machias, Baring and Baileyville (Woodland), Maine. The off-route

points proposed to be served in connection with the routes described above in (3) (a) through (d) inclusive are West Lubec, Lubec, Quoddy, and Eastport, Maine.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 110166 (Sub-No. 14), filed January 19, 1965. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., Nance Lane, Post Office Box 7308, Nashville, Tenn., 37210. Applicant's attorney: Donald E. Cross, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, and except dangerous explosives, building contractors equipment, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Charlotte, N.C., and Raleigh, N.C., from Charlotte over U.S. Highway 21 to Statesville, N.C. (also over U.S. Highway 21 to junction with North Carolina Highway 115, thence over North Carolina Highway 115 to junction U.S. Highway 21 at or near Shepards, N.C., thence over U.S. Highway 21 to Statesville, N.C.), thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over North Carolina Highway 150 to Kernersville, N.C., thence over U.S. Highway 421 to Greensboro, N.C., thence over U.S. Highway 70 to Raleigh, N.C. (also from Mocksville, N.C., over U.S. Highway 158 to junction North Carolina Highway 801, thence over an interchange to Interstate Highway 40, thence over Interstate Highway 40 to Greensboro, N.C., thence over Interstate Highway 85 to Durham, N.C., thence over U.S. Highway 70 to Raleigh, N.C.), and return over the same routes, serving all intermediate points and the off-route points of Altamahaw, Butner, Catawba, Chapel Hill, Goldsboro, Madison, Mayodan, Neuse, Pfafftown, Saxapahaw, Summerfield, Swepsonville, and Terrell, N.C.; (2) between Charlotte, N.C., and Greensboro, N.C.; from Charlotte over U.S. Highway 29 to Greensboro.

(Also from Charlotte, N.C., over U.S. Highway 29 to Kannapolis, N.C., thence over Interstate Highway 85 to Greensboro, N.C.), and return over the same routes, serving all intermediate points and the off-route points of Granite Quarry and Jamestown, N.C.; (3) between Salisbury, N.C., and Mocksville, N.C.; from Salisbury over U.S. Highway 601 to Mocksville, and return over the same route, serving all intermediate points; (4) between Charlotte, N.C., and Raleigh, N.C.; from Charlotte over North Carolina Highway 49 to Asheboro, N.C., thence over U.S. Highway 64 to Raleigh, and return over the same route, serving all intermediate points and the off-route points of Cedar Falls and Liberty, N.C.; (4A) between Asheboro, N.C. and Greensboro, N.C.; from Asheboro over U.S. Highway 220 to Greensboro, and return over the same route, serving all intermediate points and the off-route point of Central Falls, N.C.; (5) between Charlotte, N.C., and Wadesboro, N.C.; from Charlotte over U.S. Highway 74 to Wadesboro, and return over the same route, serving all intermediate points and the off-route point of Cordova, N.C.; (6) between Charlotte, N.C., and Monroe, N.C.; from Charlotte over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 72 to Chester, S.C., thence over South Carolina Highway 9 to Lancaster, S.C., thence over South Carolina Highway 200 to North Carolina-South Carolina State line, thence over North Carolina Highway 200 to Monroe, N.C., and return over the same route, serving all intermediate points and the off-route points of Cel-river and Lando, S.C.; (7) between Rock Hill, S.C., and Lancaster, S.C., from Rock Hill over U.S. Highway 21 to junction South Carolina Highway 9 near Lancaster, S.C., and return over the same route, serving all intermediate points; (9) between Pineville, N.C., and Lancaster, S.C.;

From Pineville over U.S. Highway 521 to Lancaster, and return over the same route, serving all intermediate points; (8) between Charlotte, N.C., and Rutherfordton, N.C.; from Charlotte over U.S. Highway 74 to Rutherfordton (also from Charlotte over Interstate Highway 85 to junction U.S. Highway 74, thence over U.S. Highway 74 to Rutherfordton, N.C.), and return over the same routes, serving all intermediate points and the off-route points of Boiling Springs, Cliffside, Earl, Fallston, and Lawn, N.C.; (18) between Kings Mountain, N.C., and Grover, N.C.; from Kings Mountain over North Carolina Highway 216 to Grover, N.C., and return over the same route, serving all intermediate points; (17) between Gastonia, N.C., and Cherryville, N.C.; from Gastonia over North Carolina Highway 161 to Bessemer City, N.C., thence over North Carolina Highway 274 to Cherryville N.C., and return over the same route, serving all intermediate points; (13) between Raleigh, N.C., and Durham, N.C.; from Raleigh over North Carolina Highway 50 to Creedmoor, N.C., thence over U.S. Highway 15 to Durham, N.C., and return over the same route, serving all intermediate points; (15) between Raleigh, N.C., and Clayton, N.C.; from Raleigh over U.S. Highway 70 to Clayton, N.C. (also from Raleigh, N.C., over unnumbered North Carolina Highway to Clayton, N.C.), and return over the same routes, serving all intermediate points; (16) between junction U.S. Highways 70 and 401 south of Raleigh, N.C., and Fuqua-Varina, N.C., from junction of U.S. Highways 70 and 401 south of Raleigh, N.C. over U.S. Highway 401 to Fuqua-Varina, N.C., and return over the same route, serving all intermediate points; and (19) between Statesville, N.C., and Morganton, N.C.; from Statesville over U.S. Highway 90 to junction North Carolina Highway 127, thence over North Carolina Highway 127 to Hickory, N.C., thence over U.S. Highway 321 to Lenoir, N.C. (also from Hickory, N.C., over U.S. Highway 321 to junction U.S. Highway 321A; thence over U.S. Highway 321A to Lenoir, N.C.) thence over North Carolina Highway 18 to Morganton, N.C., and return over the same routes, serving all intermediate points.

NOTE: Applicant states that it desires that the public notice contain the route numbers as set forth in the application. In order that the public may not be confused the route numbers are those assigned in the application and are for the convenience of the carrier. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 111401 (Sub-No. 170), filed February 19, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic powder*, in bulk, in specially designed hopper trucks, from Painesville, Ohio, to McPherson, Kans.

No. MC 114194 (Sub-No. 92), filed February 24, 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, and blends*, in bulk, in tank vehicles, from Edinburg, Ind., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Delaware, and Washington, D.C., and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 93), filed March 1, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 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 New York and Ohio, and *rejected shipments* of the commodities specified above, on return.

No. MC 117681 (Sub-No. 1), filed February 15, 1965. Applicant: CASEY HOBAN-BACH TRANSFER COMPANY, a corporation, 129 Plymouth Avenue North, Minneapolis, Minn. Applicant's attorney: Leonard T. Juster, 311 Produce Bank Building, Minneapolis, Minn., 55406. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products* and *articles* distributed by meat packinghouses, from Minneapolis, Minn., to points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn.

NOTE: Applicant states the meat and meat products arrive by trailer load originating in Waterloo, Iowa, consigned to the dock of Casey Hoban-Bach Transfer Co. (by licensed line-haul carriers or shippers own vehicles, not by applicant, and applicant is not seeking such authority). The trailer is unloaded on applicant's dock and immediately

placed in four to six smaller vehicles for local cartage, insulated and equipped with controlled refrigeration devices. Each truck has approximately 5,000 pounds which is delivered to approximately 15 customers of shipper. Applicant holds common carrier authority under MC 19831, therefore dual operations may be involved.

No. MC 117765 (Sub-No. 20), filed February 26, 1965. Applicant: HAHN TRUCK LINE, INC., 19 Kansas Avenue, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral feed mixtures and salt*, from Hutchinson, Kans., to points in Grayson and Lamar Counties, Tex.

No. MC 125844 (Sub-No. 5), filed February 25, 1965. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human placentas*, from points in Delaware, Georgia, Illinois, Maryland, Missouri, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, to Pearl River, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 76), filed February 16, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. 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. *Revision of California Route No. 68 on Certificate Sheet No. 16.* Establish new regular routes of operation over relocated segments of U.S. Highway 40, also designated as Interstate Highway 80, between (1) Donner Park Overcrossing and Soda Springs Interchange, and (2) between Hampshire Rocks and Cisco Grove Interchange, to be included as segments of regular Route No. 68 in lieu of the presently authorized segments of said route between said termini, herein proposed to be revoked, to read as follows: "between the Navada-California State line east of Floriston, and Sacramento: from the point where Interstate Highway 80 intersects the Navada-California State line, over Interstate Highway 80 to junction U.S. Highway 40 (Elvas Junction), thence over U.S. Highway 40 to Sacramento. (Connects with Nevada route 1.)," and return over the same route, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of said Certificate No. MC 1515 (Sub-No. 7) (formerly MC 1501 (Sub-No. 138)).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said Certificate No. MC 1515 (Sub-No. 7) (formerly MC 1501 (Sub-No. 138)). Common control may be involved.

No. 51——11

No. MC 2832 (Sub-No. 2), filed February 25, 1965. Applicant: E. J. KELLEY CO., doing business as LITCHFIELD HILLS LINE, 30 Railroad Square, Torrington, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at Waterbury, Thomaston, Torrington, Winsted, Norfolk, and Canaan, Conn., and extending to Pownal, Vt.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2720; Filed, Mar. 16, 1965; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Adams Drug Co., Inc., drug store; No. 20, Providence, R.I.; 2-18-65 to 2-17-66.

Farmers Union Cooperative Association, food stores; 314 Lincoln Street, Clay Center, Kans.; 3-1-65 to 2-28-66.

Johnson's Super Market, food store; 203 East Seventh Street, Mountain Home, Ark.; 2-12-65 to 2-11-66.

S. H. Kress & Co., variety store; 130 West Ninth Street, Coffeyville, Kans.; 2-8-65 to 2-7-66.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Buenziger Model Market, food store; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, bagger, carry out; 10 percent for each month; 2-19-65 to 2-18-66.

Ramey Super Market, food store; No. 4, Springfield, Mo.; bagger, carry out; 10 percent for each month; 3-5-65 to 3-4-66.

T. G. & Y. Stores Co., variety store; No. 411, Oklahoma City, Okla.; office clerk, sales clerk, stock clerk; 10 percent for each month; 2-26-65 to 2-25-66.

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, but do not authorize the employment of full-time students at rates below the applicable statutory minimum in additional occupations. The certificates contain limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The additional allowances apply to the specified months and vary from month to month between the minimum and maximum figures indicated.

Adams Drug Co., Inc., drug store; No. 4, Central Falls, R.I.; 5 percent for the months of February through January; 2-18-65 to 2-17-66.

Adams Drug Co., Inc., drug store; No. 20, Providence, R.I.; between 0.8 percent and 5 percent for the months of February through January; 2-18-65 to 2-17-66.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of March 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-2692; Filed, Mar. 16, 1965; 8:46 a.m.]

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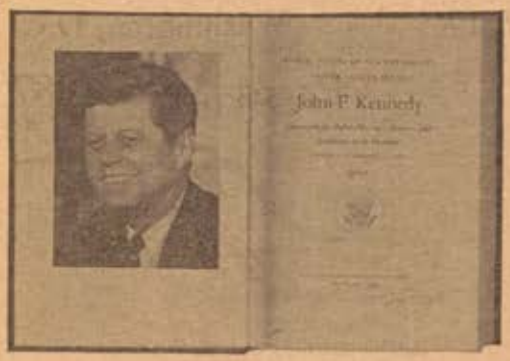

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