FEDERAL REGISTER

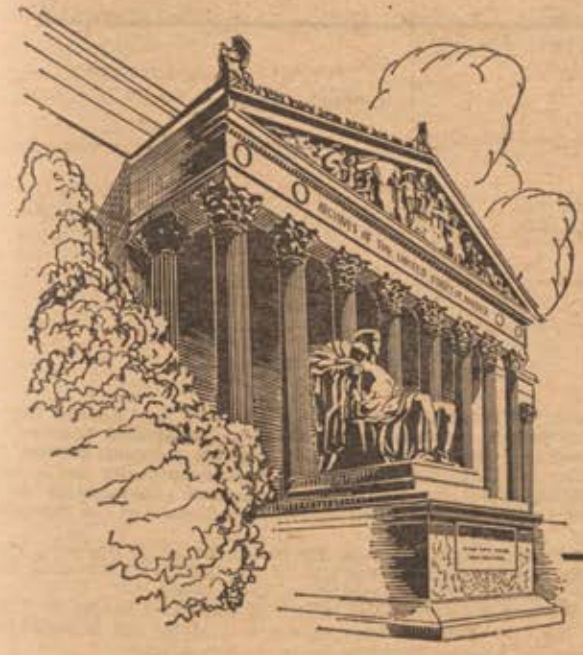
VOLUME 30 • NUMBER 193

Wednesday, October 6, 1965 • Washington, D.C.

Pages 12705–12765

Agencies in this issue—

Detailed list of Contents appears inside.



Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: $8.75

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

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

FEDERAL REGISTER

Area Code 202 Phone 963-3261

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

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR
PROCLAMATION:
3676 12709

5 CFR
213 (2 documents) 12720

6 CFR
530 12720

7 CFR
948 12724
PROPOSED RULES:
906 12735
948 12735
1136 12736

14 CFR
71 (11 documents) 12724–12727
73 12727
75 12727
PROPOSED RULES:
71 12735
77 12735

18 CFR
141 12727
152 12728
260 12727

21 CFR
120 12729
121 12730
146a 12730
PROPOSED RULES:
146a 12746
146b 12746
146c 12746
146d 12746
146e 12746

22 CFR
131 12732

26 CFR
1 12730
39 12730

45 CFR
130 12731

47 CFR
73 (2 documents) 12711, 12719
PROPOSED RULES:
73 12746

49 CFR
95 12731

50 CFR
32 (7 documents) 12732, 12733

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3676

VETERANS DAY, 1965

By the President of the United States of America

A Proclamation

As a nation and as a people, world peace is our fixed star and our first goal. As a symbol of our devotion to this objective, the Congress of the United States has set apart the eleventh of November as a legal holiday, to be known as Veterans Day and to be dedicated to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)).

On this day, we pay deserved honor to the millions of our fellow citizens who have served in the armed forces of our country in times of war and of conflict and, in grateful appreciation of their devotion and sacrifice, we give outward expression to our deep-seated desire for world peace. Our observance of this day serves to remind us that it is by our deeds and not by our words that we can and will lead the rest of the world in the cause of freedom and peace.

We must never forget that it is not enough just to want peace or to talk peace or to hope for peace. We must constantly work for peace. Exerting our own best efforts and working together with other nations, we can and will build an order of world peace which will endure for generations.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon all the people of our Nation to observe Thursday, November 11, 1965, as Veterans Day, commemorating the service of our war veterans and showing our continued dedication to the cause of world peace and the establishment of a world community in which every nation can follow its own course without fear of its neighbors.

I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day. Also, in order that this day may be marked with suitable exercises and public ceremonies throughout our Nation, I request the officials of the Federal and State Governments and of civic and patriotic organizations to give their enthusiastic support to the Veterans Day National Committee.

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

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-10694; Filed, Oct. 4, 1965; 2:59 p.m.]

Rules and Regulations

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

Section 73.202 is revised as follows:

§ 73.202 **Table of Assignments.**

(a) *General.* The following table of assignments contains the channels (other than noncommercial educational channels) assigned to the listed communities in the 48 conterminous United States. Channels designated with an "A" are for Class A FM stations. All other listed channels are for class B stations in zones I and I–A and for class C stations in zone II.

(b) *Table of FM Assignments.*

ALABAMA

	Channel No.
Abbeville	232A
Albertville	286
Alexander City	291
Andalusia	251, 293
Anniston	268
Athens	282
Atmore	281
Auburn	249A
Bay Minette	288A
Birmingham	229, 233, 243, 258, 284, 295, 299
Brewton	296A
Butler	228A
Carrollton	231
Clanton	249A, 265A
Cullman	266
Decatur	245, 271
Demopolis	252A
Dothan	238, 259
Enterprise	228A
Eufaula	224A
Evergreen	238A
Fairhope	221A
Fayette	225
Florence	297
Gadsden	279
Hamilton	221A
Huntsville	236, 256
Jackson	285A
Jasper	273
Mobile	225, 235, 241, 248, 260
Monroeville	257A
Montgomery	222, 255, 270, 277
Muscle Shoals	288A
Opelika	265A
Onark	285A
Phenix City	261A
Prichard	276A
Roanoke	237A
Scottsboro	252A
Selma	261A
Sheffield	292A
Sylacauga	252A
Thomasville	237A
Troy	245, 289
Tuscaloosa	239, 288A
Tuscumbia	262

ALASKA

Anchorage	263, 267, 271, 280A, 288A
College	285A
Cordova	265A
Fairbanks	262, 266
Juneau	282, 286

ALASKA—Continued

	Channel No.
Ketchikan	290, 294
Nome	262
Seward	276A
Sitka	264

ARIZONA

Apache Junction	296A
Bisbee	221A
Casa Grande	288A
Clifton	237A
Cottonwood	240A
Douglas	237A
Flagstaff	225, 230
Glendale	222
Globe	262
Holbrook	221A
Kingman	224A
Mesa	227, 284
Miami	276A
Nogales	252A
Page	228A
Phoenix	233, 238, 245, 254, 268, 273
Prescott	252A
Safford	231, 256
Show Low	228A
Sierra Vista	261A
Sun City	278, 292A
Tempe	250
Tolleson	264
Tucson	221A, 225, 229, 235, 241, 258
Wickenburg	261A
Willcox	244A
Winslow	236, 247
Yuma	226, 236

ARKANSAS

Arkadelphia	265A
Benton	296A
Berryville	237A
Blytheville	241
Camden	246
Clarksville	224A
Conway	262, 286
Corning	285A
Dardanelle	272A
DeQueen	224A
El Dorado	257A, 276A
Fayetteville	221A, 280A
Forrest City	228A
Fort Smith	229, 256, 260, 265A
Helena	298
Harrison	275
Hope	285A
Hot Springs	244A, 248, 292A
Jonesboro	270, 300
Little Rock	231, 239, 253, 279
Magnolia	224A
Malvern	269A
Mammoth Spring	236
McGehee	272A
Mena	240A
Monticello	228A
Mountain Home	252A
Nashville	288A
Newport	288A
Osceola	251
Paragould	224A
Paris	237A
Pine Bluff	222, 235
Pocahontas	280A
Rogers	232A
Searcy	257A
Siloam Springs	289
Texarkana	296A
Walnut Ridge	292A

CALIFORNIA

Alameda	224A
Alturas	233
Anaheim	240A

CALIFORNIA—Continued

	Channel No.
Anderson	232A
Apple Valley	272A
Arcata	228A
Arroyo Grande	237A
Auburn	266
Bakersfield	231, 243, 268
Banning	269A
Barstow	232A
Berkeley	231, 275
Bishop	264
Blythe	262
Brawley	233, 241
Calexico	249A
Carmel	269A
Carlsbad	240A
Chico	229, 236
Coachella	229
Crescent City	232A
Delano	253, 287
Dinuba	255, 262
El Cajon	227
El Centro	263
Escondido	221A
Eureka	222, 242
Fairfield	237A
Fort Bragg	224A, 237A
Fowler	280A
Fremont	285A
Fresno	229, 233, 250, 270, 274
Garden Grove	232A
Glendale	270
Hanford	266, 279
Hayward	269A
Hemet	288A
Indio	252A
Inglewood	280A
King City	221A
Lancaster	300
Lemoore	285A
Lodi	249A
Lompoc	224A
Long Beach	250, 272A, 288A
Los Altos	249A
Los Angeles	222, 226, 230, 234, 238, 242, 246, 254, 258, 262, 266, 274, 278, 282, 286, 290, 298
Los Banos	240A
Los Gatos	237A
Madera	221A
Marysville	260
Merced	268
Modesto	277, 281
Mojave	249A
Monterey	245
Mt. Shasta	237A
Needles	250
Newport Beach	276A
Oceanside	271
Ontario	228A
Oroville	249A
Oxnard	284
Pacific Grove	285A
Palm Springs	284
Paradise	244A
Pasadena	294
Paso Robles	232A
Porterville	240A
Red Bluff	240A, 272A
Redding	225, 282
Redlands	244A
Redondo Beach	228A
Ridgecrest	224A
Riverside	224A, 248, 256
Roseville	228A
Sacramento	223, 241, 245, 253, 263, 286, 293, 300
Salinas	264, 273, 280A
San Bernardino	236, 260
San Diego	231, 235, 243, 247, 251, 264, 268, 275, 279, 287, 293

CALIFORNIA—Continued

	Channel No.
San Fernando	232A, 292A
San Francisco	227, 235, 239, 243, 247, 251, 255, 259, 267 271, 279, 283, 287, 291, 295.
San Jose	222, 253, 262, 293
San Luis Obispo	227, 241
San Mateo	299
San Rafael	265A
Santa Ana	244A, 292A
Santa Barbara	229, 248, 260, 277
Santa Clara	289
Santa Cruz	256
Santa Maria	256, 273
Santa Monica	276A
Santa Rosa	261A
Seaside	296A
Sierra Madre	296A
Sonora	224A
Stockton	257A, 297
Susanville	224A
Taft	280A
Tahoe Valley	276A
Thousand Oaks	224A
Tracy	265A
Truckee	269A
Tulare	235, 294
Turlock	226
Twentynine Palms	239
Ukiah	228A, 232A
Ventura	236, 264
Victorville	252A
Visalia	225
Walnut Creek	221A
Wasco	249A
Weed	257A
West Covina	252A
Willows	224A
Woodland	273
Yreka	249A
Yuba City	280A

COLORADO

Alamosa	228A
Aspen	249A
Boulder	247
Canon City	280A
Colorado Springs	225, 232A, 236, 243, 270
Cortez	250, 254
Craig	229, 236
Delta	237A
Denver	238, 253, 258, 262, 266, 278, 286, 290, 294
Durango	263, 267
Fort Collins	227, 234
Fort Morgan	232A
Glenwood Springs	224A
Grand Junction	222, 226
Greeley	222
Gunnison	252A, 272A
La Junta	221A
Lamar	227, 245
Leadville	228A
Littleton	299
Longmont	282
Loveland	272A
Manitou Springs	274
Monte Vista	244A
Montrose	231, 241
Pueblo	250, 255, 260, 264
Rocky Ford	240A
Salida	221A
Sterling	244A, 288A
Trinidad	224A
Walsenburg	272A

CONNECTICUT

Bridgeport	260
Brookfield	236
Danbury	252A
Darien	240A
Hamden	267
Hartford	229, 243, 275, 290, 295
Meridan	239
Middletown	285A
New Britain	263
New Haven	232A, 256
Norwich	249A
Stamford	244A

CONNECTICUT—Continued

	Channel No.
Waterbury	223, 281
Westport	300

DELAWARE

Dover	234
Georgetown	228A
Milford	240A
Seaford	252A
Wilmington	229, 258

DISTRICT OF COLUMBIA

Washington	230, 242, 246, 254, 258, 262, 266, 278, 297

FLORIDA

Arcadia	252A
Atlantic Beach	285A
Belle Glade	228A
Blountstown	272A
Boca Raton	260
Bradenton	277
Clearwater	239
Clewiston	221A
Cocoa	257A
Cocoa Beach	266, 281
Coral Gables	286
Crestview	285A
Daytona Beach	233, 270
Delray Beach	274
Defuniak Springs	276A
Eau Gallie	296A
Ft. Lauderdale	264, 278, 290, 294
Ft. Myers	245, 270
Ft. Pierce	238, 254
Ft. Walton Beach	257A
Gainesville	279
Green Cove Springs	296A
Hialeah	221A
Homestead	252A
Jacksonville	236, 241, 245, 256, 275
Key West	223, 262
Lake City	232A
Lakeland	231
Leesburg	293
Live Oak	221A
Madison	290
Marathon	232A
Marianna	265A
Melbourne	272A
Miami	226, 242, 247, 256, 268, 298
Miami Beach	230, 235
Milton	272A
Mount Dora	299
Naples	228A, 233
Ocala	229, 252A
Okeechobee	276A
Orlando	222, 243, 262, 286
Palatka	260
Palm Beach	250
Panama City	223, 300
Pensacola	231, 264, 268
Perry	240A
Punta Gorda	224A
Quincy	269A
St. Augustine	249A
St. Petersburg	258, 268, 297
Sanford	237A
Sarasota	273, 288A, 292A
Sebring	288A
Starke	288A
Stuart	224A
Tallahassee	235, 255
Tampa	227, 235, 264, 284
Titusville	252A
Venice	221A
Vero Beach	292A
Ward Ridge	228A
West Palm Beach	283, 300
Winter Haven	248
Winter Park	276A

GEORGIA

Albany	242, 283
Americus	232A
Athens	238, 284
Atlanta	225, 235, 241, 253, 259, 277
Augusta	275, 282, 289
Bainbridge	247

GEORGIA—Continued

	Channel No.
Blackshear	228A
Brunswick	264, 268
Camilla	288A
Carrollton	221A
Cartersville	268A
Columbus	275, 285A, 297
Claxton	296A
Cordele	252A
Cornelia	257A
Covington	221A
Dawson	221A
Douglas	258, 293
Dublin	224A
Eastman	244A
Gainesville	246, 294
Griffin	249A
Hawkinsville	269A
Jesup	288A
La Grange	281
Louisville	240A
Macon	256, 287, 300
Manchester	227
Marietta	268
Milledgeville	272A
Metter	285A
Moultrie	230
Newnan	244A
Ocilla	237A
Perry	265A
Rome	249A, 272A
Sandersville	232A
Savannah	226, 231, 238, 243, 247, 271
Smyrna	231
Statesboro	261A
Swainsboro	252A
Thomasville	296A
Tifton	262
Toccoa	291
Valdosta	225, 266
Vidalia	249A
Washington	261A
Waycross	273, 277
Waynesboro	228A

HAWAII

Hilo, Hawaii	246, 250
Kealakekua, Hawaii	221A
Honolulu, Oahu	226, 230, 234, 238, 248
Kailua, Oahu	242
Waipahu, Oahu	222
Lihue, Kauai	224A, 228A
Makawao, Maui	282A
Wailuka, Maui	236

IDAHO

Alameda	285A
Blackfoot	249A
Boise	222, 250
Burley	252A
Caldwell	231, 276A
Coeur d'Alene	276A
Grangeville	234A
Idaho Falls	223, 241
Jerome	224A
Lewiston	231, 244A
Moscow	280A
Mountain Home	257A
Nampa	235, 245
Orofino	237A
Payette	261A
Pocatello	229, 235
Preston	244A
Rexburg	232A
Rupert	221A
Salmon	224A
Sandpoint	237A
Soda Springs	228A
Sun Valley	228A
Twin Falls	239, 243
Wallace	264, 282
Weiser	265A

ILLINOIS

Alton	262
Anna	224A
Arlington Heights	224A
Aurora	240A, 300
Beardstown	232A

ILLINOIS—Continued

	Channel No.
Bloomington	268
Canton	252A
Carbondale	269A
Carmi	247
Carpentersville	280A
Carthage	221A
Centralia	237A
Champaign	233, 248
Charleston	221A
Chicago	226, 230, 234, 238, 242, 246, 250, 254, 258, 262, 266, 270, 278, 282, 298
Clinton	240A
Danville	271, 276A
Decatur	275
DeKalb	223
Dixon	269A
E. St. Louis	266
Effingham	239
Elgin	232A
Elmwood Park	290
Evanston	286
Fairfield	285A
Freeport	253
Galesburg	272A
Granite City	285A
Harrisburg	260
Havana	257A
Highland Park	276A
Jacksonville	263
Joliet	228A, 244A
Kankakee	260, 272A
Kewanee	221A
Lansing	292A
LaSalle	257A
Lawrenceville	276A
Lincoln	261A
Litchfield	291
Loves Park	244A
Macomb	261A
Marion	232A
Matoon	245
Mendota	265A
Moline	285A
Monmouth	249A
Morris	284
Mount Carmel	235
Mount Vernon	231
Murphysboro	285A
Normal	244A
Oak Park	274
Olney	225
Ottawa	252A
Paris	252A
Pekin	237A, 285A
Peoria	223, 227, 295
Peru	261A
Pittsfield	228A
Quincy	258, 286
Rantoul	237A
Robinson	269A
Rockford	248
Rock Island	255
Salem	249A
Skokie	252A
South Beloit	276A
Springfield	270, 279, 283
Sterling	232A
Streator	249A
Taylorville	224A
Urbana	280A, 296A
Wataeka	231
Waukegan	272A, 294
West Frankfort	296A
Woodstock	288A

INDIANA

Anderson	250
Bedford	237A
Bloomington	222, 279
Bluffton	261A
Brazil	232A
Columbia City	292A
Columbus	268
Connersville	262
Crawfordsville	292A
Elkhart	264, 284
Elwood	269A

INDIANA—Continued

	Channel No.
Evansville	281, 287
Fort Wayne	286, 247, 269A, 288A
Frankfort	259
Franklin	240A
Greenfield	258
Greensburg	297
Hammond	222
Huntington	276A
Indianapolis	226, 234, 238, 277, 283, 289, 300
Jasper	284
Kendallville	227
Kokomo	228A, 263
Lafayette	224A, 244A, 287
Laporte	244A
Linton	228A
Logansport	237A, 272A
Madison	244A
Marion	285A, 295
Michigan City	240A
Muncie	281
New Castle	273
North Vernon	291
Peru	252A
Plainfield	252A
Plymouth	232A
Princeton	251
Rensselaer	249A
Richmond	241, 267
Salem	255
Scottsburg	265A
Seymour	229
Shelbyville	246
South Bend	225, 268, 276A, 280A
Terre Haute	260, 264, 274, 298
Valparaiso	288A
Vincennes	244A
Wabash	240A
Warsaw	297
Washington	293
West Terre Haute	288A

IOWA

Algona	228A
Ames	281
Atlantic	279
Boone	252A, 257A
Burlington	297
Carroll	224A, 286
Cedar Rapids	243, 251, 275, 283
Centerville	232A
Charles City	224A
Cherokee	228A
Clarion	245
Clinton	241
Creston	269A
Davenport	279, 293
Decorah	280A
Denison	296A
Des Moines	227, 235, 247, 262, 273
Dubuque	225, 257A, 261A, 287
Estherville	240A
Fort Dodge	221A, 233
Fort Madison	269A
Iowa City	230, 264
Iowa Falls	237A
Keokuk	245
Knoxville	221A
Le Mars	258
Marshalltown	296A
Mason City	252A
Muscatine	237A, 259
Newton	240A
Oelwein	300
Oskaloosa	292A
Ottumwa	257A, 285A
Perry	292A
Sioux City	238, 250, 277
Spencer	221A, 299
Storm Lake	268
Waterloo	266, 270, 289
Webster City	249A

KANSAS

Arkansas City	293
Chanute	252A
Coffeyville	232A
Colby	228A
Concordia	237A

KANSAS—Continued

	Channel No.
Dodge City	230, 238
Eldorado	237A
Emporia	285A
Fort Scott	280A
Garden City	247
Goodland	273
Great Bend	235
Hays	277
Hutchinson	256, 271
Independence	269A
Iola	257A
Junction City	233, 252A
Kansas City	231, 251
Larned	244A
Lawrence	290
Leavenworth	255
Liberal	257A, 288A
Lyons	288A
Manhattan	269A
Marysville	276A
McPherson	244A
Newton	222
Ottawa	239
Parsons	228A
Phillipsburg	221A
Pittsburg	245
Pratt	226
Russell	240A
Salina	229, 260
Scott City	232A
Topeka	247, 262, 295, 299
Wichita	250, 262, 267, 275, 279, 297
Winfield	288A

KENTUCKY

Albany	292A
Ashland	229, 272A
Beattyville	272A
Benton	272A
Bowling Green	244A
Campbellsville	280A
Central City	270
Corbin	257A
Cynthiana	292A
Elizabethtown	228A
Erlanger	265A
Fort Knox	288A
Frankfort	285A
Fulton	285A
Glasgow	236
Greenville	266
Hazard	266
Henderson	258
Hopkinsville	254, 262
Jamestown	276A
Lexington	225, 233, 251
London	296A
Louisville	248, 259, 272A, 276A, 280A, 295
Madisonville	230, 292A
Manchester	276A
Mayfield	234
Maysville	240A
Middlesboro	261A
Monticello	269A
Morehead	221A
Morganfield	237A
Munfordville	272A
Neon	285A
Owensboro	223, 241
Paducah	227, 245
Paintsville	261A
Paris	244A
Pikeville	221A
Prestonsburg	238, 288A
Princeton	249A
Richmond	269A
Russellville	221A
Somerset	244A
Vanceburg	285A
Whitesburg	280A
Winchester	261A

LOUISIANA

Abbeville	285A
Alexandria	245, 262
Bastrop	240A
Baton Rouge	251, 264, 268, 273, 277
Bogalusa	300

LOUISIANA—Continued

	Channel No.
Crowley	275
DeRidder	269A
Eunice	288A
Ferriday	228A
Franklin	237A
Golden Meadow	232A
Hammond	296A
Houma	296A
Jennings	224A
Jonesboro	285A
Lafayette	233, 260
Lake Charles	241, 258, 279
Leesville	288A
Mansfield	224A
Minden	237A
Monroe	270, 281, 291
Morgan City	244A
Natchitoches	249A
New Iberia	256
New Orleans	222, 227, 239, 246, 253, 258, 266, 270, 287
Oak Grove	244A
Opelousas	296A
Ruston	296A
Shreveport	229, 233, 243, 266
Sulphur	265A
Thibodaux	292A
Ville Platte	228A
West Monroe	252A
Winnfield	221A

MAINE

Auburn	261A
Augusta	267, 283
Bangor	225, 246
Bath	237A
Biddeford	232A
Brunswick	255
Calais	224A
Caribou	249A
Ellsworth	232A, 239
Farmington	257A
Houlton	261A
Lewiston	230, 298
Machias	237A
Madawaska	272A
Portland	250, 270, 275
Presque Isle	237A, 241, 245
Rockland	238A
Rumford	292A
Saco	292A
Sanford	244A
Skowhegan	296A
South Paris	288A
Waterville	252A
Westbrook	285A

MARYLAND

Annapolis	256, 300
Baltimore	222, 226, 236, 250, 270, 274, 282, 293
Bethesda	234, 272A
Cambridge	292A
Catonsville	289
Cumberland	275, 291
Easton	244A
Frederick	260
Frostburg	287
Glen Burnie	240A
Hagerstown	284, 295
Halfway	244A
Havre de Grace	279
Leonardtown	249A
Oakland	238
Oakland (western Md.)	244A
Ocean City	284
Pocomoke City	224A
Salisbury	232A
Waldorf	281
Westminster	264

MASSACHUSETTS

Boston	233, 245, 253, 264, 277, 281, 294
Brockton	249A
Brookline	225
Cambridge	237A
Fitchburg	283
Framingham	289

MASSACHUSETTS—Continued

	Channel No.
Gloucester	285A
Greenfield	252A
Haverhill	223
Hyannis	291
Lawrence	229
Lowell	258
Lynn	269A
Medford	300
Nantucket	260
New Bedford	247, 251
North Adams	261A
North Attleboro	227
Northampton	257A
Pittsfield	269A, 288A
Plymouth	256
Springfield	226, 234, 271
Waltham	273
West Yarmouth	235
Worcester	241, 297

MICHIGAN

Adrian	280A
Albion	244A, 285A
Alma	285A
Alpena	228A, 299
Bad Axe	221A
Battle Creek	277
Bay City	241, 273
Benton Harbor	260
Big Rapids	265A
Birmingham	234
Cadillac	235, 244A
Charlotte	224A
Cheboygan	286
Coldwater	253
Dearborn	262
Detroit	226, 238, 242, 246, 250, 254, 258, 266, 270, 278, 282, 286, 290, 294, 298
Dowagiac	249A
East Lansing	235, 256
Escanaba	227, 246
Flint	236, 288A, 300
Fremont	257A
Gaylord	237A, 294
Grand Haven	221A
Grand Rapids	229, 239, 245, 250, 267, 275, 281, 289
Greenville	297
Hancock	228A
Hastings	261A
Hillsdale	221A
Holland	233, 241
Houghton	249A
Houghton Lake	253
Ishpeming	222, 296A
Iron Mountain	280A
Iron River	244A
Ironwood	226, 259
Jackson	231, 291, 296A
Kalamazoo	271, 293
Lansing	248, 264, 269A
Lincoln Park	222
Ludington	261A
Mackinaw City	232A
Manistee	249A
Marquette	239, 261A
Menominee	292A
Midland	259
Mt. Clemens	274
Mt. Pleasant	233
Munising	252A
Muskegon	295
Niles	237A
Owasso	280A
Petoskey	244A, 255
Port Huron	296A
Rogers City	249A
Saginaw	251, 292A, 296A
Saline	275
St. Helen	288A
St. Johns	221A
St. Joseph	296A
Sault Ste. Marie	224A
Sturgis	257A
Tawas City	269A
Traverse City	221A, 270, 278
Whitehall	237A

MINNESOTA

	Channel No.
Aitkin	282A
Albert Lea	237A
Alexandria	224A, 264
Anoka	300
Austin	260
Bemidji	252A, 269A
Benson	228A
Blue Earth	265A
Brainerd	239
Breckenridge	269A
Cambridge	288A
Cloquet	228A
Crookston	241, 246
Detroit Lakes	237A
Duluth	235, 248, 255, 273, 277, 286
East Grand Forks	280A
Ely	221A
Eveleth	261A
Fairmont	293
Faribault	240A
Fergus Falls	243, 256
Golden Valley	223
Grand Rapids	244A
Hibbing	292A
International Falls	232A
Little Falls	221A
Mankato	256, 278
Marshall	261A
Minneapolis	229, 246, 253, 258, 262, 267, 275
Montevideo	287
Moorhead	254, 280
Morris	232A
New Ulm	226
Ortonville	292A
Owatonna	285A
Park Rapids	279
Pipestone	252A
Princeton	292A
Red Wing	288A
Redwood Falls	249A
Rochester	244A, 248, 295
St. Cloud	284, 296A
St. Louis Park	281
St. Paul	233, 237A, 271
Thief River Falls	257A
Virginia	296A
Wadena	290
Willmar	273
Windom	285A
Winona	237A
Worthington	236

MISSISSIPPI

Aberdeen	288A
Amory	237A
Biloxi	292A
Booneville	257A
Brookhaven	221A
Canton	269A
Centerville	285A
Clarksdale	237A, 276A
Cleveland	224A, 280A
Columbia	244A
Columbus	276A
Corinth	232A
Forest	223
Greenville	250, 264
Greenwood	256
Grenada	261A
Gulfport	272A, 296A
Hattiesburg	279, 283
Hazelhurst	265A
Holly Springs	224A
Houston	227
Indianola	288A
Iuka	285A
Jackson	234, 238, 242, 259, 275
Kosciusko	286
Laurel	262
Leland	232A
Lexington	292A
Louisville	296A
Macon	280A
Magee	298
McComb	231, 289
Meridian	246, 267
Natchez	236

MISSISSIPPI—Continued

	Channel No.
New Albany	278, 292A
Oxford	248
Pascagoula	255, 285A
Philadelphia	272A
Pontotoc	244A
Senatobia	232A
Starkville	292A
Tupelo	253
Vicksburg	254, 294
Waynesboro	288A
West Point	265A
Winona	240A
Yazoo City	221A

MISSOURI

Aurora	261A
Boonville	257A
Branson	292A
Brookfield	249A
Cape Girardeau	264, 275
Carrollton	266
Carthage	285A
Chillicothe	280A
Clayton	256
Clinton	237A
Columbia	244A, 288A
Crestwood	234
Eldorado Springs	296A
Fulton	224A
Hannibal	254
Houston	257A
Jefferson City	261A
Joplin	223, 273
Kansas City	227, 235, 243, 259, 271, 277, 282
Kennett	255
Kirksville	228A, 233
Lebanon	279
Marshall	275
Maryville	237A
Mexico	239
Moberly	284
Monett	240A
Mountain Grove	224A
Osage Beach	228A
Poplar Bluff	233, 297
Portageville	292A
Potosi	261A
Rolla	232A
Ste. Genevieve	289
St. Joseph	286
St. Louis	222, 229, 243, 251, 273, 277, 293, 299
Salem	240A
Sedalia	221A
Sikeston	249A
Springfield	234, 247, 254, 268
Thayer	244A
Trenton	224A
Union	269A
Waynesville	249A
West Plains	230, 272A
Willow Springs	265A

MONTANA

Anaconda	249A
Belgrade	244A
Billings	227, 246
Bozeman	229
Butte	231, 238
Dillon	252A
Glasgow	228A
Glendive	232A
Great Falls	225, 233, 255, 292A
Hamilton	240A
Hardin	237A
Havre	223, 236
Helena	221A, 276A
Kalispell	246, 253
Lewistown	240A
Libby	269A
Livingston	249A
Miles City	224A
Missoula	227, 235, 261A
Plentywood	261A
Red Lodge	257A
Shelby	242, 250
Sidney	226, 236
Wolf Point	224A

NEBRASKA

	Channel No.
Alliance	221A
Beatrice	225
Broken Bow	252A
Chadron	228A, 234
Columbus	266
Fairbury	257A
Fremont	288A
Grand Island	239, 243
Hastings	228A
Holdrege	249A
Kearney	255, 272A
Kimbell	261A
Lexington	226
Lincoln	237A, 274, 292A, 297
McCook	240A, 276A
Nebraska City	249A
Norfolk	294
North Platte	235, 246
Ogallala	228A
Omaha	222, 231, 241, 253, 260, 264, 270, 283
O'Neill	224A
Scottsbluff	225, 231
Sidney	237A
Superior	280A
Terrytown	265A
Valentine	241
York	285A

NEVADA

Carson City	234, 247
Elko	228A, 237A
Ely	224A
Fallon	257A
Henderson	231, 238
Las Vegas	222, 226, 246, 253, 270
Reno	238, 283, 289, 295
Sparks	252A
Tonapah	224A
Winnemucca	224A

NEW HAMPSHIRE

Berlin	241, 279
Claremont	291
Conway	228A
Dover	248
Hanover	257A
Keene	279
Laconia	252A
Manchester	239, 266
Mt. Washington	235
Nashua	292A
Newport	272A
Portsmouth	262, 296A
Rochester	280A

NEW JERSEY

Asbury Park	232A
Atlantic City	236, 245, 279
Bridgeton	299
Camden	295
Dover	288A
Eatontown	292A
Franklin	272A
Long Branch	296A
Millville	247
Newark	234, 262, 290
New Brunswick	252A
Newton	279
Paterson	226
Pleasantville	285A
Point Pleasant	240A
Princeton	277
Toms River	224A
Trenton	233, 248, 268
Vineland	221A
Wildwood	264
Zarephath	256

NEW MEXICO

Alamagordo	232A, 288A
Albuquerque	222, 227, 231, 242, 258, 262
Artesia	225
Aztec	235
Belen	249A
Carlsbad	221A
Clayton	238A
Clovis	256, 260
Deming	232A
Espanola	272A

NEW MEXICO—Continued

	Channel No.
Farmington	225, 245
Gallup	229, 233
Grants	237A
Hobbs	231, 239
Las Cruces	237A
Las Vegas	265A
Lordsburg	249A
Los Alamos	253
Lovington	269A
Portales	237A
Raton	232A
Roswell	235, 246
Ruidoso	228A
Sante Fe	238, 247
Santa Rosa	240A
Silver City	224A
Socorro	224A
Taos	257A
Truth or Consequences	244A
Tucumcari	224A

NEW YORK

Albany	238, 265A, 276A, 280A, 293
Amsterdam	228A, 285A
Auburn	293
Babylon	232A, 272A
Baldwinsville	221A
Bath	252A
Binghamton	251, 256
Buffalo	225, 233, 241, 245, 258, 273, 277, 281, 293
Cherry Valley (Otsego Co.)	270
Corning	291
Cortland	260
Depew	229
De Ruyter	286
Dundee	240A
Elmira	224A, 232A
Endicott	265A
Fulton	284
Garden City	224A
Geneva	272A
Gouverneur	224A
Hempstead	252A
Herkimer	224A
Hornell	287
Hudson	244A
Ithaca	228A, 247, 279
Jamestown	227, 269A
Kingston	232A, 249A
Lake Success	278
Liberty	240A
Little Falls	288A
Middletown	224A
Mt. Kisco	292A, 296A
Newburgh	276A
New Rochelle	228A
New York	222, 230, 238, 242, 246, 250, 254, 258, 266, 270, 274, 282, 286, 294, 298
Niagara Falls	253
Norwich	230
Ogdensburg	244A
Olean	239, 265A
Oneida	292A
Oneonta	276A, 280A
Oswego	288A
Owego	269A
Patchogue	248, 291
Peekskill	264
Plattsburg	260
Potsdam	256
Poughkeepsie	268, 284
Riverhead	280A
Rochester	223, 243, 250, 255, 263, 267, 280A
Rome	240A
Sag Harbor	221A
Salamanca	261A
Saranac Lake	237A
Saratoga Springs	272A
Schenectady	258
South Bristol Twsp. (Ontario Co.)	236
Syracuse	226, 233, 265A, 275, 300
Troy	222
Utica	235, 245, 282, 297
Walton	221A
Watertown	248
Weathersfield Twsp. (Wyoming Co.)	299

NEW YORK—Continued

	Channel No.
Wellsville	257A
White Plains	280A

NORTH CAROLINA

Ahoskie	249A
Albermarle	265A
Asheboro	232
Asheville	260
Beaufort	249A
Black Mountain	295
Burlington	230, 266
Charlotte	236, 279, 284, 300
Clinton	296A
Concord	250
Durham	286, 296A
Edenton	261A
Elizabeth City	229, 295
Elkin	265A
Fairmont	292A
Farmville	232A
Fayetteville	251
Forest City	227, 287
Franklin	244A
Gastonia	270
Goldsboro	245, 274
Greensboro	246, 254
Greenville	299
Havelock	285A
Henderson	223
Hendersonville	273
Hickory	239, 275
High Point	238, 258, 262
Jacksonville	221A, 288A
Kannapolis	259
Kinston	236
Laurinburg	243
Leaksville	233
Lexington	231
Lumberton	239, 272A
Morehead City	240A
Morganton	221A
New Bern	252A
N. Wilkesboro	247
Plymouth	257A
Raleigh	234, 241, 268
Reidsville	271
Roanoke Rapids	272A
Rocky Mount	221A, 264
Roxboro	244A
Salisbury	293
Sanford	288A
Shelby	241
Statesville	245, 289
Tabor City	285A
Tarboro	282
Thomasville	252A
Washington	227, 270
Whiteville	256
Williamston	279
Wilmington	247, 260, 265A
Wilson	291
Winston-Salem	226, 281, 298

NORTH DAKOTA

Bismarck	225, 233
Carrington	249A
Devils Lake	244A
Dickinson	221A
Fargo	229, 250
Grafton	265A
Grand Forks	225, 234
Hettinger	228A
Jamestown	227, 238
Mandan	285A
Minot	229, 246
Oakes	252A
Rugby	237A
Valley City	265A
Williston	241, 253

OHIO

Akron	243, 248
Alliance	223
Ashland	267
Ashtabula	246
Athens	252A, 288A
Barberton	235
Bellaire	263

OHIO—Continued

	Channel No.
Bowling Green	228A
Bryan	265A
Bucyrus	224A
Cambridge	244A
Canton	231, 251, 295
Celina	232A, 244A
Chillicothe	227, 232A
Cincinnati	223, 227, 231, 253, 270, 274, 286
Circleville	285A
Cleveland	226, 238, 253, 258, 264, 271, 277, 281, 289, 293, 300
Cleveland Heights	222
Columbus	222, 234, 242, 246, 250, 259
Conneaut	288A
Coshocton	257A
Dayton	256, 284, 299
Defiance	240A
Dover-New Philadelphia	269A
East Liverpool	282
Eaton	235
Elyria	297
Findlay	263
Fostoria	244A
Fremont	256
Gallipolis	268
Greenville	293
Hamilton	235, 243, 278
Hillsboro	294
Ironton	296A
Jackson	249A
Kent	261A
Kenton	252A
Kettering	260
Lancaster	238
Lima	249A, 271
London	292A
Lorain	285A
Mansfield	287, 291
Marietta	232A
Marion	295
Miamisburg	229
Middleport	221A
Middletown	290
Mt. Vernon	229
Newark	262
Norwalk	237A
Oxford	249A
Piqua	239
Port Clinton	233
Portsmouth	257A, 281
Salem	286
Sandusky	274
Sidney	288A
Springfield	264, 275
Steubenville	278
Tiffin	279
Toledo	223, 252A, 260, 268, 272A, 284, 288A
Urbana	269A
Van Wert	255
Wapakoneta	221A
Wash. Ct. House	288A
Waverly	265A
Wellston	244A
Wilmington	272A
Wooster	283
Xenia	237A, 280
Youngstown	227, 255, 266
Zanesville	273

OKLAHOMA

Ada	227
Altus	228A
Alva	259, 284
Ardmore	221A
Bartlesville	261A
Bethany	285A
Chickasha	288A
Clinton	237A
Duncan	293
Durant	296A
Edmond	249A
Elk City	232A
Enid	245
Frederick	240A
Guymon	224A
Henryetta	272A
Hobart	257A

OKLAHOMA—Continued

	Channel No.
Hugo	237A
Idabel	244A
Lawton	251, 268
Madill	285A
McAlester	267
Miami	265A
Muskogee	295
Oklahoma City	223, 234, 241, 255, 263, 270, 274, 281, 209
Okmulgee	285A
Ponca City	257A, 269A
Poteau	252A
Seminole	288A
Stillwater	230
Tahlequah	269A
Tulsa	225, 238, 243, 248, 253, 277
Woodward	228A

OREGON

Albany	300
Ashland	269A
Astoria	289
Baker	237A
Bend	231, 264
Brookings	237A
Burns	224A
Coos Bay	252A, 288A
Coquille	272A
Corvallis	268, 291
Cottage Grove	237A
Enterprise	244A
Eugene	233, 241, 250, 256
Gold Beach	224A
Grant's Pass	245, 260
Hermiston	257A
Hood River	288A
Klamath Falls	223, 253
La Grande	252A
Lakeview	228A
Lebanon	279
Medford	229, 237A
Newport	274
North Bend	265A
Oceanlake	244A
Ontario	236, 241
Oregon City	294
Pendleton	267, 278
Portland	222, 229, 238, 246, 253, 258, 262, 266, 270, 277
Prineville	237A
Redmond	224A
Roseburg	276A
Salem	286
Springfield	226
The Dalles	283
Tillamook	281
Toledo	296A

PENNSYLVANIA

Allentown	264, 281
Altoona	251, 261A
Beaver Falls	294
Bethlehem	236
Bloomsburg	293
Boyertown	298
Braddock	245
Bradford	280A
Butler	249A
Carbondale	232A
Carlisle	272A
Chambersburg	236
Clearfield	228A
Columbia	224A
Connellsville	280A
Coudersport	244A
Dubois	271, 297
Easton	241, 260
Ebensburg	256
Elizabethtown	294
Ellwood City	221A
Emporium	224A
Ephrata	286
Erie	260, 272A, 279, 292A
Franklin	257A
Gettysburg	299
Greensburg	296A
Greenville	296A

PENNSYLVANIA—Continued

	Channel No.
Grove City	236
Harrisburg	235, 247, 257A, 281
Hazelton	250
Huntingdon	292A
Indiana	276A
Jenkintown	280A
Johnstown	221A, 238
Kane	292A
Lancaster	233, 245, 267
Lebanon	261A
Lewistown	240A
Lock Haven	221A
Martinsburg	224A
Meadville	262
Media	262
Milton	265A
Montrose	243
Naticoke	221A
New Kensington-Tarentum	264
Oil City	253
Palmyra	221A
Philadelphia	223, 227, 231, 239, 243, 251, 255, 266, 271, 275, 283, 287, 291
Philipsburg	280A
Pittsburgh	225, 229, 233, 241, 259, 268, 273, 284, 290, 300
Pottsville	270
Punxsutawney	288A
Reading	273
Red Lion	241
St. Marys	232A
Sayre	272A
Scranton	267, 285A, 296A
Shamokin	237A
Sharon	275, 280A
Shenandoah	288A
Shippensburg	232A
Somerset	249A
State College	244A, 276A
Stroudsburg	228A
Sunbury	231
Towanda	237A
Tyrone	266
Uniontown	252A
Warren	222
Washington	237A
Waynesboro	268
Wellsboro	249A
White Haven	276A
Wilkes-Barre	225, 253
Williamsport	274, 286
York	253, 277, 289

RHODE ISLAND

Providence	222, 231, 238, 268, 286
Westerly	279
Woonsocket	292A

SOUTH CAROLINA

Aiken	257A
Anderson	266, 297
Bamberg	224A
Barnwell	269A
Batesburg	221A
Beaufort	254
Charleston	229, 236, 245
Columbia	250, 284
Conway	281
Dillon	225
Easley	280A
Florence	276A, 288A
Georgetown	249A, 292A
Greenville	223, 229, 233
Greenwood	244A
Lancaster	296A
Laurens	263
Manning	261A
Marion	232A
Mullins	265A
Myrtle Beach	221A
North Charleston	273
Orangeburg	294
Seneca	251
Spartanburg	255
Summerville	240A
Sumter	267
Walterboro	265A

SOUTH DAKOTA

	Channel No.
Aberdeen	231, 235
Belle Fourche	240A
Brookings	269A
Deadwood	226, 236
Hot Springs	244A
Huron	221A
Madison	276A
Mitchell	265A
Mobridge	221A
Pierre	224A, 237A
Rapid City	230, 250
Sioux Falls	223, 228A, 243, 247
Vermillion	272A
Watertown	241, 245
Winner	228A
Yankton	262, 281

TENNESSEE

Athens	257A
Bristol	245
Carthage	272A
Centerville	285A
Chattanooga	222, 243, 288A, 293
Clarksville	300
Cleveland	264
Columbia	269A
Cookeville	232A, 252A
Covington	228A
Dayton	280A
Dickson	272A
Dyersburg	261A
Fayetteville	288A
Franklin	261A
Gallatin	283
Greeneville	235
Humboldt	272A
Jackson	222, 281
Jamestown	261A
Johnson City	268
Kingsport	253, 292A
Knoxville	248, 278, 299
Lafayette	257A
LaFollette	288A
Lawrenceburg	240A
Lebanon	297
Lewisburg	232A
Lexington	257A
Livingston	240A
Manchester	259
Martin	269A
McKenzie	295
McMinnville	269A
Memphis	246, 259, 266, 274, 283, 290
Morristown	240A
Murfreesboro	242
Nashville	225, 238, 250, 277, 290
Oak Ridge	285A
Pulaski	252A
Ripley	237A
Savannah	269A
Sevierville	271
Shelbyville	275
Sparta	288A
Springfield	232A
Sweetwater	237A
Tullahoma	227

TEXAS

Abilene	239, 257A, 264, 286
Alice	272A
Alpine	224A
Alvin	271
Amarillo	226, 231, 250, 254, 270
Andrews	288A
Austin	229, 234, 238, 252A
Ballinger	276A
Bay City	284
Beaumont	231, 236, 248, 299
Beeville	285A
Belton	292A
Big Lake	252A
Big Spring	237A
Bonham	252A
Borger	282
Brady	237A
Breckenridge	228A
Brenham	292A
Brownfield	292A

TEXAS—Continued

	Channel No.
Brownsville	226, 262
Brownwood	257A, 268, 281
Bryan	252A
Burnet	276A
Cameron	269A
Canyon	296A
Carrizo Springs	228A
Childress	244A
Cleburne	235
Cleveland	295
Coleman	296A
College Station	221A
Colorado City	292A
Comanche	232A
Corpus Christi	230, 236, 243, 256, 260
Crane	265A
Crockett	224A
Cuero	249A
Dalhart	232A
Dallas	223, 250, 254, 262, 266, 275, 279, 283, 287
Del Rio	232A
Denison	269A
Denton	291
Diboll	238
Dumas	237A
Eagle Pass	224A
Eastland	252A
Edinburg	273, 281
El Paso	227, 234, 242, 248, 253, 260, 264, 271, 275
Falfurrias	292A
Farwell	252A
Floydada	237A
Fort Stockton	232A
Fort Worth	230, 242, 246, 258, 271, 298
Gainesville	233
Galveston	293
Georgetown	265A
Gonzales	272A
Hamilton	221A
Harlingen	233, 241
Henderson	261A
Hereford	292A
Hillsboro	273
Houston	229, 233, 239, 243, 250, 256, 262, 266, 275, 281, 289
Huntsville	269A
Jacksonville	257A
Jasper	272A
Junction	228A
Kenedy-Karnes	296A
Kermit	292A
Kilgore	240A
Killeen	237
Kingsville	249A
Lake Jackson	297
Lamesa	262, 284
Lampasas	257A
Laredo	264, 289, 300
Levelland	288A
Longview	289
Lubbock	229, 233, 242, 258, 266, 273
Lufkin	277, 286
Marlin	244A
Marshall	280A
McAllen	245, 253
McCamey	237A
Mercedes	296A
Merkel	272A
Mexia	265A
Midland	222, 227, 271
Mission	221A
Monahans	260, 277
Mt. Pleasant	264
Muleshoe	276A
Nacogdoches	252A
New Braunfels	221A
Odessa	245, 250, 256
Orange	283, 291
Palestine	232A
Pampa	262
Paris	257A
Pasadena	223
Pecos	252A
Perryton	240A
Pharr	285A

TEXAS—Continued

	Channel No.
Plainview	247
Pleasanton	252A
Port Arthur	227, 253
Port Lavaca	240A
Quanah	265A
Ralls	252A
Raymondville	269A
Rusk	249A
San Angelo	225, 230, 234, 248
San Antonio	225, 241, 247, 258, 262, 270, 274, 283
San Marcos	296A
San Saba	244A
Seguin	287
Seminole	280A
Seymour	232A
Shamrock	224A
Sherman	244A
Sinton	267, 277
Slaton	224A
Snyder	269A
Sonora	221A
Spearman	252A
Stamford	221A
Sweetwater	244A
Taylor	221A
Temple	285A
Terrell Hills	292A
Texarkana	251, 273
Tulia	265A
Tyler	226, 268, 293
Uvalde	237A
Vernon	272A
Victoria	221A, 236, 254
Waco	238, 248, 260
Weslaco	247, 258
Wichita Falls	225, 236, 247, 260, 277

UTAH

Blanding	221A
Bountiful	288A
Brigham City	296A
Cedar City	223, 235
Logan	225, 233
Moab	244A
Ogden	238, 250, 266, 270
Orem	296A
Price	252A
Provo	235, 241
Richfield	229
St. George	228A
Salt Lake City	227, 231, 246, 254, 262, 282
Spanish Fork	292A
Tooele	276A
Vernal	224A

VERMONT

Barre	296A
Bennington	232A
Burlington	225, 255
Montpelier	244A, 276A
Newport	300
Rutland	246, 251
St. Albans	272A
Springfield	228A
Waterbury	287
White River Junction	237A

VIRGINIA

Abington	224A
Arlington	286
Ashland	261A
Blacksburg	285A
Blackstone	228A
Charlottesville	237A, 248
Clifton Forge	280A
Covington	265A
Crewe	284
Culpeper	276A
Farmville	239
Fredericksburg	227, 268
Front Royal	280A
Galax	251
Gretna	277
Grundy	249A
Hampton	267
Harrisonburg	264, 288A
Hopewell	221A
Lawrenceville	288A

VIRGINIA—Continued

	Channel No.
Lexington	252A
Luray	257A, 292A
Lynchburg	261A, 269A
Manassas	294
Marion	290
Martinsville	242
Norfolk-Newport News	225, 239, 247, 254, 259, 263, 275, 283, 287
Norton	296A
Orange	244A
Petersburg	257A
Pulaski	296A
Radford	269A
Richmond	233, 251, 271, 279, 293
Roanoke	222, 235, 256
Salem	228A
South Boston	248
Staunton	228A, 272A
Tazley	277
Warrenton	232A, 299
Warsaw	237A
Waynesboro	224A
Williamsburg	243
Winchester	223, 273
Woodbridge	290

WASHINGTON

Aberdeen	284
Bellingham	225, 282
Bremerton	295
Centralia	275
Chelan	228A
Colfax	272A
Colville	221A
Edmonds	287
Ellensburg	221A
Ephrata	240A
Grand Coulee	253, 266
Hoquiam	280A
Kennewick	287
Longview	240A
Lynden	293
Moses Lake	262
Omak	224A
Opportunity	241
Othello	249A
Prosser	272A
Pullman	285A
Quincy	232A
Richland	236, 281
Seattle	223, 227, 231, 235, 239, 243, 251, 255, 260, 264, 268, 273, 299
Spokane	225, 229, 251, 255, 260, 289, 300
Sunnyside	244A
Tacoma	247, 280A, 291
Toppenish	224A
Walla Walla	227, 246
Wenatchee	257A, 285A
Yakima	292A, 297

WEST VIRGINIA

Bath (Berkeley Springs)	228A
Beckley	258, 279
Bluefield	283, 292A
Buckhannon	237A
Charleston	241, 248, 253, 260, 290
Charles Town	252A
Clarksburg	224A, 249A, 293
Elkins	232A
Fairmont	261A, 276A
Grafton	265A
Huntington	263, 277, 300
Keyser	240A
Logan	270, 274
Martinsburg	248
Montgomery	265A
Morgantown	257A, 270
Moundsville	288A
New Martinsville	280A
Oak Hill	231
Parkersburg	257A, 276A
Richwood	244A
Ronceverte	288A
St. Albans	286
Weston	228A
Wheeling	247, 254, 298
Williamson	243

WISCONSIN

	Channel No.
Antigo	285A
Appleton	289
Ashland	240A
Beloit	237A
Eagle River	232A
Eau Claire	231, 264
Fond du Lac	296A
Fort Atkinson	297
Green Bay	252A, 266
Greenfield Twsp	235
Hayward	221A
Janesville	260
Kaukauna	285A
Kenosha	236, 245
La Crosse	227
Ladysmith	288A
Madison	251, 268, 273, 281
Manitowoc	221A, 272A
Marinette	236
Marshfield	293
Medford	257A
Menomonee Falls	252A
Menomonie	285A
Merrill	228A
Middleton	292A
Milwaukee	227, 233, 239, 243, 247, 256, 271, 275, 299
Monroe	229
Mt. Horeb	221A
Neenah-Menasha	230, 257A
Neillsville	298
Oshkosh	244A, 280A
Park Falls	252A
Port Washington	261A
Prairie Du Chien	232A
Racine	221A, 264
Rhinelander	300
Rice Lake	242
Richland Center	265A
Ripon	240A
Sauk City	244A
Shawano	262, 274
Sheboygan	249A
Sparta	246
Stevens Point	250
Sturgeon Bay	240A
Tomah	255
Viroqua	272A
Watertown	284
Waukesha	291
Waupaca	244A
Wausau	238, 270
Wauwatosa	279
West Bend	223
Wisconsin Rapids	277

WYOMING

Buffalo	224A
Casper	233, 238
Cheyenne	250, 292A
Cody	232A
Douglas	221A
Evanston	292A
Gillette	228A
Lander	248
Laramie	241, 255
New Castle	257A
Powell	225
Rawlins	224A
Riverton	228A
Rock Springs	243, 258
Sheridan	235, 243
Thermopolis	252A, 269A
Torrington	257A
Wheatland	269A
Worland	240A

U.S. TERRITORIES AND POSSESSIONS

Guam:	
Agana	230, 238
Puerto Rico:	
Adjuntas	275
Aguadilla	225, 262
Arecibo	293, 297
Bayamon	234, 264
Caguas	277
Coamo	223
Fajardo	243

U.S. TERRITORIES AND POSSESSIONS—Con.

	Channel No.
Puerto Rico—Continued	
Guayama	295
Humacao	299
Isabella	268
Manati	245
Mayaguez	231, 248, 256
Ponce	227, 270, 286
Rio Piedras	239
San German	236
San Juan	229, 253, 260, 273, 284, 289
Utuado	281
Yauco	241
Virgin Islands:	
Charlotte Amalie	250, 266
Christiansted	258, 291

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

[F.R. Doc. 65-10653; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 14307; FCC 65-870]

PART 73—RADIO BROADCAST SERVICES

Skywave Transmission on Class I–B Clear Channels

Report and order. 1. On October 16, 1961, the Commission released a notice of proposed rule making in the above-captioned matter. Time for filing comments and reply comments expired on November 13, 1961, and November 27, 1961, respectively.

2. Comments supporting adoption of the proposed rule amendments were filed by L. B. Wilson, Inc., licensee of Station WCKY, Cincinnati, Ohio, and KSTP, Inc., licensee of Station KSTP, St. Paul, Minn. No reply comments or oppositions were filed.

3. The rule changes which are under consideration would make applicable to Class I–B clear channel stations, those curves entitled "Skywave Signals for 10 percent and 50 percent of the Time" and "Angles of Departure vs. Transmission Range" (figures 1a and 6a of § 73.190) which were adopted [1] for use in Class I–A clear channels, and would conform the text of the appropriate sections of the rules to reflect proper usage of these curves.

4. As noted above, the rule amendments for Class B stations identical to those proposed in this proceeding have, by prior Commission action, been adopted and made applicable to Class I–A clear channels. In view of the meager record in this proceeding, the foregoing circumstance constitutes the dominant consideration upon which the Commission's decision turns. Accordingly, we find that the public interest will be served by adoption of the proposed rule amendments. Such action will provided for greater uniformity of domestic and international standards relating to standard broadcast stations; will eliminate the dual standards presently applicable to the clear channels; will serve to provide for more realistic depictions of service and interference; will appreciably simplify the computation process relative to evaluating service and interference; and will, as regards future assignments on Class I–B channels, result in more complete protection to existing service.

5. As was specified in the notice of proposed rule making in this proceeding, the rule amendments adopted herein will not require modification of any standard broadcast facility authorized prior to the effective date of amendment.[2] Likewise, all applications now pending before the Commission will be considered in accordance with the old standards.

6. The Commission's action in this proceeding affords an opportunity to effect certain editorial changes which will simplify and unify the figure designations on the charts and graphs appearing in § 73.190 of our rules. Specifically, we will delete present figures 1 and 6, as provided by the rule amendments we now adopt, and we will reassign these numbers to the figures which appeared in the instant notice as figures 1a and 6a.

7. Authority for adoption of the rule amendments herein is contained in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered,* That, effective November 8, 1965, the Commission's rules are amended as set forth below.

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

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

Adopted: September 29, 1965.

Released: October 1, 1965.

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

1. In § 73.182, paragraphs (s) and (t) are amended to read as follows: [4]

§ 73.182 Engineering standards of allocation.

* * * * *

(s) The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made according to the method described in § 73.186, or, in the absence of such measurements, by reference to the propagation curves of § 73.184. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to the appropriate propagation curves in figure 1 or figure 2 of § 73.190.

(t) In computing the 50 percent and 10 percent skywave field intensity values of a station operating on a clear channel, use shall be made of the appropriate curve set forth in figure 1 of § 73.190, entitled "Skywave Signals for 10 percent and 50 percent of the Time." In computing the 10 percent skywave field intensity values of a station on any other channel, use shall be made of the appropriate curve set forth in figure 2 of § 73.190, entitled "10 percent Skywave Signal Range." (In the case of Class IV stations on local channels, simplifying assumptions may be made. See note to paragraph (a)(4) of this section.) The pertinent vertical angle shall be determined by use of figure 6 of § 73.190, entitled "Angles of Departure vs. Transmission Range."

* * * * *

2. Section 73.185 is amended to read as follows: [4]

§ 73.185 Computation of interfering signal from a directional antenna.

(a) In case of an antenna directional in the horizontal plane, the groundwave interference shall be readily computed from the calculated horizontal pattern by determining the vectors toward the service area of the station to be protected and applying these values to the groundwave curves set out in § 73.183.

(b) For signals from stations operating on clear channels, skywave interference shall be determined from figures 1 and 6 of § 73.190.

(c) For signals from stations operating on regional and local channels, skywave interference is determined from figures 2 and 6 of § 73.190. (Certain simplifying assumptions may be made in the case of Class IV stations on local channels. See note to § 73.182(a)(4).)

(d) Figure 6 of § 73.190, entitled "Angles of Departure vs. Transmission Range" is to be used in determining the angles in the vertical pattern of the antenna of an interfering station to be considered as pertinent to transmission by one reflection. To provide for variation in the pertinent vertical angle due to variations of ionosphere height and ionosphere scattering, the curves 4 and 5 indicate the upper and lower angles within which the radiated field is to be considered. The maximum value of field intensity occurring between these angles shall be used to determine the multiplying factor to apply to the 10 percent skywave field intensity value read from figure 1 or figure 2 of § 73.190. The multiplying factor is found by dividing the maximum radiation between the pertinent angles by 100 mv/m. (Curves 2 and 3 are considered to represent the variation due to the variation of the effective height of the E-layer while curves 4 and 5 extend the range of pertinent angles to include a factor which allows for scattering. The dotted lines are included for information only.)

(e) Example of the use of skywave curves for stations operating on clear channels: Assume a Class II station

[1] Report and Order in the Clear Channel proceeding, Docket No. 6741, released Sept. 14, 1961, FCC 61-1106.

See footnote 1 at end of docket.

[2] Existing facilities on these channels thus need not be modified. However, in any determination involving the signals of such stations, e.g., for the purpose of RSS calculations involving an existing station and applications filed subsequent to the adoption of this rule, the new curves will be used. Similarly, the secondary service of I–B stations will be evaluated on the basis of the new curves.

[3] Commissioners Henry, Chairman; and Hyde absent.

with which interference may be expected is located at a distance of 450 miles from a proposed Class II station. The critical angles of radiation as determined from figure 6 of § 73.190 are 9.6° and 16.3°. If the vertical pattern of the antenna of the proposed station, in the direction of the other station, is such that between the angles of 9.6° and 16.3° above the horizon the maximum radiation is 160 mv/m at 1 mile, the value of the 10 percent field, as read from figure 1 of § 73.190, is multiplied by 1.6 to determine the interfering field intensity at the location in question.

(f) For stations operating on regional and local channels, interfering skywave field intensities shall be determined in accordance with the procedure specified in paragraph (d) of this section and illustrated in paragraph (e) of this section, except that figure 2 of § 73.190 is used in place of figure 1 of § 73.190. In using figure 2 of § 73.190, one additional parameter must be considered, i.e., the variation of received field with the latitude of the path.

(g) Figure 2 of § 73.190, "10 percent Skywave Signal Range Chart", shows the signal as a function of the latitude of the transmission path, which is defined as the geographic latitude of the midpoint between the transmitter and receiver. When using figure 2 of § 73.190, latitude 35° should be used in case the midpoint of the path lies below 35° N. and latitude 50° should be used in case the midpoint of the path lies above 50° N.

(h) In the case of non-directional vertical antennas, the vertical distribution of relative fields for several heights, assuming sinusoidal distribution of current along the antenna, is shown in figure 5 of § 73.190. In the case of directional antennas the vertical pattern in the great circle direction toward the point of reception in question must first be calculated. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection, the method of calculating interference will not be restricted to that just described, but each such case will be considered on the basis of the best knowledge available.

(i) Example of the use of skywave curves for stations operating on regional and local channels: It is desired to determine the amount of interference to a Class III station at Portland, Oreg., caused by another Class III station at Los Angeles, Calif. The Los Angeles station is radiating a signal of 560 mv/m at 1 mile, in the horizontal plane, in the great circle direction of Portland, using a 0.5 wavelength antenna. The distance is 835 miles. From figure 6 of § 73.190, the upper and lower pertinent angles are 7° and 3.5° and, from figure 5 of § 73.190, the maximum radiation within these angles is 99 percent of the horizontal radiation or 554 mv/m at 1 mile. The midpoint latitude of the transmission path is 39.8° N. and, from figure 2 of § 73.190, the 10 percent skywave field at 825 miles is 0.050 mv/m for 100 mv/m radiated. Multiplying by 554/100 to adjust this value to the actual radiation gives 0.277 mv/m as the interfering signal intensity. At 20 to 1 ratio, the limitation to the Portland station is to the 5.5 mv/m contour.

(j) When the distance is large, more than one reflection may be involved and due consideration must be given each appropriate vector in the vertical pattern, as well as the constants of the earth where reflection takes place between the transmitting station and the service area to which interference may be caused.

3. Section 73.187(a)(1) is amended to delete reference to figure 6a and substitute figure 6 therefor: [1]

§ 73.187 Limitation on daytime radiation.

(a)(1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, no authorization will be granted for Class II facilities if the proposed facilities would radiate, during the 2 hours after local sunrise and the 2 hours before local sunset, toward any point on the 0.1 mv/m contour of a co-channel U.S. Class I station, at or below the pertinent vertical angle determined from curve 4 of figure 6 of § 73.190, values in excess of those obtained as provided in paragraph (b) of this section.

* * * * *

4. In § 73.190, figures 1 and 6 are deleted, figures 1a and 6a are redesignated as figures 1 and 6, and the text is amended to read: [1]

§ 73.190 Engineering charts.

This section consists of the following figures: 1, 2, R3, 5, 6, 7, 8, 9, 10, and 11.

* * * * *

[F.R. Doc. 65-10652; Filed, Oct. 5, 1965; 8:49 a.m.]

[1] Figures 1 and 6 of § 73.190 will continue to be applicable to all Class I–B clear channel applications on file on or before the adoption of this amendment.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Aviation Agency

Section 213.3357 is amended to show the exception under Schedule C of the position of Congressional Liaison Specialist. The section is further amended to show that the position of Special Assistant to the Assistant Administrator for General Aviation Affairs and the position of Chief, Congressional Relations Division, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (g) and (i) of § 213.3357 are revoked and paragraph (k) is added as set out below.

§ 213.3357 Federal Aviation Agency.

* * * * *

(k) One Congressional Liaison Specialist.

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

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

[F.R. Doc. 65-10650; Filed, Oct. 5, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the position of Chief, Trial Section, Criminal Division, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (f) of § 213.3310 is revoked.

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

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

[F.R. Doc. 65-10651; Filed, Oct. 5, 1965; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Consumer and Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 530—POULTRY AND POULTRY PRODUCTS

Subpart—Announcement PY–29, "Chicken Export Payment Program—GMX 73a"

Sec.
530.1 General statement.
530.2 Exporter.
530.3 Eligible chicken.
530.4 Submission and acceptance of offers.
530.5 Exportation period.
530.6 Official inspection and grading certificates required.
530.7 Performance bond.
530.8 Invoices.
530.9 Documents required as evidence of export.
530.10 Payment.
530.11 Refund of export payment.
530.12 Liquidated damages.
530.13 Records and accounts.
530.14 Amendment and termination.
530.15 Performance and good faith.
530.16 Transshipment.
530.17 Officials not to benefit.
530.18 Setoff.
530.19 Assignment.

AUTHORITY: The provisions of this subpart issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

§ 530.1 General statement.

(a) (1) The U.S. Department of Agriculture (hereinafter referred to as "USDA") hereby announces a Chicken Export Payment Program (hereinafter referred to as the "Program") under which USDA will make payments to exporters, at rates determined on an offer and acceptance basis, for chicken exported from the United States to the countries of Austria and Switzerland, subject to the terms and conditions set forth in this subpart.

(2) If, after a review of offers received, USDA decides not to make export payments on an offer and acceptance basis or to make export payments on an additional quantity of chicken, USDA may invite, by press release, offers for the exportation of a specified class(es) of chickens at an announced rate(s) of export payment, subject to the terms and conditions set forth in this subpart.

(3) The Program shall be administered by the Consumer and Marketing Service of USDA (hereinafter referred to as C&MS).

(b) Information pertaining to the Program, except information pertaining to payment of invoices, may be obtained from:

Michael Newborg, Poultry Division, C&MS, U.S. Department of Agriculture, Washington, D.C., 20250 (Phone: Area Code 202, DUdley 8-7017).

(c) Information pertaining to payment of invoices under the Program may be obtained from:

Budget and Finance Branch, Eastern Area Administrative Division, C&MS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20781 (Phone: Area Code 202, DUdley 8-8575).

§ 530.2 Exporter.

"Exporter" means any individual, corporation, partnership, association, or other business entity, which is engaged in the business of buying and selling agricultural commodities and for this purpose maintains a bona fide business office in the United States and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 530.3 Eligible chicken.

Export payments will be made on the exportation of certain classes of frozen, ready-to-cook U.S. Grade A chickens (i.e., broiler or fryer, roaster, hen or stewing chicken or fowl) with or without neck and with or without giblets. The live chickens shall have been produced in the United States and processed in plants operating under the Poultry Products Inspection Act and frozen in accordance with USDA requirements for product labeled as "fresh frozen," "quick frozen," or "frozen fresh," (7 CFR 81.50 (f)(1)). The chickens shall be packaged and packed in accordance with the requirements for Level B, Style 1, set forth in Federal Specification PPP-P-620a, dated Dec. 4, 1964, titled "Poultry, Chilled and Frozen, Ready-to-Cook (Eviscerated), Packaging and Packing of," and any amendments thereto in effect on the date of the contract or as may be otherwise announced by USDA press release. For the purposes of this subpart "United States" means the 50 states and the District of Columbia.

§ 530.4 Submission and acceptance of offers.

Exporters desiring to participate in the Program may submit offers by letter or by telegram, to Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250. Limited facilities are available for receiving offers by TWX on 202-965-0941 only.

Information in offer. AN OFFERER *MUST* INCLUDE *EACH* OF THE FOLLOWING NUMBERED POINTS IN THE ORDER LISTED. Each offer must state:

1. That offer is made subject to Announcement PY-29.

2. The quantity of chicken in net pounds, ready-to-cook weight, which is to be exported.

3. The offered export payment rate per net pound for chicken, as follows:

____pounds (*insert class*) at ____cents per pound to Austria (with) (without) necks and (with) (without) giblets.

____pounds (*insert class*) at ____cents per pound to Austria (with) (without) necks and (with) (without) giblets.

____pounds (*insert class*) at ____cents per pound to Switzerland (with) (without) necks and (with) (without) giblets.

____pounds (*insert class*) at ____cents per pound to Switzerland (with) (without) necks and (with) (without) giblets.

(The total tonnage in this item 3 must equal the tonnage shown in item 2. A country designated in the offer with respect to a particular quantity and class of chicken is the "applicable country specified in the contract" as that phrase is used in this subpart.)

4. Name and complete address of offerer.

5. (a) Whether offerer (is) (is not) owned or controlled by a parent company as defined herein. If offerer states in response to this item 5(a) that offerer is owned or controlled by a parent company, *offerer will also state* name and principal office address of the parent company.

(For the purpose of any offer, a parent company is defined as one which either owns or controls the activities and basic business policies of the offerer. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required. If another company is able to formulate, determine or veto basic business policy decisions of the offerer, such other company is considered the parent company of the offerer. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.)

(b) Employer's Identification Number (E.I. No.) (Federal Social Security Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941), and E.I. No. of Parent Company (if any).

Offer must be signed by an individual authorized to make contracts with USDA.

In submitting an offer under the Program, offerer certifies that the offer was prepared and submitted without consultation and agreement with any other firm or concern (except as between principal and his agent or broker) with respect to the export payment rate(s) quoted.

When to submit offers: Until further notice, offers may be submitted so as to be received not later than the dates and times announced in USDA press releases. The arrival time in the USDA Telegraph Office (which also handles TWX No. 202-965-0941) or, in the case of letters, the time stamp of the USDA—C&MS Mail Room in Washington, D.C., will determine whether an offer is received within the time limitation.

Delivery of an offer to the Mail Room or Telegraph Office by the deadline is the responsibility of the offerer.

To facilitate handling of offers submitted by mail, place the notation "Do not open until prescribed time per Announcement PY-29" in the lower left-hand corner of the envelope.

Acceptance of offers: Acceptance of offers will be made by telegram filed at Washington, D.C., not later than 48 hours following the deadline for receipt of offers. Failure to accept an offer will constitute rejection. USDA reserves the right to accept or reject any or all offers, in whole or in part, or to waive any informality therein: *Provided*, That USDA shall not accept a portion of any line item listed separately in the offer, e.g., broilers with necks and with giblets, without written confirmation from the offerer. The date of acceptance shall be the date of the contract. No notice of rejection will be given unless notice is requested in the offer, in which case notice will be given by collect telegram. The offerer should promptly notify USDA of any error in his offer. No offer, or modification, or withdrawal thereof, will be considered if received after the closing time for the receipt of offers, unless received before acceptance of offer(s) is made and USDA determines that: (i) Such offer, modification or withdrawal was delayed in transmission by mail or telegraph through no fault of the offerer, or (ii) the modification is made for the purpose of correcting an error apparent on the face of the original offer, for the purpose of clarifying an ambiguity or supplying an omission therein, or the modification is beneficial to USDA and not prejudicial to any other offerer.

USDA reserves the right to refuse to consider an offer if USDA does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this subpart. If a prospective offerer is in doubt as to whether USDA has adequate information with respect to his financial responsibility, he should either submit a financial statement to the person named in section 530.1(b) of this subpart prior to making an offer, or communicate with him to determine whether such a statement is desired. When satisfactory financial responsibility has not been established, USDA reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to USDA, assuring that, if the offer is accepted, the offerer will comply with the provisions of the contract.

The submission of an offer to export and its acceptance by USDA shall constitute a contract between USDA and the exporter under which (a) subject to all the terms and conditions of this subpart, the exporter agrees to export or cause to be exported chickens, to submit satisfactory documentation with respect to the exportation, and, upon failure to comply with the terms and conditions of this subpart, to pay USDA for its damages, and (b) USDA agrees to make payment to the exporter as provided in section 530.10 of the subpart.

§ 530.5 Exportation period.

(a) During the period commencing on the date of the contract and ending

ninety (90) calendar days after that date (hereinafter referred to as the "export period"), the exporter shall export or cause to be exported from the United States, by shipment destined for ultimate delivery in the applicable country specified in the contract, the chicken described in the contract in the quantity stated in the acceptance of exporter's offer (hereinafter referred to as the "contracted quantity"), plus or minus a tolerance of two percent (2 percent). The date which appears on the applicable on-board vessel bill of lading or which is shown to be the on-board date by other supporting documentation specified in § 530.9 shall be accepted as the date of export for the purpose of determining whether an export shipment was timely made.

(b) If the exporter gives USDA prompt written notice of a delay in exportation and the cause thereof, either before or within ten (10) calendar days after the end of the export period, and USDA determines in writing that such delay was due solely to causes without the exporter's fault or negligence, an extension of the time for exportation will be granted for a period not exceeding thirty (30) calendar days. Notwithstanding the foregoing, USDA may extend the time for exportation upon such terms and conditions as it determines to be in the interests of the Government.

§ 530.6 Official inspection and grading certificates required.

(a) The exporter shall furnish for each lot(s) of chicken exported (1) a legible copy of a USDA Poultry Grading Certificate, Form PY-224, issued at time of processing by the Grading Branch, Poultry Division, C&MS, USDA, and showing class, quality, condition, packaging and net weight, (2) a legible copy of a USDA Poultry Products Grading Certificate, Form PY-225, issued by the Grading Branch, Poultry Division, C&MS, USDA, not more than one working day before the time of loading on board ocean carrier, stating that the lot(s) meet the requirements of the contract, and (3) a legible copy of USDA Export Certificate, Form PY-506, which in the case of chickens destined for Switzerland shall be issued at the processing plant by the Inspection Branch, Poultry Division, C&MS, USDA, and in the case of chickens destined for Austria shall be issued at the processing plant by the Inspection Branch, Poultry Division, C&MS, USDA, or at dock side by the Grading Branch, Poultry Division, C&MS, USDA. Forms PY-506, when issued at dock side or when issued at processing plants during overtime and holiday hours, and Forms PY-224 and PY-225 shall be issued at the exporter's expense. Forms PY-506, when issued at processing plants, except during overtime and holiday hours, shall be issued at USDA's expense.

(b) The exporter shall notify the Grading Branch and the Inspection Branch, Poultry Division, C&MS, U.S. Department of Agriculture, Washington, D.C., 20250, in order that USDA officials can plan the requested grading and inspection services.

§ 530.7 Performance bonds.

The exporter shall furnish to USDA at the address shown in § 530.1(b) within twelve (12) calendar days after acceptance of the offer, a surety bond acceptable to USDA, conditioned on his faithful performance of all of the provisions of the contract, in an amount at least as great as the amount of the export payment to be made on the contracted quantity of chicken. The bond shall be payable to the United States of America. If the exporter fails to furnish the surety bond within the time required, USDA may terminate the contract. If the contract is not so terminated, USDA shall make no export payment to the exporter with respect to any quantity of chicken until the exporter, as provided in § 530.9, has furnished documentary evidence of entry of the chicken into the applicable country specified in the contract, or established that the chicken, after the date of loading on board the vessel at a U.S. port, was lost, destroyed, or damaged, and then USDA shall deduct from any amount which becomes payable under the contract an amount which the Administrator, C&MS, or his designee, determines is equal to the bond premium which the exporter would have paid had the bond been timely furnished.

§ 530.8 Invoices.

(a) The exporter shall mail to the address shown in § 530.1(c), not later than 30 calendar days (or within such longer period of time as the Administrator, C&MS, or his designee, for good cause shown by the exporter, may designate) after the expiration of the export period, or any extension thereof, as evidenced by an official postmark, his own invoice for export payment supported by the evidence of export required by § 530.9 of this subpart.

(b) Each invoice shall, on its face or reverse side, carry a certification signed by the exporter or an employee authorized to do so and worded as follows:

(I) (We) certify that the chickens covered by the on-board commercial bill of lading (or other documentation) are the same chickens covered by USDA Poultry Products Grading Certificate, Form PY-225, No. (to be inserted) and that the packaging and packing materials used for the chickens exported under Announcement PY-29 comply with the terms of the Announcement.

(Name)

(Title)

(c) With each invoice the exporter shall submit a statement clearly cross-referenced to the invoice, signed by the exporter or an employee authorized to do so and worded as follows:

(I) (We) warrant and guarantee: (i) That the chicken covered by this invoice under export payment Contract No. (number to be filled in) will be shipped to the applicable country specified in the contract, and will not be disposed of by any person in any country prior to its entry into the applicable country specified in the contract, except for such quantity which may, in the course of shipment become lost, destroyed, or damaged prior to such entry, (ii) that if any quantity of the chicken is damaged prior to such entry, such quantity will not be disposed of for human consumption in the United States, its territories or possessions, or in any other country, (iii) that after entry into the applicable country specified in the contract, the chicken so entered will not be transshipped, or caused to be transshipped, by (me) (us) from such country, and (iv) that (my) (our) agreement with the foreign buyer or importer contains the provision with respect to transshipment required by section 530.16 of Announcement PY-29.

(Name)

(Title)

§ 530.9 Documents required as evidence of export.

The exporter's invoice for export payment must be supported by the following documents evidencing export from the United States:

(a) A nonnegotiable duplicate copy of the on-board commercial bill of lading signed by an agent of the export carrier which shows the weight of the chicken, the name of the vessel, the date and place of loading, the destination of the chicken, and the name and address of both the shipper (consignor) and the consignee. If the shipper (consignor) named in the bill of lading is other than the exporter named in the contract with USDA, the exporter shall furnish with each copy of the bill of lading a waiver by the shipper in favor of the exporter of any right to claim payment under the Program for the chicken covered by the bill of lading.

(b) One legible copy of each of the three certificates named in § 530.6.

(c) Such additional evidence of export as USDA may require under the circumstances of any particular transaction to enable USDA to determine that there has been compliance with the export requirements of this subpart.

(d) If for good cause the exporter is unable to provide the documentation described above, such other documentation as is acceptable to the Administrator, C&MS, or his designee.

§ 530.10 Payment.

(a) Upon receipt of the exporter's invoice, the accompanying warranty, and the bill of lading and other supporting documentation specified in § 530.9 of this subpart, USDA will make payment to the exporter upon the quantity of chicken shown in the bill of lading or other supporting documentation at a rate equal to 50 percent of the rate agreed upon in the contract.

(b) Within sixty (60) calendar days after the end of the export period, or any extension thereof, as evidenced by an official postmark (or within such longer period of time as the Administrator, C&MS, or his designee, for good cause shown by the exporter, may designate), the exporter shall mail to USDA a certificate or other documentary evidence signed or authenticated by a duly authorized Customs official of the country of import (or such other official as the Administrator, C&MS, or his designee, may approve) attesting to: (1) The importation of the shipment, (2) the quantity of chicken entered, and (3) the

date of entry. If the documentation is not in English, the exporter shall provide USDA with an English translation thereof. Upon receipt by USDA of the required documentation showing entry into the applicable country specified in the contract, USDA will make payment to the exporter upon the quantity of chicken so shown to have been entered at a rate equal to 50 percent of the rate agreed upon in the contract.

(c) If the quantity so shown to have entered the applicable country specified in the contract is less than the quantity shown in the bill of lading or other supporting document specified in § 530.9, and if the exporter shows to the satisfaction of the Administrator, C&MS, or his designee, that the quantity which did not enter the applicable country specified in the contract was lost, destroyed, or damaged after the date of loading on board vessel at U.S. port, and that no part of the quantity so damaged was disposed of for human consumption in the United States, its territories or possessions, or in any other country, USDA will make payment to the exporter on that quantity so lost, destroyed, or damaged and not disposed of for human consumption at a rate equal to 50 percent of the rate agreed upon in the contract.

(d) The exporter may, at his option, apply for payment in two equal parts as provided herein, or apply for a single payment. If the exporter exercises the option of applying for a single payment, the provision of § 530.8 with respect to the time for submission of the invoice shall not apply. In that event, the exporter shall advise USDA by mail to the address shown in § 530.1(c) not later than 30 calendar days after the expiration of the export period, or any extension thereof, as evidenced by an official postmark (or within such longer period of time as the Administrator, C&MS, or his designee, for good cause shown by the exporter, may designate), that he will apply for a single payment, and shall mail his invoice with the certification required by § 530.8(b), the warranty required by § 530.8(c), the evidence of export required by § 530.9, and the document(s) (including evidence with respect to any loss, destruction, or damage) required by this section within sixty (60) calendar days after the end of the export period, or any extension thereof, as evidenced by an official postmark (or within such longer period of time as the Administrator, C&MS, or his designee, for good cause shown by the exporter, may designate).

(e) Notwithstanding any of the foregoing provisions of this section, no payment will be made on any quantity of chicken in excess of 102 percent of the contracted quantity.

§ 530.11 Refund of export payment.

If the exporter has received from USDA an export payment with respect to any quantity of chicken which does not enter the applicable country specified in the contract, or which, after entry, he transships or causes to be transshipped to another country, the exporter shall promptly upon demand refund the payment to USDA: *Provided, however,* That no such refund shall be required if the exporter proves to the satisfaction of the Administrator, C&MS, or his designee, that such quantity of chicken did not enter such country because it was lost, damaged, or destroyed after loading on the export carrier at a U.S. port and, if so damaged, that its condition was such that it was not disposed of for human consumption in the United States, its territories or possessions, or in any other country.

§ 530.12 Liquidated damages.

(a) (1) Failure of the exporter to export or cause to be exported, or delay in exporting or causing to be exported, the required quantity of chicken in accordance with the contract with USDA shall constitute a breach of the contract which will result in damages to USDA. Since it will be difficult, if not impossible, to prove the exact amount of damages, the exporter shall pay to USDA promptly on demand liquidated damages in the amount of 3 cents per pound for any quantity of chicken by which the exporter fails to export 98 percent of the contracted quantity, and 0.3 cent per pound per calendar day for each day of delay in exportation, commencing on the first calendar day following the end of the export period, or any extension thereof, but liquidated damages shall not be assessed for delay beyond 10 calendar days. If the chicken is not loaded on board ocean carrier for shipment destined for ultimate delivery in the country specified in the contract within 10 calendar days after the end of the export period, or any extension thereof, USDA may terminate the exporter's right to export, in which event USDA shall make no payments under this subpart. However, such termination shall not affect USDA's right to the liquidated damages for failure to have exported 98 percent of the contracted quantity.

(2) Failure of the exporter to mail to USDA within thirty (30) calendar days after expiration of the export period, or any extension thereof, an invoice supported by the documents evidencing exportation from the United States or to advise USDA not later than thirty (30) calendar days after expiration of the export period, or any extension thereof, that he will apply for a single payment shall constitute prima facie evidence of failure to export from the United States.

(b) (1) Failure to enter the chicken into the applicable country specified in the contract shall constitute a breach of contract which will result in damages to USDA. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to USDA promptly on demand liquidated damages of 3 cents per pound for that quantity of chicken which does not enter the applicable country specified in the contract: *Provided, however,* That no liquidated damages shall be payable with respect to that quantity of chicken which the exporter proves to the satisfaction of the Administrator, C&MS, or his designee, did not enter such country because it was lost, damaged, or destroyed after loading on the export carrier at a U.S. port, and, if so damaged, that its condition was such that it was not disposed of for human consumption in the United States, its territories or possessions, or in any other country.

(2) Failure of the exporter to mail evidence of entry into the applicable country specified in the contract or to furnish satisfactory proof of loss or destruction of or proper disposition of damaged chicken within sixty (60) calendar days after expiration of the export period, or any extension thereof, shall constitute prima facie evidence of failure to enter the chicken into the applicable country specified in the contract and failure to make proper disposition thereof.

(c) Transshipment of chicken exported under the Program from the applicable country specified in the contract will result in damages to USDA. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter, if he transships or causes the transshipment of chicken from the applicable country specified in the contract, shall pay to USDA promptly on demand liquidated damages of 3 cents per pound for that quantity of chicken which he transshipped or caused to be transshipped.

(d) The foregoing rates are agreed upon by the exporter and USDA to be reasonable estimates of the probable actual damages that would be incurred by USDA, and such liquidated damages are in addition to any right of refund as provided in § 530.11.

§ 530.13 Records and accounts.

Each exporter shall maintain accurate records relating to all chicken exported or to be exported in connection with the Program. These records, and any document relating to any transaction in connection with the Program, shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for three years after date of export.

§ 530.14 Amendment and termination.

USDA may amend or terminate the Program at any time upon public announcement thereof. The amendment or termination, however, shall not apply to contracts awarded under the program prior to the effective time of the amendment or termination.

§ 530.15 Performance and good faith.

If USDA, after affording the exporter an opportunity to present evidence in accordance with the regulations of USDA relating to suspension and debarment, determines that the exporter has failed to act in good faith in connection with any transaction under this subpart, or that the exporter is irresponsible in carrying out his obligations under a contract entered into pursuant to this subpart, the exporter may be denied the right to have any offer he submits under the Program considered favorably.

§ 530.16 Transshipment.

The exporter shall include in his agreement with his foreign buyer or importer of the chicken into the applicable country specified in the contract a provision in which the foreign buyer or importer (a) represents that the purchase and importation of the chicken is not being made for the purpose of transshipment to any other country, and (b) agrees that he will not transship or cause the chicken to be transshipped to any other country.

§ 530.17 Officials not to benefit.

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of the Program, but this shall not be construed to extend to a payment made to a corporation for its general benefit, or to such person in his capacity as a farmer (grower of the products exported).

§ 530.18 Setoff.

If the exporter is indebted to USDA, the amount of such indebtedness may be set off against the proceeds of the contract. If the exporter is indebted to the United States for taxes and notice of lien has been filed in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323) or any amendments or modifications thereof, or Notice of Levy has been served on USDA in accordance with the provisions of the Internal Revenue Code (26 U.S.C. 6331) against money payable to the debtor, or if the exporter is indebted to any other agency of the United States, the amount of such taxes or debt may likewise be set off. In the case of an assignment as provided in § 530.19, the following provisions with respect to setoff shall apply:

(a) Notwithstanding the assignment, USDA may set off:

(1) Any amounts due USDA under the provisions of the contract,

(2) Any amounts for which the exporter is indebted to the United States for taxes, with respect to which a notice of lien was filed or a Notice of Levy was served in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323; 6331) or any amendments or modifications thereof, prior to acknowledgment by USDA of receipt of the notice of assignment, and

(3) Any amounts, other than amounts specified in subparagraphs (1) and (2) of this paragraph, due USDA or any other agency of the United States, if USDA notified the assignee of such amounts to be set off at the time acknowledgment was made of receipt of notice of the assignment.

(b) Any indebtedness of the exporter to any agency of the United States which may not be set off pursuant to paragraph (a) of this section, may be set off against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by the exporter to the assignee for which the assignment was made.

(c) Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 530.19 Assignment.

The exporter shall not make any assignment of the contract or of any rights thereunder, except that the exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of the contract to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a true copy of the instrument of assignment, in accordance with the instructions on Form ASCS–66, Form CSS–66, or Form AMS–66, "Notice of Assignment," which form must be used in giving notice of assignment to USDA: *And provided further*, That any such assignment shall cover all amounts payable and not already paid under the contract, shall not be made to more than one party, and shall not be subject to further assignment, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

S. R. SMITH,
Administrator.

Approved: October 1, 1965.

JOHN A. SCHNITTKER,
Acting Secretary of Agriculture.

[F.R. Doc. 65–10712; Filed, Oct. 4, 1965; 4:46 p.m.]

Title 7—AGRICULTURE

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

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for Area No. 3 to be effective under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, was published in the August 25, 1965, issue of the FEDERAL REGISTER (30 F.R. 10993). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was received.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.249 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1966, will amount to $3,600.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.002 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began June 1, 1965, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

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

Dated: September 30, 1965.

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

[F.R. Doc. 65–10614; Filed, Oct. 5, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–AL–8]

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

Extension of Federal Airway

On June 24, 1965, a notice of proposed rule making was published in the FED-

ERAL REGISTER (30 F.R. 8110) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-444 from Fairbanks, Alaska, via the intersection of Fairbanks 307° and the Bettles, Alaska, 155° True radials to Bettles.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t, December 9, 1965, as hereinafter set forth.

In § 71.125 (29 F.R. 17546, 30 F.R. 6384) V-444 is amended to read as follows:

V-444 From Bettles, Alaska, via the INT of Bettles 155° and the Fairbanks, Alaska, 307° radials; Fairbanks; Big Delta, Alaska; to the INT of Big Delta 121° radial and the Northway, Alaska, R.R.

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

Issued in Washington, D.C., on October 1, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10636; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 64-AL-21]

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

Redesignation of Control Zone

On August 13, 1965, Federal Register Document 65-8501 was published in the FEDERAL REGISTER (30 F.R. 10087) which amended section 71.171 of the Federal Aviation Regulations by redesignating the Aniak, Alaska, control zone. This amendment inadvertently omitted the part-time designation of the control zone and failed to correctly reference the appropriate FEDERAL REGISTER publication which established the part-time control zone (30 F.R. 2439). It was not intended to redesignate the control zone to be effective full time and, therefore, action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature, 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 65-8501 (30 F.R. 10087), Item No. 1 is amended to read:

In § 71.171 (30 F.R. 2439), the Aniak, Alaska, control zone is redesignated as follows:

Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the Aniak RR southwest and southeast courses, extending from the 5-mile radius zone to 14 miles southwest and 8 miles southeast of the RR, from 0545 to 2145 hours, local time, daily.

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

Issued in Anchorage, Alaska, on September 24, 1965.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 65-10637; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-79]

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

Designation of Federal Airway

On July 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9008) stating that the agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Victor 181 west alternate from Yankton, S. Dak. to Sioux Falls, S. Dak.

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 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-181 is amended as follows:

In V-181 "Sioux Falls, S. Dak.;" is deleted and "Sioux Falls, S. Dak. including a W alternate via INT of Yankton 016° and Sioux Falls 230° radials;" is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10638; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-EA-53]

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

Alteration of Federal Airways and Redescription of Low Altitude Reporting Point

On July 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9009) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter V-252, V-35, and V-423 and redescribe the Scipio Intersection as a low altitude reporting point.

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 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

1. § 71.123 (29 F.R. 17509, 30 F.R. 5506, 8157, 10883) is amended as follows:

a. In V-35 "Watkins Glen, N.Y.;" is deleted.

b. In V-252 "Watkins Glen, N.Y.;" is deleted.

c. In V-423 "INT of Ithaca 356° radial and Syracuse, N.Y., 211° radials;" is deleted and "INT of Ithaca 357° and Syracuse, N.Y., 210° radials;" is substituted therefor.

2. In § 71.203 (29 F.R. 17711) Scipio INT is amended to read as follows:

Scipio INT: INT Syracuse, N.Y., 210° and Georgetown, N.Y., 273° radials.

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

Issued in Washington, D.C., on September 30, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10639; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-SO-12]

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

Revocation of Federal Airway

On July 7, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8590) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the segment of Victor 194 north alternate from Raleigh, N.C., to Rocky Mount, N.C.

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 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., December 9, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

In V-194 "Rocky Mount, N.C., including an N alternate via INT of Raleigh-Durham 037° and Rocky Mount 283° radials;" is deleted and "Rocky Mount, N.C.;" is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10640; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-SO-13]

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

Revocation of Federal Airway

On July 7, 1965, a notice of proposed rule making was published in the FED-

ERAL REGISTER (30 F.R. 8590) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the segment of V–157 from Wilmington, N.C., to Kinston, N.C.

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 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 7312, 7744, 8157, 8264) is amended as follows:

In V–157 "From Wilmington, N.C., via Kinston, N.C.; Rocky Mount, N.C.;" is deleted and "From Kinston, N.C. via Rocky Mount, N.C.;" is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–10641; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65–SO–34]

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

Realignment and Revocation of Federal Airways; Correction

On August 26, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 11031) as Federal Register Document 65–9037, stating that in § 71.123 V–56 was amended to delete a north alternate between Augusta, Ga., and Columbia, S.C. In deleting the north alternate, a south alternate previously deleted was inadvertently reinstated. Therefore, action is taken herein to correct Federal Register Document 65–9037 by deleting the south alternate in V–56.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days' notice. The effective date of the rule, 0001 e.s.t., November 11, 1965, as originally adopted, is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65–9037 is amended as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

b. In V–56 "Columbia, S.C., including an N alternate via INT of Augusta 054° and Columbia 266° radials;" is deleted and "Columbia, S.C.;" is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–10642; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65–SW–15]

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

Extension of Federal Airway

On June 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7761) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 9 from New Orleans, La. to Grand Isle, La.

Interested persons were afforded an opportunity to participate in the rule making through the 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., December 9, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

In V–9 "From New Orleans, La., via McComb, Miss.," is deleted and "From Grand Isle, La., via INT of Grand Isle 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss.," is substituted therefor.

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

Issued in Washington, D.C., on October 1, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–10644; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 64–WE–37]

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

Alterations of Federal Airways and Revocation of Control Area Extension

On June 22, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8008) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors on segments of VOR Federal airways Nos. 85, 118, 26, 298, 187, 235, 19, and 247, and that would revoke the control area extension between V–298 and its south alternate from Dunoir, Wyo., to Casper, Wyo.

Interested persons were afforded an opportunity to participate in the rule making through the 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., December 9, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4670, 6113, 8265) is amended as follows:

1. In V–19 "Crazy Woman, Wyo.; Sheridan, Wyo., including an east alternate;" is deleted and "5 miles 12 AGL, 45 miles 71 MSL, 12 AGL Crazy Woman, Wyo.; 12 AGL Sheridan, Wyo., including a 12 AGL E alternate;" is substituted therefor.

2. In V–26 "Casper, Wyo.;" is deleted and "11 miles 12 AGL, 52 miles 111 MSL, 12 AGL Casper, Wyo.;" 55 is substituted therefor.

3. V–85 is amended to read:

V–85 From Medicine Bow, Wyo., 12 AGL via Casper, Wyo., including a 12 AGL west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles 12 AGL, 48 miles 77 MSL, 12 AGL to Riverton, Wyo.

4. V–118 is amended to read:

V–118 From Medicine Bow, Wyo., 23 miles 85 MSL, 12 AGL via Laramie, Wyo.; to Cheyenne, Wyo.

5. In V–187 "Boysen Reservoir;" is deleted and "12 AGL Boysen Reservoir, Wyo.;" is substituted therefor.

6. In V–235 "From Rock Springs, Wyo., to Casper, Wyo.," is deleted and "From Rock Springs, Wyo., 24 miles 12 AGL, 72 miles 107 MSL, 12 AGL, to Casper, Wyo." is substituted therefor.

7. V–247 is amended to read:

V–247 From Douglas, Wyo., 90 miles 75 MSL, 12 AGL, to Crazy Woman, Wyo.

8. In V–298 all after "Dunoir, Wyo.;" is deleted and "62 miles 135 MSL, 12 AGL Boysen Reservoir, Wyo.; 9 miles 12 AGL, 34 miles 105 MSL, 12 AGL Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, 12 AGL via Riverton, Wyo., 19 miles 12 AGL, 48 miles 77 MSL, 12 AGL to Casper, excluding the airspace between the main and this south alternate." is substituted therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–10645; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65–CE–88]

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

Alteration of Transition Area

On July 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9547) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Lincoln, Nebr.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the Lincoln, Nebr., transition area is amended to read:

LINCOLN, NEBR.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lincoln AFB (latitude 40°50'48" N., longitude 96°45'32" W.), and within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln AFB, to a line 2 miles east of and parallel to the Raymond VORTAC 015° radial, within 5 miles west and 9 miles east of the Lincoln AFB ILS localizer south course, extending from the 9-mile radius to 13 miles south of the ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 96°-23'00" W., on the south by the north edge of V-216, on the west by longitude 97°30'00" W., and on the north by the south edge of V-172; and that airspace extending upward from 3,500 feet MSL, southwest of Lincoln, bounded on the east by longitude 97°30'00" W., on the south by the north edge of V-216 on the west by longitude 98°00'00" W., and on the north by the south edge of V-138; and that airspace northwest of Lincoln, bounded on the east by longitude 97°30'00" W., on the south by the north edge of V-6, on the west by a line 5 miles east of and parallel to the Grand Island VORTAC 360° radial, and on the north by the south edge of V-172, excluding the Hastings, Nebr., transition area.

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

Issued in Kansas City, Mo., on September 22, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-10646; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-SO-63]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways, Control Area Extensions, Control Zone, Reporting Points, and Jet Routes

The purpose of these amendments to the Federal Aviation regulations is to change the name of West Palm Beach to Palm Beach wherever it appears in Parts 71 and 75.

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

1. Part 71 is amended as follows:

a. In § 71.123 (29 F.R. 17509), V-3, V-159 and V-492 are amended by deleting the name "West Palm Beach" wherever it appears and substituting the name "Palm Beach" therefor.

b. In § 71.163 (29 F.R. 17552) Control 1235 is amended by deleting the name "West Palm Beach" and substituting the name "Palm Beach" therefor.

c. In § 71.171 (29 F.R. 17581) wherever the name "West Palm Beach" appears the name "Palm Beach" is substituted therefor.

d. In § 71.203 (29 F.R. 17711) wherever the name "West Palm Beach" appears the name "Palm Beach" is substituted therefor.

e. In § 71.207 (29 F.R. 17718) wherever the name "West Palm Beach" appears the name "Palm Beach" is substituted therefor.

f. In § 71.209 (29 F.R. 17721) "Halibut INT" is amended by deleting the name "West Palm Beach" and substituting the name "Palm Beach" therefor.

2. Part 75 is amended as follows:

a. In § 75.100 (29 F.R. 17776, 30 F.R. 7702, 8157) Jet Routes Nos. 53, 77, and 79 are amended by deleting the name "West Palm Beach" wherever it appears and substituting the name "Palm Beach" therefor.

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

Issued in Washington, D.C., on September 29, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10643; Filed, Oct. 5, 1965; 8:48 a.m.]

[Airspace Docket No. 65-EA-39]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

On July 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8638) stating that the Federal Aviation Agency proposed to alter the boundaries and the time of designation of the Camp A. P. Hill, Va., Restricted Area R-6601.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, but no comments were received during the period allotted for public participation.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., December 9, 1965, as hereinafter set forth.

In § 73.66 (29 F.R. 17769) R-6601 is amended to read as follows:

R-6601 CAMP A. P. HILL, VA.

Boundaries. Beginning at latitude 38°-06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°-09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°-03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U.S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°-07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. 0700 to 2300, e.s.t., June 1 through September 8; and 0700 to 2300, e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, U.S. Quartermaster Center and Fort Lee, Fort Lee, Va.

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

Issued in Washington, D.C., on September 30, 1965.

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

[F.R. Doc. 65-10647; Filed, Oct. 5, 1965; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-285; Order 305]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Eliminating Optional 30-Day Extension of Time for Filing Certain Schedules in Certain Annual Report Forms

SEPTEMBER 29, 1965.

Section 141.1 of the regulations under the Federal Power Act and § 260.1 of the regulations under the Natural Gas Act presently provide that with the exception of certain designated schedules, the filing of the complete report may be postponed for 30 days beyond the established filing date (the last day of the third month after the close of the calendar year or other established fiscal year) without further authorization from the Commission. This order eliminates this optional 30-day extension of the time for filing the complete Annual Reports of Classes A and B electric utilities, licensees, and others and natural gas companies as provided in §§ 141.1 (b)(1), (c)(1) and 260.1, respectively, of the Commission's regulations.

The elimination of this optional period will make Commission analyses of company earnings and other studies more nearly current, and will expedite the compilation of industry-wide statistics for the information of the public and the industry.

Seventy-one percent of the 270 reporting Classes A and B companies filed their complete annual reports for the 1964 report year before the beginning of the optional period. In view of the recent advances in the art of keeping records through the use of electronic techniques, there appears to be no reason why the other 29 percent cannot do likewise without undue hardship. Furthermore, § 1.13 of the rules of practice and procedure, which provides that extensions of time may be granted for cause, still remains in effect.

The Commission finds:

(1) The amendments herein adopted are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

(2) Notice of rule making is not required herein by section 4 of the Administrative Procedure Act, because the change makes an amendment to a rule of agency procedure.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 304, 309, and 311 thereof (49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j) and the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Part 141, Subchapter D, and Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

(1) Paragraphs (b)(1) and (c)(1) of § 141.1 are amended by deleting the proviso in the first sentence of each so that the paragraphs read as follows:

§ 141.1 Form No. 1, annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(b)(1) Each Class A electric utility, licensee, and other, i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $2,500,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated FPC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

* * * * *

(c) (1) Each Class B electric utility, licensee, and others; i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than $1,000,000 but less than $2,500,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated FPC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

* * * * *

(2) Paragraph (b) of § 260.1 is amended by deleting the proviso in the first sentence, so that the paragraph reads:

§ 260.1 Form No. 2 annual report for natural gas companies (Class A and Class B).

* * * * *

(b) Each natural gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A or B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961, if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year an original and such number of conformed copies of the above-designated FPC Form No. 2 as are indicated in the general instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies if legible.

* * * * *

(B) The amendments herein made to Parts 141 and 260 shall be effective October 29, 1965.

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

By the Commission.

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

[F.R. Doc. 65-10593; Filed, Oct. 5, 1965; 8:45 a.m.]

[Docket No. R-286; Order 306]

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1(C) THEREOF

Miscellaneous Amendments

SEPTEMBER 30, 1965.

Certain persons, otherwise subject to the provisions of the Natural Gas Act, are exempt from its provisions by section 1(c) under stated conditions and "* * * provided that the rates and service of such person and facilities be subject to regulation by a State Commission." We are in this order amending §§ 152.1, 152.2, 152.4, and 152.5 of the regulations under the Natural Gas Act to interpret the meaning of "rates" as used in the above-quoted proviso and to prescribe additional procedural requirements.

Experience has indicated that confusion can arise in situations where a State Commission cannot or does not regulate the wholesale rates of an applicant for exemption. It is clear from the legislative history of section 1(c) that Congress did not intend any aspect of natural gas transportation and sale to be free of regulation, but rather to eliminate some duplications of regulation where both the Commission and a state agency had jurisdiction. Hence any exemption pursuant to section 1(c) can be granted only if and to the extent that all rates, including wholesale rates, service and facilities are subject to State regulation. The amendments to §§ 152.1 and 152.4 will definitively construe "rates" as used in section 1(c).

The amendments to §§ 152.2 and 152.5 are matters of practice and procedure designed to insure that both the State commission and this Commission are continuously informed of all matters of fact and law relevant to exemption under section 1(c) of the Natural Gas Act.

The Commission finds:

(1) The notice provisions of section 4 of the Administrative Procedure Act are not applicable since the amendments herein adopted are either interpretative in that they make explicit in the regulations the proper meaning of a statutory term, or else prescribe rules of agency practice and procedure.

(2) The amendments adopted herein are necessary and appropriate for the purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 1(c) and 16 thereof (68 Stat. 36, 52 Stat. 830; 15 U.S.C. 717(c), 717o), orders:

(A) Part 152, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 152.1 insert after the word "rates" in the proviso the following: "(including rates for sales for resale)".

2. In § 152.2 add to the title the following: "service", and add at the end of the section: "A copy of the application shall be served on the State Commission which has jurisdiction over the applicant and upon each wholesale customer of the applicant."

3. In § 152.4 insert after the word "rates" the following: "(including rates for sales for resale)".

4. In § 152.5 add at the end the following: "The exempted person shall also be responsible for calling to the attention of the Federal Power Commission any change, amendment, or judicial or administrative interpretation of the State law pursuant to which it is regulated by the State Commission, which may make the exemption inapplicable to it."

As thus amended, these sections will read as follows:

§ 152.1 Who may apply.

Application for exemption from the provisions of the Natural Gas Act and the rules and regulations of the Commission issued pursuant thereto may be made by any person as defined in the Natural Gas Act engaged in, or authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such applicant from another person within or at the boundary of a State, if all of the natural gas so received is ultimately consumed in such State: *Provided*, That the natural-gas rates (including rates for sales for resale) and service of the applicant and its natural-gas facilities are subject to regulation by a State commission, as defined in the Natural Gas Act, and that such State Commission is exercising that jurisdiction.

§ 152.2 Form of application; number of copies; service.

An original and 7 conformed copies of an application under this part shall be furnished to the Commission and shall conform in all other respects with §§ 1.15 and 1.16 of this chapter. The Commission reserves the right to request additional copies. A copy of the application shall be served on the State Commission which has jurisdiction over the applicant and upon each wholesale customer of the applicant.

§ 152.4 Certificate from State Commission.

Applications for exemption under § 152.3 shall contain, or there shall be separately filed, a certificate from the appropriate State Commission that the natural-gas (a) rates (including rates for sales for resale), (b) service, and (c) facilities of the applicant are subject to the regulatory jurisdiction of the State Commission and that the State Commission is exercising such jurisdiction.

§ 152.5 Applicability of exemption.

Nothing in this part shall be construed to relieve any person exempted from the provisions of the Natural Gas Act by section 1(c) thereof from compliance with valid State regulatory requirements. If an exemption from the provisions of the Natural Gas Act is effective pursuant to section 1(c), the exempted person shall be responsible for calling to the attention of the State Commission by which it is regulated and of the Federal Power Commission any future operations in which it may engage which may make the exemption inapplicable to it. The exempted person shall also be responsible for calling to the attention of the Federal Power Commission any changes, amendment, or judicial or administrative interpretation of the State law pursuant to which it is regulated, which may make the exemption inapplicable to it.

(Secs. 1(c), 68 Stat. 36, 16, 52 Stat. 830; 15 U.S.C. § 717(c), 717o)

(B) The amendments prescribed herein shall become effective on November 1, 1965.

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

By the Commission.

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

[F.R. Doc. 65-10596; Filed, Oct. 5, 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl)Phosphorothioate; Tolerances for Residues

Two petitions were filed (PP 362, 3F0406) with the Food and Drug Administration by Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., 10702, proposing the establishment of tolerances for residues of the insecticide *o,o*-diethyl *o*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on various, raw agricultural commodities.

After these petitions were filed, the petitioner submitted a report of a completed reproduction study in rats to remove a deficiency cited in the notices of filing.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submited in the petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 120.153 is amended by adding a tolerance of 10 parts per million in or on sugar beet tops and 0.75 part per million in or on blackberries, blueberries, boysenberries, dewberries, grapefruit, loganberries, pineapples, raspberries, sugar beet roots, and the meat, fat, and meat byproducts of cattle from preslaughter application and by replacing the present tolerance of 0.75 part per million in or on cantaloups, muskmelons, and watermelons with a tolerance of 0.75 part per million in or on melons as set forth below:

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

* * * * *

10 parts per million in or on alfalfa hay, bean hay, clover hay, grass hay, peavine hay, sugar beet tops.

* * * * *

0.75 part per million in or on apples, apricots, beans (snap), beet roots, beet tops, blackberries, blueberries, boysenberries, broccoli, cabbage, carrots, cauliflower, celery, cherries, collards, corn (kernels and cob with husks removed), cranberries, cucumbers, dewberries, endive (escarole), figs, grapefruit, grapes, hops, kale, lemons, lettuce, lima beans, loganberries, melons, nectarines, onions, oranges, parsley, parsnips, peaches, pears, peas with pods (determined on peas after removing any shell present when marketed), peppers, pineapples, plums (fresh prunes), radishes, raspberries, spinach, strawberries, sugar beet roots, summer squash, Swiss chard, tomatoes, turnip roots, turnip tops, winter squash.

0.75 part per million in or on the fat, meat, and meat byproducts of cattle and sheep from preslaughter application.

* * * * *

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 30, 1965.

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

[F.R. Doc. 65-10621; Filed, Oct. 5, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 3D1176) filed by Elanco Products Co., division of Eli Lilly & Co., Indianapolis, Ind., 46206, and other relevant material, has concluded that § 121.217 should be amended to provide the safe conditions of use of tylosin for the treatment and control of swine dysentery (vibrionic). 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)(41)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.217(d) is amended by adding to table 3 a new item 4, as follows:

§ 121.217 Tylosin.

* * * * *

(d) * * *

TABLE 3—TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
4. Tylosin	40–100			For swine: administer in feed as tylosin phosphate after treatment with tylosin in drinking water as tylosin base; 0.25 gm. per gallon in drinking water for 3–10 days, 40–100 gm. per ton in feed for 2–6 weeks.	Treatment and control of swine dysentery (vibrionic).

* * * * * * *

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: September 30, 1965.

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

[F.R. Doc. 65–10622; Filed, Oct. 5, 1965; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Nafcillin Monohydrate for Oral Solution

Correction

In F.R. Doc. 65–10523, appearing at page 12637 of the issue for Saturday, October 2, 1965, the introductory text of § 146a.121(c) should read as follows:

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling, as hereinafter indicated, the following:

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6852]

[Reg. 118]

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

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

Treatment of Amounts Received on Certain Transfers of Patent Rights

On April 21, 1964, notice of proposed rule making with respect to the amendment of § 1.1235–2 of the Income Tax Regulations (26 CFR Part 1) under section 1235 of the Internal Revenue Code of 1954 (relating to sale or exchange of patents and § 39.117(q)–2 of Regulations 118 (26 CFR (1939) Part 39) under section 117(q) of the Internal Revenue Code of 1939 (relating to transfer of patent rights) was published in the FEDERAL REGISTER (29 F.R. 5348). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 1235 of the Internal Revenue Code of 1954 and section 117(q) of the Internal Revenue Code of 1939 are amended as follows:

PARAGRAPH 1. Paragraph (b)(1) of § 1.1235–2 is amended to read as follows:

§ 1.1235–2 Definition of terms.

* * * * *

(b) *All substantial rights to a patent.* (1) The term "all substantial rights to a patent" means all rights (whether or not then held by the grantor) which are of value at the time the rights to the patent (or an undivided interest therein) are transferred. The term "all substantial rights to a patent" does not include a grant of rights to a patent—

(i) Which is limited geographically within the country of issuance;

(ii) Which is limited in duration by the terms of the agreement to a period less than the remaining life of the patent;

(iii) Which grants rights to the grantee, in fields of use within trades or industries, which are less than all the rights covered by the patent, which exist and have value at the time of the grant; or

(iv) Which grants to the grantee less than all the claims or inventions covered by the patent which exist and have value at the time of the grant.

The circumstances of the whole transaction, rather than the particular terminology used in the instrument of transfer, shall be considered in determining whether or not all substantial rights to a patent are transferred in a transaction.

* * * * *

PAR. 2. Paragraph (b)(1) of § 39.117(q)–2 (Regulations 118—1939 Code (26 CFR (1939), Part 39)) is amended to read as follows:

§ 39.117(q)–2 Definition of terms.

* * * * *

(b) *All substantial rights to a patent.* (1) The term "all substantial rights to a patent" means all rights (whether or not then held by the grantor) which are of value at the time the rights to the patent (or an undivided interest therein) are transferred. The term "all substantial rights to a patent" does not include a grant of rights to a patent—

(i) Which is limited geographically within the country of issuance;

(ii) Which is limited in duration by the terms of the agreement to a period less than the remaining life of the patent;

(iii) Which grants rights to the grantee, in fields of use within trades or industries, which are less than all the rights covered by the patent, which exist and have value at the time of the grant; or

(iv) Which grants to the grantee less than all the claims or inventions covered by the patent which exist and have value at the time of the grant.

The circumstances of the whole transaction, rather than the particular terminology used in the instrument of transfer, shall be considered in determining whether or not all substantial rights to a patent are transferred in a transaction.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), sec. 3791, Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. (1952 ed.) 3791))

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: October 1, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-10618; Filed, Oct. 5, 1965; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 130—FEDERAL ASSISTANCE UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED AND SO RENAMED BY PUBLIC LAW 88-269, AN ACT "TO PROMOTE THE FURTHER DEVELOPMENT OF PUBLIC LIBRARY SERVICES"

Public Nature of Funds

Part 130 of Title 45 of the Code of Federal Regulations is amended to provide that expenditures which are to be considered in computing the amount of Federal participation under a State plan for construction of public libraries are all expenditures made by the applicant for that purpose regardless of the source of the funds.

Part 130 is amended by amending § 130.12 to read as follows:

§ 130.12 Public nature of funds.

(a) The expenditures which are to be considered in computing the amount of Federal participation under a State plan for services are only those that are made from public funds. Such public funds may include contributions from private organizations or individuals if they are deposited in accordance with State and local laws and regulations to the account of the State or political subdivision, or agency thereof, without such conditions or restrictions as would negate their character as public funds.

(b) The expenditures which are to be considered in computing the amount of Federal participation under a State plan for construction are all expenditures, made by the applicant for that purpose, regardless of the source of funds.

(Sec. 8, 70 Stat. 295, as amended and renumbered Sec. 302, 78 Stat. 14, 20 U.S.C. 357)

The foregoing amendment is effective as of July 1, 1964.

Dated: September 14, 1965.

[SEAL] HENRY LOOMIS,
Acting Commissioner of Education.

Approved: September 28, 1965.

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

[F.R. Doc. 65-10620; Filed, Oct. 5, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 968]

PART 95—CAR SERVICE

Utilization of Fifty-Foot-Long or Longer Plain Boxcars and Plain Boxcars Forty-Foot-Long or Longer With Side Door Openings Eight-Food-Wide or Wider

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 1st day of October A.D. 1965.

It appearing, that there is an acute shortage of boxcars fifty-foot-long or longer and boxcars forty-foot-long or longer with side door openings eight-foot-wide or more; and it appearing that the present carrier rules, regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars of these dimensions to the railroads owning such cars are ineffective; the Commission is of the opinion that an emergency exists requiring immediate action in all parts of the country, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.968 Utilization of fifty-foot-long or longer plain boxcars and plain boxcars forty-foot-long or longer with side door openings eight-foot-wide or wider.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) The provisions of this order apply to plain (XM, XME, and XI) forty-foot or longer boxcars with side door openings of eight-foot or wider and plain (XM, XME, and XI) fifty-foot or longer boxcars with any size side door opening of all ownerships, including all boxcars with plug doors.

(2) For purposes of this order, districts as shown in the Official Railway Equipment Register, ICC R.E.R. No. 356, supplements thereto or subsequent reissues thereof govern. These districts are identified as Association of American Railroads car selection chart showing home districts for all principal freight car ownership.

(3) Cars locating in a home district may be used only for loading to a destination on or via owner's rails or to a junction with the owner.

(4) Cars locating in a district adjacent to a home district may be used only for loading to a home district or beyond if routed via the owner.

(5) Cars locating in other districts (not home districts or districts adjacent thereto) may be used for loading to, via, or in the direction of the owner, or to any destination within a home district or within a district adjacent or intermediate to a home district.

(6) Cars locating empty at a junction with the owner must be loaded to or via the owning road or delivered owner empty at that junction.

(7) In the absence of proper loading, cars must be moved to the owner empty under Association of American Railroads Car Service Rules or Special Car Order 90.

(8) The provisions of this order do not relieve carriers of the necessity to comply with the time limitations applicable to the movement of cars under Second Revised Service Order No. 947.

(9) R. D. Pfahler, Director, and H. R. Longhurst, Assistant Director, Bureau of Railroad Safety and Service, Interstate Commerce Commission, and each of them, are hereby appointed agents of the Commission with authority to grant permits of exemption from this order as they may find necessary.

(b) Application: The provisions of this order shall apply to intrastate and interstate commerce.

(c) Effective date: This order shall become effective at 12:01 a.m., October 4, 1965.

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4).)

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-10626; Filed, Oct. 5, 1965; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER N—MISCELLANEOUS

[Dept. Reg. 108.525]

PART 131—CERTIFICATES OF AUTHENTICATION

Refusal of Certification for Unlawful Purpose

Part 131 of Subchapter N, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended as follows:

1. The text of § 131.2 is redesignated as paragraph (a).

2. At the end thereof, the following new paragraph (b) is added:

§ 131.2 Refusal of certification for unlawful purpose.

* * * * *

(b) In accordance with Public Law 89-63 (79 Stat. 209) approved June 30, 1965, any documents executed for use in connection with, and containing declarations in regard to, restrictive trade practices or boycotts fostered or imposed by foreign countries against countries friendly to the United States shall be considered contrary to public policy for purposes of these regulations. (79 Stat. 209)

3. This regulation shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 28, 1965.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary for Administration.

[F.R. Doc. 65-10612; Filed, Oct. 5, 1965; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Salton Sea National Wildlife Refuge, Calif.

In compliance with the requirements of the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695), it has been determined that a major portion of the crops in the vicinity of the following refuge has been harvested and that the period of susceptibility of such crops to wild fowl depredation has passed. Accordingly, since the possibility of crops being damaged by waterfowl is minor, the following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER. The limitation of time makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

SALTON SEA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Salton Sea National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,120 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ducks, coots, and gallinules may be hunted during the period October 23, 1965, through January 5, 1966, and geese may be hunted from October 23, 1965 through December 26, 1965. Hunting will be restricted to Saturdays, Sundays, Wednesdays, and national holidays (except Christmas Day).

(2) A Federal permit is not required to enter the public hunting area, but hunters must obtain a State permit issued at the Wister Game Management Area, 5 miles northeast of Niland, Calif., on Highway 111, or by advance reservation obtained from the State Fish and Game Department, Sacramento, Calif., before hunting on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Portland, Oreg.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10602; Filed, Oct. 5, 1965; 8:45 a.m.]

PART 32—HUNTING

Lower Souris National Wildlife Refuge, N. Dak.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres of the total refuge area is delineated on a map available at the refuge headquarters—Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants, gray partridge and sharp-tailed grouse subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 22, 1965, through December 12, 1965.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1965.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10617; Filed, Oct. 5, 1965; 8:46 a.m.]

PART 32—HUNTING

Minidoka National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Minidoka National Wildlife Refuge, Idaho, is permitted from October 23 through December 5, 1965; the public hunting of Hungarian partridge is permitted from October 9 through December 31, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 3,160 acres, is delineated on a map available at refuge headquarters, Rupert, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) No hunting will be allowed on islands in the reservoir.

(2) Fires are prohibited.

(3) Entry to the hunting area shall be by the Bird Island Road only.

(4) Parking of vehicles shall be in designated parking areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1965.

JOHN D. FINDLAY,
Acting Regional Director, Portland, Oreg.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10603; Filed, Oct. 5, 1965; 8:45 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the McKay Creek National Wildlife Refuge, Oreg., is permitted from October 23 through November 28, 1965; the hunting of quail is permitted from October 23, 1965, through January 6, 1966; the hunting of chukar and Hungarian partridge is permitted from October 9, 1965, through January 6, 1966, but only on the area designated by signs as open to hunting. This open area, comprising 660 acres, is delineated on a map available at refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Cars will be permitted on the public hunting area only at designated parking locations.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

(3) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10605; Filed, Oct. 5, 1965; 8:45 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of pheasants, quail, and cottontail rabbits on the Kirwin National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres, is delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, and cottontail rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 13 through November 28, 1965, inclusive, and from December 18 through December 31, 1965, inclusive.

(2) The open season for hunting quail on the refuge extends from November 20 through December 31, 1965, inclusive.

(3) The open season for hunting cottontail rabbits on the refuge shall be only on those days during the open season for the taking of pheasants and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1965.

MERLE O. BENNETT,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

SEPTEMBER 17, 1965.

[F.R. Doc. 65-10607; Filed, Oct. 5, 1965; 8:45 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oreg.; Correction

In F.R. Doc. 65-9530, appearing on page 11526 of the issue for Thursday, September 9, 1965, subparagraph (1) under special conditions should be deleted.

JOHN D. FINDLAY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10604; Filed, Oct. 5, 1965; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak., et al.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from November 1 through November 7, 1965, and November 13 and 14, 1965, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1965.

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 27 through December 5, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1965.

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 27, 1965 through December 5, 1965.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1965.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1965.

[F.R. Doc. 65-10606; Filed, Oct. 5, 1965; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-115]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

Correction

In F.R. Doc. 65-10335 appearing at page 12415 in the issue for Wednesday, September 29, 1965, the paragraph designations in the center column now reading (3) and (4) are corrected to read (2) and (3), respectively.

[14 CFR Part 77]

[Airspace Docket No. 62-WE-155]

ESTABLISHMENT OF ANTENNA FARM AREA, PORTLAND, OREG.

Withdrawal of Notice of Proposed Rule Making; Correction

The Federal Aviation Agency published a Notice of Withdrawal of Notice of Proposed Rule Making (Airspace Docket No. 62-WE-155) in the FEDERAL REGISTER, July 15, 1965 (30 F.R. 8905).

An error appears in the fourth paragraph, column one, 30 F.R. 8906, with reference to an Antenna Farm Area near Wichita Falls, Tex. This should have referred to an Antenna Farm Area near Portland, Oreg.

Airspace Docket No. 62-WE-155 is hereby corrected accordingly.

This action is effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 30, 1965.

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

[F.R. Doc. 65-10649; Filed, Oct. 5, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY, TEX.

Expenses and Fixing of Rate of Assessment for 1965-66 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established under the marketing agreement and Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee, during the period from August 1, 1965, through July 31, 1966, will amount to $24,000; (2) that there be fixed, a $0.005 per 7/10 bushel carton or equivalent quantity of oranges and grapefruit, the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order; and (3) that unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1965, be carried over as a reserve in accordance with § 906.35 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 30, 1965.

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

[F.R. Doc. 65-10615; Filed, Oct. 5, 1965; 8:46 a.m.]

[7 CFR Part 948]

[948.348, Amdt. 3]

IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 3

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, hereinafter set forth, which was recommended by the Area No. 3 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to his notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Order, as proposed to be amended. Section 948.348 (30 F.R. 9674, 10229, 12635) is proposed to be amended to read as follows:

§ 948.348 Limitation of shipments.

During the period October 25, 1965, through June 30, 1966, no person may handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), and (f) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; and
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; and
(ii) Prepeeling.

(4) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for seed (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* (1) Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall,

(i) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes shipped for livestock feed pursuant to paragraph (d) of this section shall be mutilated so as to render them unfit for commercial tablestock markets.

(f) *Shipments by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, "Import regulations" (§ 980.1 of this chapter), round white varieties of Irish potatoes except certified seed potatoes, imported into the United States during the period October 1, 1965, through June 30, 1966, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: October 1, 1965.

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

[F.R. Doc. 65–10663; Filed, Oct. 5, 1965; 8:49 a.m.]

[7 CFR Part 1136]

[Docket No. AO–309–A6]

MILK IN GREAT BASIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Salt Lake City, Utah, on March 23–25, 1965, pursuant to notice thereof which was issued February 26, 1965 (30 F.R. 2723).

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

1. Expansion of marketing area;
2. Milk to be priced and pooled;
3. Classification and allocation of milk; and
4. Miscellaneous and administrative changes.

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

1. *Expansion of marketing area.* The marketing area should be expanded to include Cache and Rich Counties in Utah and the cities of Malad and Preston in the State of Idaho. Proponents abandoned the proposal to add to the marketing area Lincoln County, Wyo., and the Idaho counties of Bear Lake, Franklin, and Oneida, except for the cities of Malad and Preston.

Cache and Rich Counties abut the present marketing area. They form the only territory in the northern half of Utah which is not a part of the existing marketing area. Malad is 13 miles from the boundary of the present marketing area. Preston is 8 miles from the border of Cache County.

The health ordinances pertaining to the production and distribution of fluid milk in these areas are similar to those in effect in the existing marketing area.

Recently Federated Dairy Farms, Inc., a regulated handler, acquired the distribution of the major handler supplying the territory to be added to the marketing area. As a result regulated handlers now dispose of all the milk distributed in Rich County. In Cache County approximately 75 percent of the milk is distributed by regulated handlers. The remaining milk in distributed from several plants located in the county, each of which is a producer-handler as defined in the order. No unregulated milk is distributed in Malad. In Preston 87 percent of the milk sales are made by fully regulated handlers. Most of the remainder is distributed by producer-handlers. A very small quantity of the milk distributed in Preston originates at a plant in Boise, Idaho. A witness for the handler operating the Boise plant stated that his company had no objection to Preston's being added to the marketing area.

In the absence of regulation, disorderly marketing conditions could develop in Cache and Rich Counties and the cities of Malad and Preston. Should unregulated handlers seek an outlet in this area under competitive conditions which differ from those of regulated handlers, the stability of the market would be in jeopardy. Including this territory in the marketing area will maintain stable marketing conditions should unregulated milk be disposed of therein. It will permit such milk to be distributed under conditions comparable to those applying to the regulated milk.

The handling of milk in Cache and Rich Counties and in the cities of Malad and Preston is in the current of interstate commerce. Producers supplying Great Basin handlers are located in Idaho, Wyoming, and Nevada, as well as in Utah. Milk of out-of-State producers is intermingled with Utah produced milk in the plants where it is processed and packaged. It is then distributed throughout the entire area served by regulated handlers including Cache and Rich Counties, Utah, and the communities in southern Idaho. All the regulated milk disposed of in Malad and Preston, Idaho, is processed and packaged in Utah plants.

2. *Milk to be priced and pooled.* Producer-handlers should continue to be exempt from full regulation.

Cooperative associations proposed that producer-handlers be subject to full regulation as handlers and that their production be pooled as producer milk. The present record, however, does not afford a basis for extending full regulation to producer-handlers.

The cooperatives argued that producer-handlers should be fully regulated because their number was increasing and their sales were increasing at a faster rate than the sales of regulated handlers. In 1961 the average number of known producer-handlers on the Great Basin market was 34.3. The number operat-

ing during the year varied from 32 to 37. In 1964 the average number on the market was 36.2. The number varied from 35 to 38 during the year. The percentage of the market's total Class I disposition sold by producer-handlers increased from 5.2 in 1961 to 7.9 in 1964.

Of 38 producer-handlers who filed reports with the market administrator for the month of January 1964 approximately 12 distributed pasteurized milk. The remaining 26 were raw milk distributors. There are believed to have been five additional raw milk distributors who did not file reports with the market administrator. Of the raw milk distributors reporting, a few also sold pasteurized products which they acquired from pool handlers.

At least two of the pasteurizing producer-handlers were fully regulated handlers when the order first became effective. They produced a portion of their requirements and purchased the remainder of their needs from other producers. To avoid pooling their own production these handlers became producer-handlers. They did this by increasing the size of their herds and discontinuing the purchase of milk from other producers.

Many of the remaining pasteurizing producer-handlers were formerly producers who marketed their milk through one or the other of the cooperative associations. Several of these testified that a major factor in their decision to enter the distribution field was their inability to acquire additional base as they increased their production. Although the order no longer contains a base and excess plan of distributing returns to producers, the two major cooperative associations continue to use a base and excess plan to pay their producer members. Bases are assigned member producers by the associations on the basis of past marketings. All production in excess of the assigned base is paid for at manufacturing prices. It appears that bases are not adjusted to changes in production of the individual producer. One producer-handler testified that even though he was able to purchase some additional bases from other producers, he still received manufacturing prices for more than half of his total production. Faced with the alternatives of continuing to market substantial percentages of his production at manufacturing prices, of cutting back production or of becoming a producer-handler, he chose the latter and began to market his milk directly to consumers. He stated this was the only way he could increase his share of the Class I sales in the market to a level which would permit him to continue to produce Grade A milk.

Most of the producer-handlers are relatively small and dispose of raw milk on their farms. Under regulations of the Utah State Department of Agriculture raw milk can be sold at retail only on the premises where produced by licensed producers who meet specific production, sanitary and handling requirements.

Although the prices at which raw milk is sold to consumers are somewhat less than the retail prices of pasteurized milk, the record does not indicate that this has caused disorderly marketing conditions. The demand for raw milk is limited and those consumers who desire to purchase it must travel to the producer's farm to secure it.

The producer-handlers who pasteurize their milk, on the average, dispose of a somewhat greater quantity of fluid milk than the raw milk producer-handlers. Many of them, however, are located in the more rural portions of the marketing area and their sales are confined to neighboring counties. In the metropolitan areas there are a few large producer-handlers who dispose of milk through milk depots. The record evidence, however, does not indicate that these producer-handlers have had a disruptive effect on the market. The prices received for pasteurized milk by these producer-handlers generally are comparable to the prices at which the milk of fully regulated handlers is sold. There is no evidence that producer-handlers have started price wars or engaged in other practices which threaten the stability of the market.

The definition of "producer-handler" should be clarified, however, with respect to the amount of milk which a producer-handler may purchase without losing his status. The present order provides that a producer-handler may receive during the month only milk of his own farm production or milk from other pool plants in an amount equal to 3,000 pounds or 5 percent of his Class I sales, whichever is the larger. Without further definition the term "milk" could be interpreted to mean fluid milk products, whole milk, or the milk equivalent of all dairy products received.

The purpose of the tolerance is to permit a producer-handler to augment his own production in emergency situations when it is insufficient to meet his Class I sales or to acquire for resale byproducts such as flavored milk or buttermilk which it is not practical to produce on such a small scale. Hence, the order should specify that the 3,000-pound or 5-percent limit applies to fluid milk products whether they be in the form of whole milk, cream, skim milk or similar items. A producer-handler should not be precluded from purchasing manufactured dairy products, such as butter and cheese which are in a form such that they cannot be reconstituted into fluid milk products.

A plant which has a manufacturing operation, but which receives no milk from producers should be excluded from the definition of an approved plant.

Presently, an ice cream plant at Orem, Utah, which serves as a distribution point for fluid milk products processed and packaged by a pool plant, is an approved plant under the order. Since this plant receives no milk from producers, it has no obligation to the producer-settlement fund. The only effect of exempting such plant from approved plant status is to relieve it of the obligation of reporting to the market administrator each month. Reports from manufacturing plants which have no producer receipts serve little, if any, purpose. By specifying that an approved plant must receive milk from dairy farmers, this plant will be excluded from the definition. Other plants presently defined as approved plants would continue to meet the revised definition.

The order should be amended to permit milk to be diverted for Class III use from other Federal orders to plants fully regulated by the Great Basin order without losing its identity as producer milk under the diverting order. There are many Eastern Colorado producers whose farms are located in Utah at a considerable distance from any Eastern Colorado pool plant. When this milk is not required for Class I use by Eastern Colorado handlers, it may be diverted to nonpool plants. Many of the Utah producers of the Eastern Colorado order are located close to Great Basin pool plants with manufacturing facilities. Under present order provisions the milk of these Eastern Colorado producers may not be diverted to Great Basin pool plants as producer milk of the diverting order. As a consequence, in order to maintain producer milk status under the Eastern Colorado order, it sometimes has been necessary to haul this milk to Eastern Colorado pool plants in Denver and its environs.

Manufacturing facilities in Eastern Colorado are very limited. Hence, it is often necessary after receiving the Utah milk in Denver, to haul it back to Utah to be manufactured in Great Basin pool plants. Handling milk in this manner is inefficient and costly. The order should be amended to permit such milk to be pooled in the Eastern Colorado market even though diverted directly from the farm to manufacturing facilities which are regulated under the Great Basin order.

The order should also be amended to permit producer milk to be diverted for Class III by handlers under the Great Basin order to pool plants under any order which has a reciprocal provision whereby such milk is excluded from pooling in the market of actual receipt. Since it is possible for the same farmer to be a producer under two orders during the month, provision should be made to preclude pooling the same milk under two orders. As a general rule, when order provisions permit, the milk should be priced and pooled in the market with which it is primarily associated. However, when the reserve supply of one market is diverted to plants in another market for manufacturing use, such milk should be pooled in the market from which diverted, even though the greater volume of the milk of the producers involved may be received in the market to which the milk is diverted. Therefore if milk is diverted to other order plants for Class III use, it will be pooled as producer milk in the Great Basin market even though more of the producer's milk is delivered to the other order plant than to pool plants. Simi-

larly, should milk of producers of another order which is surplus to its needs be diverted to a Great Basin pool plant for manufacturing use, the milk should continue to be pooled in the market from which diverted even though, during the month, the majority of such producer's milk was received at a Great Basin pool plant.

To be considered as a diversion, it is provided that the diverting handlers and the operator of the plant at which the milk is physically received must both report to their respective market administrators that such milk was diverted for Class III use. If the provisions of a neighboring order do not exclude from pooling milk which might be diverted from the Great Basin market, then milk so diverted will be excluded from pooling in Great Basin and will be pooled in the market where physically received. In order to avoid duplication of pooling it is provided that milk diverted to another order plant will lose its status as pool milk under the Great Basin order immediately upon becoming subject to pooling under the other order as producer milk defined therein.

The order should be amended to include in the category of exempt plants all governmental agencies and Brigham Young University. At the present time the order exempts from regulation plants from which the total route distribution of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions.

Utah State University at Logan would undoubtedly become a producer-handler under the terms of the present order on the addition of Cache County to the marketing area. This is a state institution. It operates a dairy farm and a processing plant. Most of the milk produced on the farm is received at the dairy plant. There a portion of it is bottled for consumption in the campus facilities. The remainder of the milk received is manufactured into dairy products. If production in the school farm exceeds the needs of the school plant, the excess is sold to the Cache Valley Dairy Association which operates a manufacturing plant at Smithfield, Utah.

Utah State University is a state operated institution which produces and processes milk in part for the education of students in dairy husbandry and dairy technology, and in part for its own use. It does not compete with proprietary handlers for sales off campus. Because of the nature of its operation both the production and processing facilities should be exempt.

The record is silent as to whether there are other governmental agencies, State or municipal, which produce and process milk for their own use. If such agencies do exist they should likewise be exempt from all regulation.

Although Brigham Young University is not government operated, its production and processing facilities fall in the same category as those of Utah State University. At the present time the market administrator has determined that Brigham Young is a producer-handler. As such it is exempt except for the filing of monthly reports. While these reports are necessary in the case of producer-handlers who dispose of milk on routes or through depots in competition with regulated handlers, they are not necessary in the case of Brigham Young University in view of the nature of its operation. Therefore, it should be exempt also.

While these exempt plants will have no obligation to report to the market administrator, the order should provide that if they find it necessary to purchase milk from pool plants, sales to such institutions by pool plants will be classified as Class I. Likewise, any disposition of milk by these institutions to pool plants will be classified as Class III.

The milk which is surplus to the fluid requirements of these institutions is not a source of supply which can be depended upon to fulfill the regular requirements of the market. It bears the same relationship to the marketwide pool as does the surplus of producer-handlers and it should be allocated in the same manner as a receipt from a producer-handler. Accordingly, milk received at pool plants from plants operated by these institutions should receive a Class III classification.

The definition of a pool plant should be revised to require that a distributing plant need dispose of only 30 percent of its receipts as fluid milk products on routes. The requirement that 15 percent be disposed of on routes in the marketing area should be retained.

During the past several years it has been necessary to suspend provisions of the Great Basin milk order with respect to pooling standards for distributing plants. These suspensions have been necessary to enable cooperative associations to qualify their pool plants.

Cooperative associations represent more than 90 percent of the producers supplying the Great Basin marketing area. In addition to furnishing most of the milk utilized by proprietary handlers, the two major cooperatives each operate a distributing plant. Both of these plants have manufacturing facilities and handle a substantial portion of the reserve supplies of the market. In the flush months they have been unable to meet the pooling requirements of the order.

Cooperatives proposed that in determining the pool status of distributing plants which they operate there should be added to the receipts and utilization of their own plants, the deliveries of member milk to plants of other handlers classified according to its utilization at the receiving handler's plant. They also proposed that the percentage of route disposition required for pooling be fixed at 50 percent the year round. At the present time 40 percent route distribution is required during the months of April through July.

Some proprietary handlers as well as the cooperative associations have also found it difficult, if not impossible, to meet the present pooling requirements for distributing pool plants. Moreover, producer receipts are increasing at a much greater rate than are Class I sales. If the present trend continues, in some months of the year the average Class I utilization for the entire market could fall below 50 percent. Official notice is taken of the statistical summary issued by the market administrator for the month of June 1965 which shows a marketwide Class I utilization of 51 percent.

Because of the increasing supplies and the possibility of changes in procurement practices, the pool standards for distributing plants should be fixed at a level which will reflect the anticipated supply-sales relationship. The same standard should apply to all pool distributing plants, whether cooperative or proprietary. A requirement that a distributing plant dispose of at least 30 percent of its receipts of milk from producers and supply plants as fluid milk products on routes provides such a standard. It will permit those producers who have been supplying the Class I needs of the market to continue to share in the marketwide pool even though the utilization of the plant to which they ship should fall below the 50 percent standard proposed by the cooperative association.

The rules governing diversions should provide more flexibility by permitting diversions on the basis of the percentage of the total volume of milk delivered to pool plants, either by a group of nonmember producers or by a cooperative association, rather than on deliveries of the individual producer.

The order presently provides that an individual producer who delivers milk to a pool plant may have his milk diverted to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount equal to not more than 200 percent of the milk physically received from such producer at pool plants.

Proponents requested that the diversion percentage to nonpool plants be limited to 25 percent of the producer milk. They further requested that two or more cooperative associations be permitted to combine their total deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly as producer milk.

Since the impact on the pool fund is the same whether the milk of one producer or another producer is diverted, the order should provide the flexibility needed by cooperatives in serving the market efficiently. The same flexibility should be accorded also to handlers who may need to divert nonmember milk. This can be accomplished by having the percentages apply to total diversions instead of individual producers. However, a 3-day delivery requirement for each of the producers whose milk is diverted to nonpool plants during the month should be provided to assure that the producer's milk is acceptable in terms of quality for sale in the fluid market and that the milk furnished by the producer is available for fluid use.

Presently, two-thirds of a producer's deliveries may be diverted to nonpool

plants or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant. The percentage limitations herein provided permit diversions of producer milk in an amount not to exceed one-fourth of the total deliveries received at pool plants from producers. Even though the total amount of milk which may be diverted is greatly reduced, the flexibility provided by allowing milk of producers located nearest to nonpool plants to be diverted, will facilitate the handling of the market's reserve supply by creating greater efficiency in its handling.

Diversions in excess of 25 percent shall not be producer milk and the diverting handler or diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

The option to permit two or more cooperatives to combine their deliveries to pool plants for the purpose of calculating the amount of milk which they may divert jointly should only apply when each association has filed a written request with the market administrator on or before the first day of the month for which the agreement is effective. This request should also indicate the responsibility each association assumes for designating the farmers whose milk is diverted in excess of the allowable amounts.

This amendment will facilitate for the proponent cooperative associations the arranging of their operations so that milk not needed for fluid use in the market can be more readily diverted to manufacturing pool plants nearer the production area. It will eliminate the need for milk to be hauled long distances to keep it associated with the pool while milk produced in areas near pool plants is being diverted to nonpool plants. Thus, the necessary reserve for the market would be utilized more efficiently.

Permitting cooperative associations to combine total deliveries to pool plants for calculating the quantity of milk which they may divert will not result in the total amount of milk which may be diverted as producer milk being any greater than by allowing the cooperatives to divert separately. It will provide, however, more flexibility in diverting milk of producers. It would be difficult for the market administrator to fix the responsibility for milk diverted in excess of permissible quantities when two or more cooperatives are involved. Therefore, in its request to exercise this option, each cooperative should state the basis on which over-diverted milk is to be assigned to producer-members of each cooperative association. Such basis of assignment must be approved in advance by the market administrator as a practical method which will insure the application of the intended limits with respect to total eligible diversions.

Presently, all producer milk disposed of both within the marketing area and outside such area is fully regulated and priced under the present order. It is necessary that this arrangement be continued under the amended Great Basin order. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only his "in-area" sales were subject to classification, pricing and pooling, a pool handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other pool handlers having all, or substantially all, of their Class I sales within the marketing area. In short, unless all milk of such a handler is fully regulated under the order, he would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chose, it would be impossible to enforce uniform prices to all fully regulated handlers on a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders, including the Great Basin order.

The operator of the partially regulated plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price of producer milk with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

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

3. *Classification and allocation of milk.* A proposal to classify cream, pot and baker's cheese as Class II products was abandoned by proponents at the hearing. In the absence of any testimony in support of reclassifying such cheeses, the Class III classification should be retained on such products.

The request that sour cream be classified as Class II is denied. The principal evidence offered in support of the reclassification of sour cream was the fact that sales of the product have been declining in recent months, particularly in the wholesale trade to bakeries and restaurants. Sour cream is being displaced in these outlets by substitute products made from vegetable fat which are priced far below the price of sour cream.

Under the effective health regulations in the marketing area sour cream must be produced from Grade A milk. Sour cream is disposed of in the marketing area from both pool plants and nonpool plants. The sour cream from the nonpool plants, however, is labeled Grade A. There is no evidence that sour cream is disposed of in the marketing area other than under a Grade A label. Likewise, there is no evidence with respect to the labeling or composition of products such as dips and dressing whose principal ingredient is sour cream. Neither is their any evidence that such products are being disposed of in the marketing area from non-Grade A sources.

It must be recognized that it is not feasible to reduce the price of fluid milk products to a level at which they can compete on an equal price basis with nondairy substitutes. Lowering the pricing of sour cream to the Class II level would not reduce its cost to a point at which handlers could compete on an equal price basis with nondairy substitutes. The price resulting from a Class II classification for sour cream would reduce returns to producers for a product which must be made from Grade A milk and must be so labeled. The resulting price would not be low enough to increase sales of the product in competition with nondairy substitutes. To classify sour cream as Class II would be inconsistent with the established practice of uniform pricing of products which must be made from Grade A milk. Since sour cream is required to be produced from Grade A milk and is so labeled, producers should be paid on the same basis as for other fluid milk products which are required by local health authorities to be produced from Grade A milk.

The request that cream be classified as Class II is denied. Cream sold for fluid consumption in the marketing area is required to be made of Grade A milk and to be packaged under a Grade A label. Cooperative associations asked for a lower price in an effort to increase cream sales. The extent cream sales might be expected to increase if priced as Class II is highly speculative. Since the product is required to be produced from Grade A milk and is merchandised to consumers on the basis of its Grade A quality, producers should be paid on the same basis as for other fluid milk products disposed of under a Grade A label.

Bulk sales of fluid milk products to any commercial candymaking establishment which does not dispose of fluid milk products for fluid consumption either on or off the premises should be classified as Class III milk. Proponents stated that candymakers are presently using

condensed milk and Grade C cream but would use Grade A products if they could be purchased at a Class III price. Since candymaking represents an additional use for milk which is surplus to the fluid requirements of the market, a Class III utilization should be assigned to such uses to encourage the use of producer milk by candy manufacturers.

The definition of Class III milk should be clarified to state clearly that the skim milk portion of any fluid milk product which is disposed of for livestock feed or dumped shall be classified as Class III milk. The Class III classification of dumped milk, of course, is subject to the present order requirements of prior notification to the market administrator and opportunity for physical verification of such dumping.

The definition of other source milk should be amended to exclude Class II products received from other pool plants. Under present order provisions such a receipt would be allocated to Class III use in the transferee plant. Its disposition from the transferee plant, however, would be a Class II disposition. Thus the transferee handler would be assessed the difference between the Class II and Class III prices on milk which had already been classified and priced as Class II in the transferor plant. This situation will be avoided by excluding from the definition of other source milk, Class II products received from other pool plants.

The other source milk definition should be further revised to include any disappearance of products other than fluid milk products, which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for by plant records.

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

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

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

It was proposed that the reporting and classification sections of the order be revised to permit a handler operating two or more pool plants a choice of accounting for his operation either on an individual plant basis for each plant, or on the basis of the combined operation of all his pool plants. The basis for the proposal was that it would be cheaper to prepare one combined report rather than individual reports.

The order presently provides that pool plant operators must submit a separate report for each pool plant. However, classification, the computation of shrinkage and allocation are based upon the combined pool plant operation of a handler.

The order herein set forth provides that pool plant operators shall continue to submit a separate report for each pool plant. It is further provided that classification and shrinkage shall be based upon the operation of each individual plant. Allocation is to be performed separately at each pool plant unless the pool plant handler receives other source milk which is subject to prorata assignment. In such instance the market administrator shall combine the total receipts at each pool plant before allocating other source milk.

Although it is likely that combined reporting of pool plant operations by a multiple pool plant handler may be less expensive than individual plant reporting, a more important reason exists for separate reporting. Separate reports for each pool plant will permit shrinkage to be computed separately for each pool plant. This will preclude a handler operating two or more pool plants from offsetting shrinkage in one plant against overage in another.

Proponents asked that shrinkage be on a combined basis even though no milk was transferred between such plants. Unless milk is transferred between pool plants of the handler, no means exist by which overage in one of such plants could be the cause of shrinkage in any of the remaining pool plants. Even if milk were transferred between pool plants of the same handler, the same care should be given to recording the weights and tests of milk so transferred as is given to transfers to pool plants of other handlers. The requirement that each plant must be separately accountable for shrinkage or overage will result in the multiple pool plant operator accounting to the pool on the same basis for shrinkage or overage as is now required of the operator of an individual plant.

It was proposed that a provision of the transfer section of the order dealing with movements of milk between two pool plants be deleted. This provision requires that a transfer to a pool plant from a pool plant handler who has received other source milk at any of his pool plants shall be classified as though it had been a direct receipt of other source milk at the transferee plant. Its application can result in numerous reclassifications and minor audit adjustments between handlers. In most cases these adjustments in no way affect the total classification or value of the producer milk in the pool. Neither do they affect the classification of the other source milk.

The provision was intended to prevent a handler operating a pool plant with a low utilization from receiving a high Class I classification on receipts of other order milk or milk from unregulated supply plants, by having such milk received first at a high utilization plant and then transferred to the low utilization plant. As noted above, the provision can result in numerous adjustments which affect the pool not at all, but involve a great deal of bookkeeping and revision of records. In order to prevent meaningless adjustments, but effectuate the purpose for which the provision was designed, the order should provide that, if the transferor handlers has received other source milk, the transferred milk shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk. The subsequent application of the allocation provisions will result in the same total classification of other source milk and producer milk as is provided by the present order.

4. *Miscellaneous and administrative changes.* The market administrator should no longer be the intermediary between the handler and the cooperative associations with respect to payments for any of the milk received from the cooperative associations. Presently, the sum of the final payments due the individual producer-members of a cooperative association for milk received by handlers is paid by the market administrator to any cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing. The need for this provision ceased to exist upon the termination of the base plan previously a part of the order.

Official notice is taken of a final decision issued June 23, 1961 (26 F.R. 5807), by the Secretary of Agriculture. This decision states in part:

Under the base-excess plan of payment effective under the order February 1, 1961, it is difficult for the handler to determine the

quantity of base milk associated with a part-month delivery of such a producer.

This difficulty can be overcome by requiring that handlers, upon request of the cooperative authorized to collect payments, pay the class use value of milk received from producer-members to the market administrator, who will remit to the cooperative association the value of such milk at the base and excess producer prices of the order.

Official notice also is taken of the termination order issued on August 28, 1964 (29 F.R. 12507), by the Assistant Secretary of Agriculture. This order terminated the base plan contained in the order. Therefore, the producer payment section should be revised to provide that handlers shall make payments for milk delivered by producer-members of cooperative associations directly to the associations entitled to receive payments for milk on behalf of their members.

The order should also specify that handlers shall pay a cooperative association which is a handler pursuant to § 1136.9(c) at the uniform price for milk received directly from producers' farms. Any audit adjustments arising in connection with such milk would be made through the handler rather than through the cooperative association. At the present time when an audit adjustment is made on such milk, the market administrator must bill the cooperative which, in turn, must bill the handler for the money due the producer-settlement fund. If a refund is due a handler, such refund must now be made to the cooperative association, which in turn, passes it on to the handler. This is a cumbersome procedure and, in case of default by a handler, it might be necessary to institute action against the cooperative association as well as the handler. Requiring payment at the uniform price instead of class prices for bulk tank milk for which the cooperative association is the handler will permit audit adjustments on such milk to be made directly with the handler utilizing such milk.

As a carryover from the base and excess plan the order in many places contains the term "weighted average price." The term "weighted average price" as used in the order refers to the weighted average of the base price and the excess price. Since the order now provides for a year-round uniform price, the several sections of the order which contain the terms "weighted average price" should be revised by substituting the word "uniform price" therefor.

The marketing service provision of the order should be retained. The proposal to delete the provision was made by a handler who receives milk from producers who are not members of a cooperative association.

A producer shipping milk to this handler supported the proposal on the grounds that his milk was weighed and tested regularly by the purchasing handler and only occasionally by the market administrator.

One of the terms and conditions provided for in the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. sec. 608c(5)) states in part:

(E) Providing (i) except as to producers for whom such services are rendered by a cooperative association, * * *, for market information to producers and for the verification of weights, sampling, and testing of milk purchased from producers, and for making appropriate deductions therefor from payments to producers * * *.

The statute provides for verification of (rather than ascertainment of) weights, sampling and testing of milk of producers who are not members of a cooperative association which is performing such services. Thus, it is clear that such verification must be performed by a disinterested party, not by the handler who purchases the milk from producers. The marketing services provided by the market administrator are a verification process for the benefit of producers rather than a daily weighing and testing of each handler's producer receipts.

One of the objections to marketing service provided for nonmember producers concerned the allocation of assessment fees. When marketing services are provided by the market administrator, the rate of assessment is based on the expense incurred in performing services for the total volume of milk supplied the market by producers who are not members of any cooperative association. It is based on the cost per hundredweight of milk and not on the cost per producer just as the administrative assessment is based on the cost per hundred-weight, not on the cost per handler.

There are less than 50 nonmember producers. These producers are widely dispersed throughout the marketing area. As a consequence the cost of performing marketing services is higher than it would be if there were more producers, or if their farms were concentrated in the same locality.

It should be provided that no deductions for marketing service is to be made on a handler's own farm production. The principal reason for providing marketing service to producers is to verify weighing, testing and sampling of producer milk which is performed by the handler who purchases the milk. In the case of a handler receiving milk which he has produced himself, no purpose is served by verifying the accuracy with which he weighs and tests his own production.

Proponents abandoned those proposals contained in the notice of hearing which would have provided for storage and distribution depots to be considered as part of a pool plant operation, for a different assignment of shrinkage classification between producer milk and other source milk eligible for a prorata allocation, and for an interest charge on amounts owed by a handler to the market administrator. Since these proposals were not supported at the hearing, no further consideration of these proposals is warranted on this record.

Although the marketing area is being expanded, the supply-demand adjustment to the Class I price need not be changed. As previously noted, no new handlers will be brought under regulation by the expansion of the marketing area. In addition, no significant change has been made in the classification of fluid milk products. Thus, there will be no change in the receipts and utilization of pooled milk as a result of the expansion.

The order has been drafted to incorporate the conforming and clarifying changes necessary to effectuate the findings and the conclusions made herein. Except for those amendments specifically discussed above, these changes will not affect the scope of the order or its application to any handler subject thereto.

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

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

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

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

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

(d) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator

for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(2) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and (7) and the corresponding steps of § 1136.44(b); and

(3) Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1136.6 is revised to read as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder.	Rich.
Cache.	Salt Lake.
Carbon.	Sanpete.
Daggett.	Sevier.
Davis.	Summit.
Duchesne.	Tooele.
Emery.	Uintah.
Grand.	Utah.
Juab.	Wasatch.
Millard.	Weber.
Morgan.	

NEVADA COUNTIES

Elko.	White Pine.

IDAHO COUNTIES

Franklin (city of Preston only).
Oneida (Malad City only).

WYOMING COUNTY

Uintah (town of Evanston only).

2. Section 1136.7 is revised to read as follows:

§ 1136.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a producer-handler under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption of agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant during the month or diverted to a nonpool plant within the limits set forth in § 1136.13. The term shall not include such person with respect to milk diverted to a pool plant from an other order plant if the operator of both the transferor plant and the transferee plant have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators.

3. In § 1136.8, paragraph (b) is revised to read as follows:

§ 1136.8 Producer-handler.

* * * * *

(b) Receives fluid milk products, either at such plant or for disposition on routes, only in the form of (1) milk from his own farm production, or (2) fluid milk products from pool plants in an amount during the month not in excess of the larger of 3,000 pounds or 5 percent of such person's Class I sales; and

* * * * *

4. Section 1136.10 is revised to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which receives milk from dairy farmers and (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

5. In § 1136.11, paragraph (a) is revised to read as follows:

§ 1136.11 Pool plant.

* * * * *

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 30 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes: *Provided*, That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

* * * * *

6. Section 1136.13 is revised to read as follows:

§ 1136.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant but not including milk of producers for which another person is the handler pursuant to § 1136.9(c): *Provided*, That milk received at a pool plant by diversions from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk.

(b) Diverted by a handler from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant. Such handler may divert the milk of any producer from whom at least three deliveries of milk have been received at a pool plant during the month in an amount equal to not more than the following:

(1) For a handler pursuant to § 1136.9 (a) 25 percent of the producer milk received from producers who are not members of a cooperative association. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk; or

(2) For a cooperative association which is a handler, 25 percent of the producer milk of members of such cooperative association: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator; and

(c) Received by a cooperative association which is defined as a handler pursuant to § 1136.9(c).

7. In § 1136.14, paragraph (b) is revised to read as follows:

§ 1136.14 Other source milk.

* * * * *

(b) Products (except Class II products received from pool plants), other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to

another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and which are not otherwise accounted for pursuant to § 1136.33.

8. Section 1136.40 is revised to read as follows:

§ 1136.40 Responsibility of handlers.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

(b) For the purposes of §§ 1136.41 through 1136.45, 1136.50 through 1136.54, and 1136.70 through 1136.74, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1136.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1136.70.

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1136.9(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1136.9(c) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I.

9. Section 1136.41 is revised to read as follows:

§ 1136.41 Classes of utilization.

Subject to the conditions set forth in §§ 1136.42 through 1136.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of a fluid milk product except:

(i) Those classified pursuant to paragraph (c) (3), (4), and (7) of this section; and

(ii) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Contained in fluid milk products disposed of for livestock feed (skim milk portion only);

(4) Contained in fluid milk products dumped (skim milk portion only) after prior notification to and opportunity for verification by the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, at each pool plant, or for which a cooperative association is the handler pursuant to § 1136.9(c), assigned pursuant to § 1136.45(b)(1), but not to exceed the following:

(i) Two percent of producer milk (except diverted milk); plus

(ii) One and one-half percent of milk received in bulk tank lots from other pool plants; plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of milk disposed of in bulk tank lots to other pool plants (except when the exception specified in subdivision (iii) of this subparagraph applies, the applicable percentage shall be two percent).

(6) In shrinkage assigned pursuant to § 1136.45(b)(2);

(7) Disposed of in bulk to a commercial candy manufacturer who does not dispose of fluid milk products for consumption either on or off the premises; and

(8) Contained in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(ii) of this section.

10. In § 1136.42, paragraphs (a) and (b) are revised to read as follows:

§ 1136.42 Transfers.

* * * * *

(a) If transferred to a pool plant of another handler (or other pool plants, if applicable) as fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1136.30 subject in either event to the following conditions:

(1) The skim milk of butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1136.44 (a)(8) and the corresponding step of § 1136.44(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the lowest possible classification to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a) (7) and (8) and the corresponding steps of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) If transferred to the plant of a producer-handler or to an exempt plant as defined in § 1136.60a in the form of fluid milk products shall be classified as Class I milk;

* * * * *

11. Section 1136.43 is revised to read as follows:

§ 1136.43 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1136.30. The skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids. The market administrator shall compute the skim milk and butterfat in each class as follows:

(a) If no fluid milk products to be assigned pursuant to § 1136.44(a) (7) or (8) were received at any pool plant of the handler, allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be made separately for each pool plant of a handler operating two or more pool plants;

(b) Unless the conditions specified in paragraph (a) of this section apply, the market administrator will compute the pounds of skim milk and butterfat in each class at all pool plants of such handler, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70 shall be based upon the combined utilization so computed; and

(c) Producer milk for which a cooperative association is the responsible handler pursuant to § 1136.9 (b) or (c) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70.

12. Section 1136.44 is revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association

handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9 (c) by each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class III pursuant to § 1136.41 (c)(8) plus two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract, in the order specified below, the pounds of skim milk in each of the following:

(i) From the pounds of skim milk remaining in each class, in series beginning with Class III:

(*a*) Other source milk in a form other than that of a fluid milk product;

(*b*) Receipts of fluid milk products not qualified for fluid consumption, or which are from unidentified sources; and

(*c*) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt plants as defined in § 1136.60a;

(ii) From the pounds of skim milk remaining in Class II and Class III, beginning with Class II, receipts from pool plants of other handlers (or other pool plants, if applicable) in the form of cottage cheese;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant for which the handler requests Class III utilization;

(ii) Receipts of fluid milk products from an unregulated supply plant which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers (or other pool plants, if applicable), and in receipts in bulk from other order plants;

(iii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated plants which were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(iii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1136.22(l) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk at the pool plant (or pool plants, if applicable) of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1136.42(a);

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1136.45 is revised to read as follows:

§ 1136.45 Shrinkage.

The market administrator shall assign shrinkage at each pool plant to receipts at such plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate each resulting amount computed in paragraph (a) of this section between the amounts of skim milk and butterfat, respectively, contained in:

(1) Receipts specified in § 1136.41(c)(5); and

(2) Remaining receipts of other source milk received in bulk form as fluid milk products.

14. A new § 1136.60a is added and reads as follows:

§ 1136.60a Exempt plants.

None of the provisions of this part shall apply to a governmental agency, to Brigham Young University, or to any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions. Sales of fluid milk products from a pool plant to such an agency or institution shall be Class I and receipts of fluid milk products at a pool plant from such an agency or institution shall be Class III.

15. In § 1136.62, subdivision (i) of subparagraph (1) of paragraph (a) and subparagraph (4) of paragraph (b) are revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1136.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1136.70(e) and a credit in the amount specified in § 1136.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

* * * * *

(b) * * *

(4) From the value of such milk at the Class I price applicable at the location of this nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

16. In § 1136.70, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) and of each cooperative association handler pursuant to § 1136.9 (b) and (c) shall be a sum of money computed each month by the market administrator as follows:

17. In § 1136.71, paragraph (f) is revised to read as follows:

§ 1136.71 Computation of uniform price.

* * * * *

(f) Subtract not less than 5 cents nor more than 6 cents per hundredweight. The result shall be known as the uniform price.

18. In § 1136.73, paragraph (b) is revised to read as follows:

§ 1136.73 Location differentials to producers and on nonpool milk.

* * * * *

(b) For purposes of computations pursuant to §§ 1136.82 and 1136.83 the uniform price shall be adjusted at the rates set forth in § 1136.53 applicable at the location of the nonpool plant from which the milk was received.

19. Section 1136.80 is revised to read as follows:

§ 1136.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b), (d), or (e) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 17th day of the following month, for producer milk received during the month, at not less than the uniform price pursuant to § 1136.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 1136.85;

(ii) Less the payment made pursuant to subparagraph (1) of this paragraph;

(iii) Plus or minus adjustments for errors made in previous payments to such producer and proper deductions authorized in writing by such producer; and

(iv) If by the date specified, such handler has not received full payment from the market administrator pursuant to § 1136.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing and has so notified the market administrator, payment for milk received during the month by such handler(s) from producer-members of such association shall be accomplished as follows:

(1) On or before the third day prior to the last day of each month such handler shall pay to such cooperative association not less than 1.2 times the Class III price for the preceding month for the hundredweight of such milk received during the first 15 days of the month;

(2) On or before the 16th day of the following month such handler shall pay to such cooperative association the sum of the payments computed at the appropriate uniform price with respect to deliveries by producer-members of such association to handlers from whom payments have been requested, less the amounts of payments made to such association pursuant to subparagraph (1) of this paragraph, and less the amount retained by handlers as authorized deductions.

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association and to the market administrator on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month, and if requested, the pounds received from each member-producer;

(2) The amount of payment made pursuant to paragraph (b)(1) of this section and the quantity of milk to which such payment applied; and

(3) The amount or rate and nature of any proper deductions authorized to be made from payments.

(d) Each handler shall pay a cooperative association for milk received by him from such cooperative which is classified pursuant to § 1136.40(b) as follows:

(1) On or before the second day prior to the last day of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) Each handler shall pay a cooperative association for milk received by him from a pool plant operated by such association as follows:

(1) On or before the second day prior to the end of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than an amount computed by multiplying the minimum prices for milk in each class subject to the applicable location adjustment provided in § 1136.53 and the butterfat differential provided by § 1136.52, by the hundredweight of milk in each class pursuant to § 1136.44, such amount to be reduced in the amount of the payment made pursuant to subparagraph (1) of this paragraph.

20. Section 1136.82 is revised to read as follows:

§ 1136.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount (for each pool plant, if applicable) specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1136.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1136.80 (d) and (e).

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1136.9(c) at the uniform price adjusted by applicable differentials pursuant to §§ 1136.72 and 1136.73; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1136.70 (e).

21. In § 1136.85, paragraph (a) is revised to read as follows:

§ 1136.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk pursuant to § 1136.80 (other than milk of his own production) shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

* * * * *

22. Section 1136.86 is revised to read as follows:

§ 1136.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that classified pursuant to § 1136.40(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1136.9(c), milk which was received at the pool plant of another handler) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1136.44(a) (3) and

(7) and the corresponding steps of § 1136.44(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on October 1, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-10616; Filed, Oct. 5, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

TESTS, METHODS OF ASSAY AND CERTIFICATION OF CERTAIN ANTIBIOTIC DRUGS

Notice of Proposed Rule Making

The records of the Food and Drug Administration show that there have been no requests for certification of batches of certain antibiotic and antibiotic-containing drugs for periods ranging from four to ten years. Although provision is now made in the regulations for certification of these drugs, it may be concluded that they are no longer being marketed. Therefore, the Commissioner of Food and Drugs, under the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a)) and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), proposes to amend the antibiotic regulations with a view to deleting therefrom provisions for drugs no longer being certified and which are identified as follows:

Aluminum penicillin in oil.

Bacitracin-neomycin with vasoconstrictor.

Bacitracin-neomycin-polymyxin with vasoconstrictor.

Benzathine penicillin V for aqueous injection veterinary.

Buffered penicillin with pectin hydrolysate capsules (capsules buffered potassium penicillin with pectin hydrolysate).

Calcium penicillin (penicillin calcium, penicillin calcium salt).

Carbomycin sensitivity discs.

Chloramphenicol tablets.

Chlortetracycline-neomycin - streptomycin ointment; chlortetracycline-neomycin-dihydrostreptomycin ointment; tetracycline hydrochloride - neomycin - streptomycin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin ointment.

Chlortetracycline-neomycin-streptomycin-penicillin ointment; chlortetracycline-neomycin-dihydrostreptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-streptomycin-penicillin ointment; tetracycline hydrochloride-neomycin-dihydrostreptomycin-penicillin ointment.

Crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt).

Crystalline penicillin and bacitracin.

Crystalline penicillin and epinephrine in oil.

Crystalline penicillin-streptomycin-polymyxin-oxytetracycline carbomycin powder veterinary; crystalline penicillin-dihydrostreptomycin - polymyxin - oxytetracycline-carbomycin powder veterinary.

Dibenzylamine penicillin G (dibenzylamine penicillin G salt).

Dibenzylamine penicillin and potassium penicillin powder, buffered.

Dibenzylamine penicillin and streptomycin in oil; dibenzylamine penicillin and dihydrostreptomycin in oil.

Dihydrostreptomycin hydrochloride.

Ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt).

Ephedrine penicillin tablets.

l-Ephenamine penicillin G (penicillin G *l*-ephenamine salt).

l-Ephenamine penicillin G for aqueous injection.

l-Ephenamine penicillin G in oil.

Hydrabamine penicillin G (hydrabamine penicillin G salt).

Hydrabamine penicillin G oral suspension.

Penicillin with aluminum hydroxide gel.

Penicillin in oil and wax (calcium penicillin in oil and wax, crystalline penicillin in oil and wax).

Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets.

Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.

Penicillin for surface application.

Penicillin tooth powder.

Sodium penicillin (penicillin sodium, penicillin sodium salt).

Procaine penicillin (penicillin procaine salt).

Streptomycin-bacitracin-polymyxin gauze pads.

Streptomycin hydrochloride.

Streptomycin-neomycin powder; dihydrostreptomycin-neomycin powder.

Streptomycin ointment; dihyrostreptomycin ointment.

Streptomycin and paraaminobenzoic acid powder for inhalation therapy; dihydrostreptomycin and paraaminobenzoic acid powder for inhalation therapy.

Streptomycin phosphate.

Streptomycin-sodium sulfathiazole solution veterinary; dihydrostreptomycin-sodium sulfathiazole solution veterinary.

Streptomycin solution for inhalation therapy veterinary; dihydrostreptomycin solution for inhalation therapy veterinary.

Streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).

Tetracycline hydrochloride—oleandomycin ointment.

Tetracycline hydrochloride-triacetyloleandomycin-nystatin capsules.

This proposal contemplates that when the final order in the matter is promulgated all necesary amendments will be made to delete the named antibiotics involved from existing regulations throughout the parts affected. At that time, clarification will also be made in the nomenclature of "crystalline penicillin" and "procaine penicillin" to designate specifically the drug incorporated in the certified product.

Any interested person may, within 60 days from the date of publication of this notice 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 comments preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: September 30, 1965.

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

[F.R. Doc. 65-10623; Filed, Oct. 5, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15690; FCC 65-871]

FM BROADCAST STATIONS

Proposed Table of Assignments; Memorandum Opinion and Order

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (Iowa Falls, Iowa; West Terre Haute, Ind.; Larned, Kans.; Kingston, N.Y.; Pittsfield, Mass.; Elmira, N.Y.; Orleans, Mass.; Magee and Hazlehurst, Miss.; Alexandria and Wadena, Minn.; Titusville and Ocala, Fla.; Mexico, Hannibal, Moberly, and Marshall, Mo.; Danville and Pulaski, Va., and Durham and Elizabeth City, N. Dak.; Reno, Nev.); Docket No. 15690, RM-623, RM-647, RM-659, RM-618, RM-627, RM-621, RM-634, RM-625, RM-630, RM-619, RM-631, RM-620, RM-633, RM-628.

1. The Commission has before it for consideration a petition for partial reconsideration of the Second Report and Order (FCC 65-358), released April 30, 1965 (30 F.R. 6251), in this docket, insofar as it amended the FM Table of Assignments to reassign Class C Channel 264 from Wadena to Alexandria, Minn., filed May 28, 1965, by Alexandria Broadcasting Corp. (petitioner), licensee of Station KXRA, a Class IV AM station, at Alexandria. An opposition to the petition for reconsideration was filed June 10, 1965, by Central Minnesota Television Co. (Central), licensee of television Station KCMT at Alexandria, to which the petitioner filed a reply on June 18, 1965.

2. The proposal, as put to rule making on November 5, 1964 (Notice of Proposed Rule Making, FCC 64-1022), in response to Central's request (RM-621), contemplated interchanging Class C Channel 264 at Wadena with Class A Channel 224A at Alexandria. However, while the shift of Channel 264 from Wadena to Alexandria was ordered by the Second Report and Order, it retained Channel 224A at Alexandria upon request of petitioner. Consequently, the FM assignments at Alexandria now consist of Class C Channel 264 and Class A Channel 224A, for each of which an application is now pending. At Wadena, the only such assignment is Channel 290, for which no applicant has applied. Petitioner, whose Class IV sta-

tion at Alexandria provides the only aural service originating there and in its home county (Douglas) at present, applied for Channel 224A at Alexandria on May 21, 1965 (BPH-4957). Central applied for Channel 264 at Alexandria on June 7, 1965 (BPH-4988).

3. The Commission, in its prior decision, found the shift of one of the two unused Class C assignments at Wadena to Alexandria for a first Class C assignment to be warranted in consideration of the relative size of the two places (Alexandria and Douglas County had 1960 populations of 6,713 and 21,313 and Wadena and Wadena County had 1960 populations of 4,381 and 12,199, respectively); the absence of demand for either of the Class C assignments at Wadena; and the need and demand evidenced by the record for a Class C assignment at Alexandria for wide-area coverage (Central stated its intent to apply for Channel 264 at Alexandria and to use its television tower there to provide a local and wide area, non-duplicating aural service). In deciding that Alexandria, despite its size, needed a Class C assignment for wide-area coverage, factors taken into account were that it is in an area of sparse population and relatively distant from large centers of population and FM service, there being no city of over 25,000 population nearer to Alexandria than St. Cloud, Minn., over 60 miles distant, and no operating FM station nearer than Station KFAM-FM at St. Cloud, and that it is important to the general area, being the county seat and largest community in Douglas County.

4. During the time provided for the submission of comments on the Wadena-Alexandria channel exchange proposal, the Commission received a brief letter from the petitioner herein which, while not commenting on the merits of the proposal, requested that Channel 224A at Alexandria not be replaced with Channel 264, since it was preparing an application for the Class A assignment. In light thereof, the Commission decided that, notwithstanding the resulting mixture of Class C and A assignments, in addition to assigning Channel 264 to Alexandria, it would retain Channel 224A there as well "at least for the time being in the absence of demand for its use elsewhere." While our prior decision stated that the Commission tries to avoid mixing such assignments in the same community, because it is not conducive to equalizing competitive opportunities between stations, it made clear that we judged this consideration to be outweighed by the need and demand for a wide-coverage FM assignment at Alexandria.

5. Petitioner grounds its request for reconsideration and reversal of our action assigning Channel 264 to Alexandria upon two principal contentions: That no need or demand has been demonstrated for the assignment and that the assignment of different classes of FM channels to Alexandria makes for a potentially dangerous and injurious competitive situation.[1] These bear on factors fully considered in our prior decision. Petitioner presents no new argument or facts which persuade us that their further evaluation is necessary or would provide a base for concluding that the public interest requires reversal of our conclusions and action assigning Channel 264 to Alexandria. However, we comment briefly on certain of its arguments.

6. In questioning the need and demand for Channel 264 at Alexandria, petitioner asserts that Channel 224A, for which it has applied, can fully satisfy such need and demand for FM service as exists there. We cannot accept this assertion. The pending application for Channel 264 at Alexandria would seem to demonstrate the contrary. Further, a Class A station, with maximum facilities and at the minimum separations required, has potential coverage range of about 15 miles, or 710 square miles, and it is evident that it could not provide the wide FM coverage which we consider desirable and necessary to bring a first or choice of service to the large rural and sparsely settled area in which Alexandria is located. A Class C station, however, has the potential for doing so, since, with maximum facilities and at minimum separations, it has a potential coverage range of about 65 miles, or 15,150 square miles. Thus, a large area could receive service from a Channel 264 station that could not receive it from a Channel 224A station at Alexandria. At the present time, with only two operating Class C FM stations within 65 miles of Alexandria, at St. Cloud (KFAM-FM) and Brainerd (KLIZ-FM), neither of which utilizes maximum facilities or provides Alexandria with a signal strength of 1 mv/m, we believe it important to make available a Class C assignment at Alexandria, for it would make possible a first service to a large area outside the city and a choice of service in other areas. (Central's claim that its proposed Channel 264 operation would serve more than five times the area and population which petitioner's proposed Channel 224A operation would serve is not disputed by petitioner.)[2]

7. Finally, we come to the objections petitioner raises to the mixture of Class A and C assignments at Alexandria. As a general rule, we try to avoid such mixture of assignments. In the circumstances of this case, however, where the community is of importance to the general area, is relatively isolated and surrounded by a large sparsely populated area, and in need of a wide area service such as only a Class C assignment could provide, we believe such an assignment is justified despite the resulting mixture of assignments.

8. In view of the foregoing: *It is ordered*, That the petition for reconsideration, filed May 28, 1965, by Alexandria Broadcasting Corp., is denied: *And it is further ordered*, That this proceeding on the Wadena-Alexandria assignment proposal (RM-621) is terminated.

Adopted: September 29, 1965.

Released: October 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 65-10654; Filed, Oct. 5, 1965; 8:49 a.m.]

[1] Central, in opposing the petition for reconsideration before us, argues for its dismissal without consideration, for petitioner's failure to raise any objections in comments during the time provided for their submission or to show good cause for now raising them. Despite the force of its argument for dismissal, in the interest of full consideration of the matter, we will consider the petition on its merits.

[2] Petitioner also asserts that Alexandria cannot support two FM stations. However, it submits no facts in support of this claim.

[3] Commissioners Henry, Chairman; and Hyde absent.

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-C-8]

STAR-KIST FOODS, INC.

Notice of Order for Continuance and Procedure

Star-Kist Foods, Inc., Terminal Island, Calif., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 149-foot over-all steel vessel to engage in the fishery for tuna, mackeral, sardines, hake, and anchovies.

Notice was duly published in the FEDERAL REGISTER of September 11, 1965, that hearing in this matter would be held on October 18, 1965.

Applicant has filed with the presiding officer its motion for a continuance to some date in January 1966.

American Tunaboat Association has filed its petition of intervention in the matter.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that the presiding officer, by order issued September 28, 1965, has continued the hearing, on applicant's motion, to 10 a.m., P.s.t., on January 14, 1966, at the Bureau of Commercial Fisheries Laboratory at La Jolla, Calif., and by the same order has prescribed the order of procedure to be followed by the parties who may show an interest in this proceeding. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for hearing.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 1, 1965.

[F.R. Doc. 65-10608; Filed, Oct. 5, 1965; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 62]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through September 24, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (240 ships)	1,680,897
British (75 ships)	558,866
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Atheldуke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
**East Breeze (now Phoenician Dawn—British flag)	8,708
Eastfortune	8,789
Formentor	8,424
**Free Enterprise (now Haitian flag)	6,807
**Free Merchant (now Haitian flag)	5,237
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Jollity	8,660
Kinross	5,888
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot flag).	
**Newforest (now Haitian flag)	7,185
Newgate	6,743
Newglade	7,868
**Newgrove (now Haitian flag).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot flag)	5,654
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (trips to Cuba under ex-name, East Breeze—British flag).	
**Redbrook (now E. Evangelia—Greek flag)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese flag).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Suva Breeze	4,970
**Swift River (now Kallithea—Cypriot flag)	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (61 ships)	409,077
Agia Sophia	3,106
Alolos II	7,256
Ais Giannis	6,997
Akamas	7,265
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
Free Trader	7,067
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

Flag of Registry, Name of Ship—Continued	Gross tonnage
Lebanese—Continued	
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German ship-breakers)	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Theologos	7,246
Tony	7,176
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	**257,596**
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,187
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
E. Evangelia (trips to Cuba under ex-name, Redbrook—British flag).	
Flora M	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
**Mastro-Stellios II (now Wendy H.—South African flag)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

Flag of Registry, Name of Ship—Continued	Gross tonnage
Greek—Continued	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (Tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,303
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (16 ships)	**112,779**
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (14 ships)	**111,681**
Achille	6,950
Agostino Bertani	6,380
**Andrea Costa (Tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chen Chang—Nationalist Chinese flag)	3,352
Yugoslav (8 ships)	**57,143**
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (7 ships)	**26,817**
Arsinoe (Tanker—sunk)	10,426
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	**35,828**
Atlas	10,392
Banora	3,082
Marrakech	3,214

Flag of Registry, Name of Ship—Continued	Gross tonnage
Moroccan—Continued	
Mauritanie	10,392
Toubkal	8,748
Finnish (3 ships)	**21,170**
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Maltese (5 ships)	**33,788**
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Soclyve (previous trips to Cuba under British flag)	7,291
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Cypriot (4 ships)	**26,769**
Adelphos Petrakis	7,170
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171
Artemida	7,247
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181
**Kallithea (trips to Cuba under under ex-name, Swift River—British flag).	
**Newmeadow (trips to Cuba under British flag).	
**Sunrise (trip to Cuba under ex-name, Anatoli—Greek flag).	
Netherlands (2 ships)	**999**
Meike	500
Tempo	499
Norwegian (2 ships)	**11,894**
Ole Bratt	7,144
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	**9,318**
**Amfred (now Hermia—Finnish flag)	2,828
**Dagmar (now Ricardo—Panamanian flag)	6,490
Haitian (1 ship):	
**Free Enterprise (trips to Cuba under British flag).	
**Free Merchant (trips to Cuba under British flag).	
**Newforest (trips to Cuba under British flag).	
**Newgrove (previous trips to Cuba under British flag)	7,172
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).	
**Ricardo (trips to Cuba under ex-name, Dagmar—Swedish flag).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stellios II—Greek flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade; except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	
a. Since last report: None.	*Number of ships*
b. Previous reports:	
Flag of registry (total)	87
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	1
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through September 24, 1965:

Flag of registry	Number of trips											
	1963	1964	1965									Total
			Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	
British	133	180	9	7	14	10	13	11	11	11	4	403
Lebanese	64	91	8	2	4	6	2	9	8	2	1	197
Greek	99	27	2		1	2	4	2	3	2		142
Italian	16	29	3	2	3	2	1	3	2	2	2	56
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	13										22
Yugoslav	12	11			4		1		2	2		32
French	8	9					1	2		2		22
Swedish	3	3										6
Finnish	1	4				1	1					7
Netherlands		4					1		1			6
Maltese		2	1			1		1		1		6
Israeli		2	1	1								2
Kuwaiti		2					1					3
Cypriot		1				1	1		1		1	5
Danish	1											1
German (West)	1											1
Haitian							1					1
Japanese	1											1
Subtotal	370	394	24	12	26	23	27	28	28	22	8	962
Polish	18	16	2	1	1	1	1		1	1		42
Grand total	388	410	26	13	27	24	28	28	29	23	8	1004

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

Dated: September 30, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-10686; Filed, Oct. 5, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Polyurethane Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (PAP 5B1783) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing an amendment to § 121.2522 (a)(4) to provide for the safe use of 4,4'-diisocyanato - 3,3' - dimethylbiphenyl in the preparation of polyurethane resins that contact dry bulk food.

Dated: September 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-10625; Filed, Oct. 5, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

CLEVELAND AREA OFFICE

Notice of Change of Address

SEPTEMBER 27, 1965.

Notice is hereby given that on October 4, 1965, the Cleveland Area Office, Federal Aviation Agency will move to a new location. Communications to the office should be addressed as follows:

Area Manager, Federal Aviation Agency, Cleveland Area Office, 21010 Center Ridge Road, Rocky River, Ohio, 44116.

(Sec. 313(a), Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354)

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-10590; Filed, Oct. 5, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15303, 15304; FCC 65M-1277]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH-4072; David Zander Pugsley trading as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration a verbal request from counsel for Sunset Broadcasting Co. for a further continuance of the hearing;

It appearing, that rule making is in process which could have the effect of rendering the hearing unnecessary and that all parties consent to the continuance:

It is ordered, This 29th day of September 1965, that the hearing is continued from October 7 to November 9, 1965, at 2 p.m.

Released: September 30, 1965.

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

[F.R. Doc. 65-10655; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 15986; FCC 65M-1287]

CONTINENTAL BROADCASTING OF CALIFORNIA, INC. (KDAY)

Order Regarding Postponement of Hearing

In re application of Continental Broadcasting of California, Inc. (KDAY), Santa Monica, Calif., Docket No. 15986, File No. BMP-11408; for modification of construction permit (File No. BP-15963).

The Hearing Examiner having under consideration a "Request for Postponement of Hearing" filed by Continental Broadcasting of California, Inc., on September 27, 1965, requesting that the hearing heretofore scheduled to commence on October 5, 1965, be postponed until November 22, 1965;

It appearing, that the postponement is now being sought by Continental because of the pendency before appropriate

local authorities of an application for zoning approval of a different transmitter site from that specified in Continental's above-referenced application, that zoning clearance for the new site, if obtained, would lend to the submission of an amendment which could obviate an evidential hearing in the above-captioned matter, and that a decision on the application before the zoning authorities is not expected prior to October 5, 1965;

It further appearing, that it is necessary and desirable to act on this request promptly, and that good cause for the grant thereof has been shown:

Accordingly, it is ordered, This 30th day of September 1965, that the "Request for Postponement of Hearing" filed September 27, 1965, by Continental Broadcasting of California, Inc., is granted, and the date for commencement of the hearing is postponed from October 5 to November 22, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.;

It is further ordered, Upon the Hearing Examiner's own motion, that the heretofore scheduled exchange and notification dates of September 10 and September 30, 1965, respectively, with respect to applicant's direct case, and of October 12 and October 19, 1965, respectively, with respect to rebuttal evidence of other parties are hereby postponed to later dates to be specified by subsequent order; [1]

It is further ordered, On the Hearing Examiner's own motion, that the heretofore scheduled date of October 19, 1965, for commencement of the presentation of rebuttal evidence is postponed to a later date to be specified by subsequent order.

Released: October 1, 1965.

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

[F.R. Doc. 65-10656; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 16203; FCC 65-840]

JOHN RONALD MUISE

Order Designating Application for Hearing on Stated Issues

In the matter of application for a radiotelephone second class operator license filed by John Ronald Muise, also known as Ron Walker, 6812 West Kinnickinnic, Milwaukee, Wis., and the suspension of his restricted radiotelephone operator permit; Docket No. 16203.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of September 1965:

The Commission, having under consideration (1) the above-captioned application; (2) the Commission's field inquiry with respect to John Ronald Muise, also known as Ron Walker; and

It appearing, that a Restricted Radiotelephone Operator Permit, No. 18M0156, has been issued to John Ronald Muise; and

It further appearing, that under authority contained in section 303(m)(1)(A) and (F) of the Communications Act of 1934, as amended and § 13.70 of the Commission's rules, circumstances exist which warrant suspension of the Restricted Radiotelephone Operator Permit of John Ronald Muise; and

It further appearing, that John Ronald Muise, also known as Ron Walker, applied for a Radiotelephone Second Class Operator License and was examined for that grade of license but he is technically qualified only for a Radiotelephone Third Class Operator Permit, for while he passed Elements 1 and 2, he failed Element 3 of the prescribed examination; and

It further appearing, that the Commission's inquiry with respect to the above-captioned applicant raises a number of serious questions bearing on whether John Ronald Muise is qualified to be a licensee or permittee of the Commission; and

It further appearing, that the applicant has not made satisfactory written showing regarding his qualifications after being afforded an opportunity to make such showing and that he has requested a hearing on his application; and

It further appearing, that in view of the questions raised, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience or necessity, and must, therefore, designate this application for hearing; and

It further appearing, that except for the issues specified herein, the applicant is financially, technically, legally, and otherwise qualified:

It is ordered, That pursuant to section 303(1) of the Communications Act of 1934, as amended, and § 1.84 of the Commission's rules the above-captioned application is designated for a hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the representations and veracity of representations made by John Ronald Muise to obtain employment at radio station WAWA to perform duties requiring a Radiotelephone First Class Operator License.

2. To determine whether, in light of the evidence adduced with respect to the foregoing issue, John Ronald Muise possesses the requisite qualifications to be a licensee of the Commission.

3. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of a Radiotelephone Third Class Operator Permit to John Ronald Muise would serve the public interest, convenience or necessity.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issue number one, the Restricted Radiotelephone Operator Permit issued to John Ronald Muise should be suspended for a term of one year as hereinafter ordered or whether such suspension order should be rescinded or modified.

It is further ordered, That the Radiotelephone Operator Permit, No. 18M0156, issued to John Ronald Muise be suspended for a period of one year under authority contained in section 303(m)(1)(A) and (F) of the Communications Act of 1934, as amended; and

It is further ordered, That the Secretary shall notify said permittee of this suspension by sending him a copy of this order by certified mail—return receipt requested; that within twenty (20) days after receipt of such copy the permittee may make written request for hearing, whereupon the order of suspension contained herein will be held in abeyance until the conclusion of proceedings on said request; and the matter of the suspension is hereby consolidated and designated for hearing with the aforementioned application for a higher grade of operator license; but if the permittee does not make such request for hearing on the suspension of his Restricted Radiotelephone Operator Permit, he shall mail his Restrict d Radiotelephone Operator Permit to the Secretary of the Federal Communications Commission, Washington, D.C., 20554, on or before the expiration date of said twenty (20) days, and in the event the permit is submitted for suspension, the suspension of the permit is severed from the proceeding on the application for a higher grade of license and the foregoing issue number four will be considered deleted; and

It is further ordered, That the Chief, Field Engineering Bureau, shall within 10 days after release of this order, furnish a bill of particulars to the applicant herein setting forth the basis for the above issues; and

It is further ordered, That the Chief, Field Engineering Bureau, shall carry the burden of proceeding with the evidence in all issues related to the application for a higher grade of license as well as the suspension order. In issues two and three the burden of proof shall be on the applicant, and in issues one and four the burden shall be on the Bureau; and

It is further ordered, That, in order to avail himself of an opportunity to be heard on the matter of his application for a higher grade of license as well as the order of suspension, the applicant in person or by attorney, pursuant to § 1.221 of the Commission's rules, shall within 20 days of the mailing of the order, file with the Commission, in triplicate, a written notice of intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: September 30, 1965.

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

[F.R. Doc. 65-10657; Filed, Oct. 5, 1965; 8:49 a.m.]

---

[1] Postponement of the September 10th exchange date is being ordered nunc pro tunc.

[1] Commissioner Hyde absent.

[Docket No. 16203; FCC 65M-1288]

JOHN RONALD MUISE

Order Scheduling Hearing

In the matter of application for a radiotelephone second class operator license filed by John Ronald Muise, also known as Ron Walker, 6812 West Kinnickinnic, Milwaukee, Wis., and the suspension of his restricted radiotelephone operator permit; Docket No. 16203:

It is ordered, This 30th day of September 1965, that David I. Kraushaar shall serve as presiding officer in the above-entitled proceeding; and that the hearing therein shall be held in the offices of the Commission, Washington, D.C., commencing at 10 a.m., October 25, 1965.

Released: October 1, 1965.

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

[F.R. Doc. 65-10658; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 16213; FCC 65-877]

STAR BROADCASTING, INC.

Order To Show Cause

By the Commission: Commissioners Henry, Chairman; and Hyde absent; Commissioner Lee concurring in the result insofar as it provides for a cease and desist order but dissenting to the imposition of a forfeiture.

In the matter of Cease and Desist Order to be directed against Star Broadcasting, Inc., licensee of broadcast station KISN, Vancouver, Wash.; Docket No. 16213.

The Commission having under consideration the issuance of an order directed to Star Broadcasting, Inc., the licensee of Station KISN, Vancouver, Wash., to cease and desist from failing to operate KISN substantially as set forth in its license and from violating § 73.117 of the Commission's rules promulgated under the Communications Act of 1934, as amended;

It appearing, that Station KISN is licensed by the Commission for operation at Vancouver, Wash.; and

It further appearing, that on June 8, 1961, the licensee was observed to have violated the requirements of § 3.117 (now 73.117) of the Commission's rules in that at the required times KISN used a form of station idenification which concealed or deemphasized Vancouver as the license location; that the identification used included the word "Vancouver" but not in such a way as to create the impression that KISN was located in or licensed to Vancouver; that on occasion, Vancouver was not mentioned at all during the required times and that at other required times identification was made part of a weather report and the words "Vancouver Radar Weather Control" were run together without any pause between the words "Vancouver" and "Radar"; and

It further appearing, that on June 12, 1961, an Official Notice of Violation was issued to the licensee in which the various identification announcements were quoted; and

It further appearing, that on June 27, 1961, shortly after the licensee received the violation notice, KISN was again observed operating in violation of § 3.117 of the Commission's rules in that it used the same type of confusing identification as on June 8, 1961, with no pause between the words "Vancouver" and "Radar"; and

It further appearing, that twice on December 14, 1961, and four times on January 24, 1962, KISN was again observed operating in violation of § 3.117 of the rules by running together the words "Vancouver Radar Weather Control" so that positive identification of KISN's licensed location was difficult if not impossible; and

It further appearing, that on August 27, 1962, KISN was again observed in violation of § 3.117 of the rules in that during the two-hour period monitored the only station identifications heard which could have been related to the requirements of § 3.117 (at 7:33, 7:59 and 9:29 a.m.) failed to reveal any pause between the words "Vancouver" and "Radar"; and

It further appearing, that on September 5, 1962, the Commission issued a Notice of Apparent Liability to the licensee in the amount of $2,000 for the six violations of § 3.117 of the rules observed December 14, 1961 and January 24, 1962 (FCC 62-935); and

It further appearing, that on September 7, 1962, the day following the release of the Notice Apparent Liability, KISN commenced announcement on the hour of: "KISN Vancouver [slight pause but no change in intonation] Radar Weather Eye * * *" and that this announcement was immediately followed by an announcement which appeared to identify KISN with Portland, Oreg., rather than Vancouver; [1] and

It further appearing, that throughout each period of time monitored as above enumerated KISN broadcast numerous promotional announcements, often immediately preceding or following station identification, which identified KISN as a Portland Station; [2] and

It further appearing, that on January 24, 1963, the Commission issued a Memorandum Opinion and Order imposing a $2,000 forfeiture on the licensee for improper station identification of KISN (FCC 63-63); and

It further appearing, that in the Memorandum Opinion and Order above mentioned, the Commission stated, among other things, that "the evidence indicates that licensee has willfully attempted to mislead the listening public into believing that KISN is licensed solely to Portland"; that "* * * anyone listening to KISN for as little as one hour could not help but gain the impression that KISN is licensed to Portland with perhaps some sort of 'radar weather control' in Vancouver. This impression is one which licensee obviously intends to convey through its numerous station promotions" and that "the mere mention of Vancouver as part of a phrase or sentence would not of itself satisfy the identification requirements, particularly when a concerted effort is made, preceding or following the phrase or sentence, to lead the listener to believe that the station is licensed elsewhere"; and

It further appearing, that monitoring of KISN (subsequent to the issuance of the Commission's memorandum opinion and order) on January 8 and July 14, 1963, November 4 and December 17, 1964, revealed that the licensee continued to broadcast numerous announcements in an apparent effort to create the impression and to lead listeners to believe that KISN is licensed to Portland and not to Vancouver (see appendix) [2a] and;

It further appearing, that the broadcast of numerous announcements identifying or implying that Portland is KISN's licensed location prior to and following identification of the licensed location at the required times, under the circumstances, negates any mention of the licensed location at the required times and defeats the intent and purpose of § 73.117 of the Commission's rules and that therefore the station identifications observed during the monitoring of KISN on January 8 and July 14, 1963, and November 4 and December 17, 1964, constitute willful and repeated failure to observe the provisions of § 73.117 of the rules as well as willful and repeated failure to operate KISN substantially as set forth in its license; and

It further appearing, that the Commission has in the past stated its policies regarding station identification as follows:

> * * * extreme caution must be exercised to the end that viewers and listeners be not misled into believing that the station has been assigned to more than one city or to a city other than that specified in the construction permit; studied attempts may not be made to conceal the true location of broadcast facilities (Gulf Television Co., 12 RR 447, 470(1)).

It is ordered, This 29th day of September 1965, that pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, Star Broadcasting, Inc., is directed to show cause why it should not be ordered to cease and desist from further failing to observe the provisions of § 73.117 of the Commission's rules and from further failing to operate Station KISN substantially as set forth in its license, by broadcasting announcements which would lead listeners to believe that KISN is licensed in any city other than Vancouver; this order includes such announcements as the following:

KISN, Portland's Best Music Station;
The Portland Tiger (as a synonym for KISN);
Portland's KISN;
You're on KISN, Portland's Best Music Station;
KISN, the Tiger of Portland Radio;

---

[1] The announcement, a musical jingle, was as follows: "Let me tell you 'bout my hometown, I won't have to brag a bit or over exaggerate—Portland, Portland, Portland, Klasen's hometown * * *"

[2] Random examples are "KISN the sound of Portland"; and "We have amused you, gonna news you on radio 91 in Portland."

[2a] Appendix filed as part of original document.

KISN, Radio 90 Wonderful in Portland Town: This is KISN, fashionable radio in fabulous Portland;

KISN serving more than twice as many listeners as any other Portland station; and

It is further ordered, That Star Broadcasting, Inc., is directed to appear and give evidence with respect to the matters recited above at a hearing [3] to be held at Vancouver, Wash., at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of the order; and

It is further ordered, That this Order is to be considered a Notice of Apparent Liability for forfeiture, under section 503(b)(2) of the Communications Act and that in view of the facts recited in the preceding paragraphs the Commission finds the licensee subject to a forfeiture pursuant to sections 503(b)(1)(A) and (B) of the Communications Act for willfully and repeatedly failing to operate Station KISN substantially as set forth in its license and for willfully and repeatedly violating § 73.117 of the Commission's rules and that in view of the fact that only 2 days, November 4, and December 17, 1964, are within the time limitation provisions of section 503(b)(3) of the Act, the Commission has determined that it would be appropriate to fix the total apparent liability at $2,000; and

It is further ordered, That in the event the licensee chooses to appear and give evidence at a hearing in response to the Order to Show Cause it shall, in view of the relationship between the Show Cause Order and the Notice of Apparent Liability, be granted the option of requesting an evidentiary hearing regarding the matters referred to in the Notice of Apparent Liability; that if the licensee chooses to exercise the option here granted the procedures governing such a hearing shall be stated in a separate order issued subsequent to this order; and that if the licensee does not choose to exercise the above stated option it shall be accorded the usual procedures applicable to Notices of Apparent Liability; [4] and

[3] Section 1.91(c) of the Commission's rules provides that a licensee in order to avail itself of the opportunity to be heard shall, in person or by its attorney file with the Commission within 30 days of the receipt of the Order to Show Cause, a written statement stating that it will appear at the hearing and present evidence on the matter specified in the Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the Order to Show Cause. In the event the right to a hearing is waived, the Review Board shall terminate the hearing proceeding and certify the case to the Commission. Thereupon the matter will be determined by the Commission in the regular course of business and an appropriate order will be entered. See § 1.92 of the Commission's rules.

[4] See § 1.621 of the Commission's rules.

It is further ordered, That the Secretary of the Commission send copies of this Order and Notice of Apparent Liability by Certified Mail—Return Receipt Requested to Star Broadcasting, Inc.

Released: September 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-10659; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 15213; FCC 65M-1283]

UNITED ARTISTS BROADCASTING, INC.

Order Scheduling Prehearing Conference

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, File No. BPCT-3166; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a "Petition For Leave To Amend" its application in the above-entitled matter, said petition having been filed by United Artists Broadcasting, Inc., on September 28, 1965, and

It appearing, that the amendment reflects a new financial showing to bring the application into conformity with the new financial tests promulgated in Ultravision Broadcasting Co., FCC 65-581, released July 2, 1965, and the Commission's Public Notice, FCC 65-595, released July 8, 1965, and

It further appearing, that the only other party, the Broadcast Bureau, has no objection to the granting of the petition and the acceptance of the accompanying amendment:

It is ordered, This 29th day of September 1965, that the aforesaid petition for leave to amend is granted and the accompanying amendment showing new financial data in behalf of the applicant is accepted, and

It is further ordered, That a conference in this matter for the purpose of establishing further procedural dates is scheduled to commence at 9:30 a.m., October 6, 1965, in the Commission's offices in Washington, D.C.[1]

Released: September 30, 1965.

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

[F.R. Doc. 65-10660; Filed, Oct. 5, 1965; 8:49 a.m.]

[1] If counsel are able to agree prior to Oct. 6, 1965, as to the date upon which proposed findings and conclusions should be submitted, the Hearing Examiner will, if he approves such date, cancel the conference and close the record by order.

[5] Commissioners Henry, Chairman; and Hyde absent; Commissioner Lee concurring and dissenting in part.

[Docket Nos. 16085, 16086; FCC 65M-1282]

VICTOR MANAGEMENT CO., INC., AND JACKSONVILLE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Victor Management Co., Inc., Little Rock, Ark., Docket No. 16085, File No. BPH-4647; Jacksonville Broadcasting Co., Inc., Jacksonville, Ark., Docket No. 16086, File No. BPH-4839; for construction permit.

Under consideration is a Motion for Continuance filed by Victor Management Co., Inc., on September 28, 1965, requesting that the prehearing conference now scheduled for October 7, 1965, be continued until November 4, 1965; and

It appearing that cause for grant lies in an undisposed of Petition for Reconsideration filed by both parties with the Review Board on September 17, 1965, which if granted would obviate need for hearing; and

It appearing that under the circumstances chance of not holding hearing plus the possibility that if hearing were held it might become moot are considerations that more than counterbalance considerations of hearing expedition; and

It further appearing that no party to the proceeding has objection either to grant of the motion or to its immediate consideration:

It is therefore ordered, This 29th day of September 1965, that the above-described motion is granted and the prehearing conference now scheduled for October 7, 1965, is continued to November 4, 1965, and hearing now scheduled for November 4, 1965, is continued to December 2, 1965.

Released: September 30, 1965.

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

[F.R. Doc. 65-10661; Filed, Oct. 5, 1965; 8:49 a.m.]

[Docket No. 15983; FCC 65M-1286]

TWELVE SEVENTY, INC.

Order Scheduling Prehearing Conference

In re application of Twelve Seventy, Inc., Docket No. 15983, File No. BR-1749; for renewal of license of Station WTID, Newport News, Va.:

It is ordered, This 30th day of September 1965, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D.C., commencing at 9 a.m., October 7, 1965.

Released: October 1, 1965.

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

[F.R. Doc. 65-10662; Filed, Oct. 5, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. Thomas D. Jones, Traffic Manager, Sea-Land Service, Inc., Pacific Coast Division, Post Office Box 1050, Elizabeth, N.J., 07207.

The following agreements between Sea-Land Service, Inc. and Azta Shipping Co. will establish through billing arrangements for movements of specified cargoes from East and West Coast ports of Central America to U.S. ports as stated, with transhipment at Balboa, Canal Zone, in accordance with terms and conditions set forth in each agreement:

Agreement 9504, controlled temperature cargo to East Coast ports of the United States and Puerto Rican ports served by Sea-Land; and

Agreement 9505, general cargo to California ports served by Sea-Land.

Dated: September 30, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10634; Filed, Oct. 5, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Petition To Amend

SEPTEMBER 29, 1965.

Take notice that on September 22, 1965, Algonquin Gas Transmission Co. (Petitioner), 1284 Soldiers Field Road, Boston 35, Mass., filed in Docket No. CP65-340 a petition to amend the order of the Commission issued in said docket August 24, 1965, which order authorized Petitioner to undertake a 4-year system-wide expansion program designed to increase its capacity by 153,000 Mcf per day. From this additional capacity, Petitioner proposed increased sales of natural gas over the 4-year period, 1966-69, to eighteen (18) existing customers, including The Hartford Gas Co. (Hartford), commencing with the 1966-67 winter season, with such sales ultimately totaling 51,640 Mcf per day F-1 (firm service) and 99,198 Mcf per day WS-1 (winter service) gas. Each of the customers of Petitioner, including Hartford, signed precedent agreements. With respect to Hartford, the precedent agreements covering its requirements indicated additional gas requirements for the two yearly periods commencing November 1, 1966, and November 1, 1967, both as to F-1 as well as WS-1 gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that since the filing of Petitioner's application in the above docket, Hartford has advised Petitioner that it has obtained an amendment to its charter by the Connecticut State legislature which permits the issuance of a franchise to it for service of gas in new areas in the State of Connecticut. Petitioner further states that Hartford has also advised Petitioner that in existing areas, it expects a significant growth in the requirements of its customers requiring additional facilities by Petitioner in order to accomplish a proper load distribution of the gas requirements of Hartford.

The petition states that Petitioner is now in a position to supplement its proposal to serve the certificated requirements of Hartford by the installation of the facilities proposed, consisting of 23.6 miles of 16-inch pipeline extending from a point on its main transmission line at the junction of the now existing Southington lateral in Connecticut and extending in a generally northerly direction terminating at or near North Bloomfield, Conn.

The total estimated cost to Petitioner for this proposed lateral is $2,887,000 and would be financed with retained earnings, and if needed bank financing pursuant to an agreement between Petitioner and Chase Manhattan Bank.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 22, 1965.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-10591; Filed, Oct. 5, 1965; 8:45 a.m.]

[Project No. 2514]

APPALACHIAN POWER CO.

Notice of Application for License for Constructed Project

SEPTEMBER 29, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Appalachian Power Co. (correspondence to: H. B. Cohn, vice president, Appalachian Power Co., Post Office Box 7, Church Street Station, New York, N.Y., 10008) for license for constructed Project No. 2514, consisting of the Byllesby Dam and Buck Dam, both located on the New River in Carroll County, Va., in the general vicinity of Galax, Ivanhoe, Fries, and Austinville.

The existing project consists of: (1) Byllesby Dam—a concrete gravity structure 528 feet long and about 47 feet high made up of six bays surmounted by tainter gates and nine bays surmounted by 12-foot flashboards above the spillway crest, two trash sluice sections, a nonoverflow section composed of intakes and powerhouse, and side channel spillway surmounted by flashboards; (2) a reservoir of about 260 acres having a capacity of about 2,060 acre-feet; (3) a powerhouse containing four 6,000 hp turbines connected to four 6,000 kva generators; and (4) appurtenant facilities; and Buck Dam (4 miles downstream from Byllesby Dam)—(1) a concrete gravity structure about 352 feet long and about 44.4 feet high made up of trash sluices, a nonoverflow section with intakes and powerhouse, concrete spillway section surmounted by 6 tainter gates and 21 flashboard sections; (2) a reservoir of about 70 acres having a capacity of about 640 acre-feet; (3) a powerhouse containing three 3,500 hp turbines connected to three 3,150 kva generators; and (4) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 15, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-10592; Filed, Oct. 5, 1965; 8:45 a.m.]

[Project No. 13]

HENRY FORD & SON, INC., AND NIAGARA MOHAWK POWER CORP.

Notice of Application for Transfer of License for Constructed Project

SEPTEMBER 29, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Henry Ford & Son, Inc., and Niagara Mohawk Power Corp. (correspondence

to: Henry Ford & Son, The American Road, Dearborn, Mich., and Niagara Mohawk Power Corp., 126 State Street, Albany, N.Y., 12201) for transfer of the license for constructed Project No. 13, known as the Green Island Project, located on the Hudson River at U.S. Navigation Lock and Dam, on Green Island, Albany County, N.Y., from the former to the latter.

The existing Green Island Project No. 13 consists of: A log and ice boom; wicket intake gates; forebay; powerhouse containing 4 fixed blade propeller units of 2,000 hp. each at a head of 13 feet, each unit connected to a 1,000 kw.—d.c. unit and an 800 kv.a.—a.c. unit; and a tailrace.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 18, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-10594; Filed, Oct. 5, 1965; 8:45 a.m.]

[Docket No. CP66-80]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 27, 1965.

Take notice that on September 20, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 2, Nebr., filed in Docket No. CP66-80 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of additional contract demand to an existing utility customer, the initiation of firm natural gas service to a large volume industrial consumer and the revision of presently authorized firm service for another large volume industrial consumer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Elkhorn Valley Natural Gas Co. has requested an increase in contract demand from 1280 Mcf to 1380 Mcf per day to meet the growth requirements for the presently served communities of Hooper and Scribner, Nebr.

Applicant also states that Central Natural Gas Co. (Central Natural) has requested initial firm service for an existing large volume industrial customer, Luverne Coop Creamery (Creamery) located at Luverne, Minn. Applicant further states that Central Natural proposes to provide 88 Mcf per day to the Creamery from its existing contract demand and through the use of peak shaving facilities. The maximum day interruptible requirements are estimated by Applicant to be 156 Mcf.

The application states that Iron Ranges Natural Gas Co. (Iron Ranges) has requested approval to provide an additional 180 Mcf from its existing contract demand to meet the increased firm requirements of the Wood Conversion Co., a large volume industrial consumer located at Cloquet, Minn. The additional 180 Mcf would increase Wood Conversion Co.'s total firm volumes to 1,030 Mcf per day.

No new facilities would be required to effectuate Applicant's proposals.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-10597; Filed, Oct. 5, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01-42]

CERTIFIED GROCERS OF ILLINOIS, INC.

Notice of Application and Opportunity for Hearing

SEPTEMBER 30, 1965.

Notice is hereby given that Certified Grocers of Illinois, Inc. ("Certified"), 4800 South Central Avenue, Chicago 38, Ill., an Illinois corporation, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order of the Commission exempting the company from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the company from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security of the company from section 16 hereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966 by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act 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, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Certified's application states, in part:

1. Certified is a corporation which was organized on January 6, 1940, under the Cooperative Act of Illinois. It is engaged in the wholesale grocery business in Illinois and several nearby States. Its activities consist of buying products to be sold at retail by its members. All of its outstanding stock is owned by members who are retail grocers and who purchase their grocery requirements from Certified.

2. Though the income and assets of Certified may be substantial, 90 percent of its income is returned to the members as patronage refunds. On August 10, 1965, the board of directors adopted a resolution that 100 percent of the net profit be distributed to members of record on the last day of the fiscal year which commenced August 30, 1965.

3. The shareholders received audited semiannual and annual reports. In addition, each year each member is notified of his patronage refund.

4. The Bylaws of Certified provide that no person may subscribe for, own, or control more or less than five shares; that Certified has the right of first refusal in the event of a resale of the shares; that in the event Certified fails to exercise the right to purchase, the shareholder may sell free from restrictions. As a matter of practice, Certified has always purchased the shares during the past 25 years. If a member desires to transfer his shares to a purchaser of his retail grocery business, the approval of the Certified directors is sought by the member and the prospective buyer.

5. The exemption of Certified from the registration requirements of section 12(g) would in no way be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than October 21, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Ex-

change Commission, Washington, D.C., 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-10635; Filed, Oct. 5, 1965; 8:48 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 from September 3, 1965, to September 2, 1966, except as otherwise indicated. Pursuant to § 519.6 (b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

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.

Butler's Department Store, department store; 54 Main Street, Waterville, Maine; 9-17-65 to 9-2-66.

Cooper & Ratcliff of Bassett, Inc., food store; Bassett, Va.; 9-10-65 to 8-31-66.

W. T. Grant Co., variety stores: 921 Post Road, Fairfield, Conn. (9-15-65 to 9-2-66); No. 683, Zion, Ill.; No. 718, Indianapolis, Ind.; No. 3374, Plainfield, N.J. (9-16-65 to 9-15-66); 1113 Washington Pike, Bridgeville, Pa. (9-7-65 to 9-6-66); No. 337, Butler, Pa. (9-13-65 to 9-12-66); 45 Cheltenham Avenue, Cheltenham, Pa. (9-13-65 to 9-12-66); 4536 Frankford Avenue, Philadelphia, Pa. (9-7-65 to 9-6-66); No. 589, Newport, Vt.

S. S. Kresge Co., variety stores: No. 4583, West Hartford, Conn. (9-17-65 to 9-2-66); No. 740, Orlando, Fla. (9-15-65 to 9-14-66); No. 177, Elgin, Ill.; No. 220, Evanston, Ill. (9-20-65 to 9-19-66); 320 Jefferson Street, Burlington, Iowa; No. 163, Sioux City, Iowa; No. 152, Waterloo, Iowa; No. 127, Leavenworth, Kans.; No. 197, Salina, Kans.; No. 697, Wichita, Kans.; No. 385, Louisville, Ky. (9-3-65 to 8-31-66); No. 499, Traverse City, Mich. (9-13-65 to 9-12-66); 2912 Pentagon Drive, Minneapolis, Minn.; No. 52, Winona, Minn.; 101 North Main Street, Hannibal, Mo.; No. 555, Jennings, Mo.; No. 82, Kansas City, Mo.; No. 58, St. Joseph, Mo.; No. 24, St. Louis, Mo.; No. 4585, St. Louis, Mo.; No. 443, Cincinnati, Ohio (10-16-65 to 10-15-66); No. 202, Appleton, Wis.; No. 86, Racine, Wis.

McCrory-McLellan-Green Stores, variety stores: No. 557, Thomson, Ga. (9-20-65 to 9-19-66); No. 631, Boston, Mass. (9-20-65 to 9-19-66); No. 1032, Asbury Park, N.J.; No. 168, Camden, N.J.; No. 308, Clifton, N.J.; No. 1025, Elizabeth, N.J.; No. 272, Jersey City, N.J.; No. 251, Newark, N.J.; No. 1085, Newark, N.J.; No. 240, Orange, N.J.; No. 131, Passaic, N.J.; No. 1073, Trenton, N.J. (9-24-65 to 9-23-66); No. 301, Union, N.J.; No. 566, Farmington, N. Mex. (9-20-65 to 9-19-66).

Neisner Brothers, Inc., variety store; No. 101, Lincoln Park, Mich.; 9-14-65 to 9-13-66.

J. J. Newberry Co., variety stores: 1-15 North Jefferson Street, Martinsville, Ind.; 203-7 East Mt. Vernon Street, Somerset, Ky. (9-10-65 to 8-31-66); No. 311, Madawaska, Maine; 142 Market Street, Pocomoke City, Md. (9-17-65 to 9-16-66); 601 Main Street, Laconia, N.H.; 1006 Elm Street, Manchester, N.H. (9-15-65 to 9-2-66); No. 190, Springfield, N.J. (9-17-65 to 9-16-66); 133 South Main Street, Bryan, Ohio (10-13-65 to 10-12-66); 135 North Main Street, Lima, Ohio (9-14-65 to 9-13-66); 108 Gateway Shopping Center, Beaumont, Tex. (9-14-65 to 9-2-66).

Rockford Dry Goods Co., department store; State and Main Streets, Rockford, Ill.; 9-14-65 to 9-13-66.

Seltner Brothers, Inc., department store; 302 Federal, Saginaw, Mich.; 9-13-65 to 9-12-66.

Skinner, Chamberlain & Co., department store; 225 South Broadway, Albert Lea, Minn.

Ulbrich's Super Market, food store; 407 South Wayne Street, Piqua, Ohio; 9-14-65 to 9-13-66.

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.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; sales clerks, markers and clerical; between 1.5 and 10 percent.

Britts, department stores for the occupations of sales clerks, stock clerks and clerical, except as otherwise indicated: No. 23, Chillicothe, Ohio (between 8.8 and 10 percent, 9-13-65 to 9-12-66); No. 538, Findlay, Ohio (sales clerks and stock clerks, between 2.1 and 10 percent, 9-13-65 to 9-12-66).

Cooper & Ratcliff, food store; Martinsville, Va.; baggers and carryout; 10 percent for each month; 9-9-65 to 8-31-66.

W. T. Grant Co., variety stores for the occupations of sales clerks, except as otherwise indicated: No. 143, Oxnard, Calif. (between 4.4 and 7.2 percent, 9-23-65 to 9-22-66); No. 1113, Rockland, Maine (cashiers and sales clerks, between 6 and 10 percent, 9-13-65 to 9-2-66); 555 Shelburne Street, Burlington, Vt. (sales clerks, stock clerks, clerical and cashiers, between 0 and 10 percent, 9-14-65 to 9-2-66); No. 954, Fredericksburg, Va (between 1.6 and 10 percent, 9-10-65 to 8-31-66).

S. S. Kresge Co., variety stores for the occupations of sales clerks, except as otherwise indicated: 13040 East Jefferson, Detroit, Mich. (between 8.4 and 10 percent); No. 423, Livonia, Mich. (10 percent for each month, 9-24-65 to 9-23-66); No. 433, Saginaw, Mich. (10 percent for each month, 9-14-65 to 9-13-66); No. 4021, Southgate, Mich. (10 percent for each month, 9-14-65 to 9-13-66); No. 625, Independence, Mo. (sales clerks and porters, between 2.8 and 10 percent); No. 49, Kansas City, Mo. (10 percent for each month); No. 723, Cleveland, Tenn. (between 2.2 and 10 percent, 9-16-65 to 8-31-66); No. 701, Abilene, Tex. (between 7.2 and 10 percent, 9-24-65 to 9-23-66); 1801 Hydraulic Road, Charlottesville, Va. (between 2.7 and 10 percent, 12-7-65 to 12-6-66).

McCrory-McLellan-Green Stores, variety stores for the occupations of sales clerks, stock clerks and clerical: No. 1307, Bergenfield, N.J. (10 percent for each month); No. 1306, Brick Town, N.J. (10 percent for each month); No. 7506, Jersey City, N.J. (between 9.1 and 10 percent).

T. G. & Y. Stores Co., variety store; No. 248, Pine Bluff, Ark.; sales clerks and stock clerks; 10 percent for each month; 10-2-65 to 10-1-66.

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 15 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 28th day of September 1965.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 65-10609; Filed, Oct. 5, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1965.

Protests to the granting of an application must be prepared in accordance with § 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40046—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 96), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 10 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1120.

FSA No. 40047—*Substituted service—MP and T&P for Eagle Motor Lines, Inc.* Filed by J. D. Hughett, agent (No. 76), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Memphis, Tenn., on the one hand, and Beaumont, Dallas, Houston, and San Antonio, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 5 to J. D. Hughett, agent, tariff MF-ICC 403.

FSA No. 40048—*Substituted service—SLSF for Consolidated Freightways.* Filed by J. D. Hughett, agent (No. 77), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Tulsa, Okla., and Dallas (Irving), Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 5 to J. D. Hughett, agent, tariff MF-ICC 403.

By the Commission.

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

[F.R. Doc. 65-10627; Filed, Oct. 5, 1965; 8:47 a.m.]

[Notice 367]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 1, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 14045 (Deviation No. 1), HAYWOOD L. WASHUM, doing business as LOS ANGELES-YUMA FREIGHT LINES, Post Office Box 1428, Yuma, Ariz., filed September 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Coachella, Calif., over California Highway 111 to junction U.S. Highway 80 near El Centro, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Yuma, Ariz., and return over the same route.

No. MC 42487 (Deviation No. 49), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed September 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 25 to junction Interstate Highway 90 at or near Buffalo, Wyo., thence over Interstate Highway 90 to Billings, Mont., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: (1) from Denver, Colo., over U.S. Highway 85 to Cheyenne, Wyo., thence over U.S. Highway 87 to Casper, Wyo.; (2) from Casper, Wyo., over U.S. Highway 20 to Shoshoni, Wyo., thence over Wyoming Highway 789 to Lander, Wyo.; and (3) from Shoshoni, Wyo., over U.S. Highway 20 via Greybull, Wyo., to Cody, Wyo., thence over Wyoming Highway 14 to Garland, Wyo., thence over Wyoming Highway 114 to Deaver, Wyo. (also from junction U.S. Highways 20 and 310 near Greybull over U.S. Highway 310 to Deaver), thence over U.S. Highway 310 to Laurel, Mont., and thence over U.S. Highway 10 to Billings, Mont., and return over the same routes.

No. MC 59124 (Sub-No. 5) (Deviation No. 1), GEORGE P. MAIERS AND CLARE E. MAIERS (A PARTNERSHIP), doing business as, MAIERS AND SONS MOTOR FREIGHT, 875 East Huron Street, Vassar, Mich., filed September 23, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Detroit, Mich., and Bay City, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service as follows: From Bay City, Mich., over Michigan Highway 15 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit, Mich., and return over the same route.

No. MC 59680 (Deviation No. 31), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed September 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction Interstate Highways 80 (Ohio Turnpike) and 80-S (when completed) at Entrance 15 of Ohio Turnpike near Austintown, Ohio, over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to Newark, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 21 to Ohio Turnpike, thence over Ohio Turnpike to the Pennsylvania Turnpike, thence over Pennsylvania Turnpike to the New Jersey Turnpike, thence over New Jersey Turnpike to Newark, N.J., and return over the same route.

No. MC 59852 (Deviation No. 4), ALL STATES FREIGHT, INC., 1250 Kelly Ave., Post Office Box 7036, Akron, Ohio, 44306, filed September 20, 1965. Applicant's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind.; and (2) from Muncie, Ind., over U.S. Highway 35 to Eaton, Ohio, and thence over U.S. Highway 127 to Cincinnati, Ohio; also, from Muncie over Indiana Highway 3 to New Castle, Ind., thence over Indiana Highway 38 to junction U.S. Highway 35, thence over U.S. Highway 35 to Richmond, Ind., and thence over U.S. Highway 27 to Cincinnati, Ohio, and return over the same routes.

No. MC 109972 (Deviation No. 8), HARRIS EXPRESS, INC., Post Office Box 10091, Charlotte, N.C., 28201, filed September 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 29 and Interstate Highway 85 approximately 2 miles east of Kings Mountain, N.C., thence over Interstate Highway 85 to junction Interstate Highway 85 and North Carolina Highway 372, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to

transport the same commodities over a pertinent service route as follows: From Greenville, S.C., over U.S. Highway 29 to Charlotte, N.C., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 265), GREYHOUND LINES, INC. (CENTRAL GREYHOUND LINES DIVISION), 210 East 9th Street, Fort Worth, Tex., 76102, filed September 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express, newspapers and mail*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 66 and Interstate Highway 244 near Kirkwood, Mo., over Interstate Highway 244 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Relocated U.S. Highway 66, thence over Relocated U.S. Highway 66 to junction U.S. Highway 66 near Hamel, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From St. Louis, Mo., over city U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Missouri Highway 100 at or near Gray Summit, Mo.; (2) from Bloomington, Ill., over U.S. Highway 66 via Springfield, Ill., to junction unnumbered highway at a point approximately 2 miles south of Mount Olive, Ill., thence over Illinois Highway 43 to Staunton, Ill., thence over Illinois Highway 43 to junction U.S. Highway 66, thence over U.S. Highway 66 to Edwardsville, Ill., thence over Illinois Highway 159 to Collinsville, Ill., thence over U.S. Highway 40 to East St. Louis, Ill., thence over Eads Toll Bridge to St. Louis, Mo.; and (3) from St. Louis, Mo., over the Veterans Memorial Bridge, to East St. Louis, Ill.; and return over the same routes.

No. MC 1515 (Deviation No. 266), GREYHOUND LINES, INC. (WESTERN GREYHOUND LINES DIVISION), Market and Fremont Streets, San Francisco, Calif., 94106, Applicant's representative, W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105, filed September 21, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and Interstate Highway 680 (Walnut Creek Junction, Calif.), over Interstate Highway 680 to junction unnumbered highway (South Main Street, Walnut Creek, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Walnut Creek, Calif., over California Highway 21 to Danville, Calif.; and (2) from junction California Highway 24 and unnumbered highway (Walnut Creek Junction), over unnumbered highway to junction California Highway 24 (Oak Park Junction); and return over the same routes.

By the Commission.

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

[F.R. Doc. 65-10628; Filed, Oct. 5, 1965; 8:47 a.m.]

[Notice 824]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 1, 1965.

The following publications are governed by the new § 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.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107839 (Sub-No. 89), filed September 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's representative: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Plant City, Fla., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: October 28, 1965, in Room 511, Federal Building, 500 Zack Street, Tampa, Fla., before Examiner Leo A. Riegel.

No. MC 228 (Sub-No. 51), filed February 19, 1965, published FEDERAL REGISTER, issue of March 17, 1965, and republished, this issue. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark, N.J. By application filed February 19, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between the points, over the routes, and in the manner indicated in the findings hereto. A Second Supplemental Order, Operating Rights Board No. 1, dated September 16, 1965, and served September 27, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Fair Oaks and Parksville, N.Y., from junction New York Highway 17M (formerly New York Highway 17) and New York Highway 17, 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; and in connection therewith over the following access and exit roads to and from New York Highway 17.

(a) Between 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 U.S. 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), southwest 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., over access roads; (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 Exits No. 102NB and No. 102SB 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; (2) between junction New York Highway 17 and U.S. Highway 209 south of Wurtsboro, N.Y., and junction U.S. Highway

209 and unnumbered highway (formerly New York Highway 17), over U.S. Highway 209, serving all intermediate points; (3) between Parksville 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 in connection therewith over the following access and exit roads to and from New York Highway 17; (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.

(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 91 in Town of Rockland, N.Y., and junction Sullivan County Highway 91 and unnumbered highway (formerly New York Highway 17) over Sullivan County Highway 91, serving all intermediate points; (6) between East Branch 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; and in connection therewith over the following access and exit roads to and from New York Highway 17; (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; (7) between Deposit 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; and in connection therewith over the following access and exit roads to and from New York Highway 17.

(a) Between Exit No. 84 and junctions 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 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; (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 and Ellenville, N.Y., 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, restricted to service to be performed between September 15 of each year and June 15 of the following year, both dates inclusive.

(10) Between Middletown 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 52, thence over New York Highway 52 to Newburgh and return over the same route, serving all intermediate points; (11) between Bloomingburg and Newburgh, N.Y., over New York Highway 17K, serving all intermediate points; and (12) between Harriman 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; and in connection therewith over the following access and exit roads to and from New York Highway 17; (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, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 96339 (Sub-No. 8) (Republication), filed May 27, 1965, published FEDERAL REGISTER issue of June 24, 1965, and republished this issue. Applicant: ARROW MOVING AND STORAGE CO., INC., Post Office Box 136, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's representative: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. By application, as amended, filed May 27, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities described in the findings herein, between Cheyenne, Wyo., on the one hand, and, on the other, points within 60 miles of Cheyenne, Wyo., restricted against service to or from Greeley, Fort Collins, and Loveland, Colo. An order of the Commission, Operating Rights Board No. 1, dated September 15, 1965, and served September 22, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *telephone, telegraph,* and *powerline equipment, materials,* and *supplies,* between Cheyenne, Wyo., on the one hand, and, on the other, those points in Nebraska on, south, and west of U.S. Highway 26 and Nebraska Highway 29, those points in Larimer and Weld Counties, Colo., north of U.S. Highway 34, except Greeley, Fort Collins, and Loveland, and those points in Albany County, Wyo., on and south of U.S. Highways 30 and 287 and Wyoming Highway 34, those points in Platte County, Wyo., on and south of Wyoming Highway 34 and U.S. Highway 26, and those points in

Goshen County, Wyo., south of U.S. Highway 26; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be republished in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such republication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 97246 (Sub-No. 4) (Republication), filed February 23, 1965, published FEDERAL REGISTER issue of March 17, 1965, and republished this issue. Applicant: CONRAD TRUCKING COMPANY, INC., ¼ Jackson Street, Binghamton, N.Y. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. By application filed February 23, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of 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, restricted to traffic originating at the plantsites of S. J. Bailey & Sons at Walton, N.Y., and Honesdale, Pa. The application was referred to Examiner Raymond V. Sar, for hearing and the recommendation of an appropriate order thereon. Hearing was held on July 14, 1965, at Syracuse, N.Y.

A recommended report and order, served August 24, 1965, which became effective September 23, 1965, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of *new furniture*, in cartons, from the plantsites of S. J. Bailey & Sons, Inc., at or near Walton, N.Y., and Honesdale, Pa., to points in Ohio, Indiana, Illinois, Michigan, and those Pennsylvania points west of U.S. Highway 15. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject however, to publication in the FEDERAL REGISTER of notice of the authority recommended to be granted and any proper party in interest shall have 30 days from the date of such publication to file an appropriate pleading.

No. MC 111729 (Sub-No. 89) (Republication), filed June 4, 1965, published FEDERAL REGISTER issue of June 24, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. By application filed June 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) business papers, records, and audit and accounting media (except cash letters) and (2) checks (except cash letters), between, from, and to the points indicated in the findings below, subject to the restriction that no service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. An order of the Commission, Operating Rights Board No. 1, dated September 11, 1965, and served September 27, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *business papers and records*, and *audit and accounting media* (except cash letters) between Boston, Mass., on the one hand, and, on the other, Poughkeepsie, N.Y., and (2) *checks* (except cash letters) from Concord, N.H., to Boston, Mass. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and, for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate pleading.

No. MC 119767 (Sub-No. 82) (Republication), filed May 21, 1965, published FEDERAL REGISTER, issue of June 9, 1965, and republished, this issue. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. By application filed May 21, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of such food items as are dealt in by retail gift and specialty stores, from Burlington, Wis., to points in Kentucky. An order of the Commission, Operating Rights Board No. 1, dated September 15, 1965, and served September 22, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *food and food products*, from Burlington, Wis., to points in Kentucky (except Louisville and points in the Louisville commercial zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127050, filed March 8, 1965, published FEDERAL REGISTER issue of April 1, 1965, and republished, this issue. Applicant: SCHOONMAKER TRUCKING CORP., R.F.D. No. 1, town of Montgomery, Orange County, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. By application filed March 8, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, uncrated, consisting of doors, glass windows, shingles, roofing materials, dimensional lumber, other lumber, framework for building purposes made to order, and other similar articles used in constructing homes and buildings in retail trade (requiring a 16-foot flat bed dump truck equipped with hoist, tarpaulins, chains, and binders), from the plantsite of Wickes Lumber Co., located in the town of Montgomery, Orange County, N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., and refused and rejected shipments on return. An order of the Commission, Operating Rights Board No. 1, dated September 13, 1965, and served September 21, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle of *building materials*, uncrated, from the plantsite of Wickes Lumber Co., at Montgomery, N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., under a continuing contract with Wickes Lumber & Building Supply Co., division of Wickes Corp., of Saginaw, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually

granted will be republished in the FEDERAL REGISTER and issuance of a permit herein will be withheld for a period of 30 days from the date of such republication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 117200 (Petition to substitute shipper's assignee-successor), filed September 22, 1965. Petitioner: ALLEN TISCH AND MERDON DREWS, a partnership, doing business as TISCH & DREWS, Oconto Falls, Wis. Petitioner's representative: Eugene E. Behling, 107 South Main Street, Oconto Falls, Wis. Petitioner states that it is authorized in No. MC117200 to transport lime and limestone, from Menominee, Mich., to points in Wisconsin, and coal, from Menominee, Mich., to points in Wisconsin within 100 miles of Menominee, Mich. All of the foregoing authority was for Northwestern-Hanna Fuel Co., Menominee, Mich. Petitioner states that said company has sold its physical plant and operations to the C. Reis Coal Co., at Menominee, Mich.; that the business operations of the assignee, C. Reis Coal Co., are identical to those of Northwestern-Hanna Fuel Co.; and that said shipper has need for the same services of the petitioner. The purpose of this petition is to request an order substituting C. Reis Coal Co. in lieu of Northwestern-Hanna Fuel Co. in the above-numbered permit. 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.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 32411 (Sub-No. 5), filed September 23, 1965. Applicant: WOODIN'S EXPRESS, INC., 105 Cordell Road, Schenectady, N.Y. Applicant's representative: Francis E. Barrett, 25 Bryant Avenue, East Milton, Mass., 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting. Regular: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Buffalo, N.Y., and Albany, N.Y., over New York Highway 5, serving all intermediate points and the off-route points of Canandaigua, Gloversville, Canastota, Oakfield, Richfield Springs, Sauquoit, Lancaster, Stacy Basin, and Vail Mills, N.Y., (2) between Rochester, N.Y., and Buffalo, N.Y.; (a) from Rochester over New York Highway 33 to Buffalo and return over the same route, serving all intermediate points and the off-route point of Cold Water, N.Y.; (b) from Rochester over New York Highway 31 to Niagara Falls, N.Y., thence over New York Highway 384 to Buffalo and return over the same route, serving all intermediate points; (c) from Rochester over U.S. Highway 104 to Niagara Falls, N.Y., thence over New York Highway 18 to Buffalo and return over the same route, serving the intermediate points of Parma and Murray, N.Y., and the off-route points of Hilton, Lydonville, and Morton, N.Y.; (3) between Rochester, N.Y., and Watertown, N.Y.; from Rochester over U.S. Highway 104 to Maple View, N.Y., thence over U.S. Highway 11 to Watertown and return over the same route, serving the intermediate points of Alton, Ontario, Sodus, Webster, and Wolcott, N.Y., and the off-route point of Sea Breeze, N.Y.; (4) between Rochester, N.Y., and Schenectady, N.Y.; from Rochester over U.S. Highway 104 to Hannibal, N.Y.

Thence over New York Highway 3 to Fulton, N.Y., thence over New York Highway 49 to Utica, N.Y., thence over New York Highway 5S to Schenectady and return over the same route, serving the intermediate points of Fulton, Fort Plain, Ilion, and Rome, N.Y.; (5) between Rochester, N.Y., and New York, N.Y.; from Rochester to Schenectady, N.Y., as described above, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York and return over the same route, serving all intermediate points; (6) between Rochester, N.Y., and Syracuse, N.Y.; from Rochester over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Syracuse and return over the same route, serving all intermediate points and the off-route point of Marion, N.Y.; (7) between Buffalo, N.Y., and Silver Creek, N.Y.; from Buffalo over New York Highway 5 (also over U.S. Highway 20) to Silver Creek and return over the same route, serving the intermediate point of Lackawanna, N.Y., and the off-route points of East Aurora, Hamburg, Orchard Park, and Gardenville, N.Y.; (8) between Rochester, N.Y., and Hornell, N.Y.; from Rochester over New York Highway 33 (also over U.S. Highway 104 and also over New York Highway 31) to junction New York Highway 19, thence over New York Highway 19 to Wellsville, N.Y., thence over New York Highway 17 to Andover, N.Y., thence over New York Highway 21 to Hornell and return over the same route, serving all intermediate points and the off-route points of Attica, Castile, Cuba, Perry, Pike, Alfred, Hume, Hunt, and Portageville, N.Y.; (9) between Rochester, N.Y., and Jasper, N.Y.; from Rochester over New York Highway 33 to Batavia, N.Y., thence over New York Highway 63 to junction New York Highway 36A.

Thence over New York Highway 36A to Dansville, N.Y., thence over New York Highway 36 through Hornell, N.Y., to Jasper and return over the same route, serving all intermediate points and the off-route points of Canaseraga, Mount Morris, Perkinsville, Rogersville Station, Sonyea, and Tuscarora, N.Y.; (10) between Rochester, N.Y., and Geneseo, N.Y.; from Rochester, over U.S. Highway 15 to East Avon, N.Y., thence over New York Highway 5 to Avon, N.Y., thence over New York Highway 39 to Geneseo and return over the same route, serving all intermediate points and serving the off-route point of Scottsville, N.Y.; (11) between Rochester, N.Y., and Painted Post, N.Y.; from Rochester over New York Highway 15A to Spring Water, N.Y., thence over U.S. Highway 15 to Painted Post and return over the same route, serving all intermediate points and the off-route points of Hammondsport, Holcomb, Honeoye Falls, Livonia, Prattsburg, Conesus, Conesus Lake, Honeoye Lake, Lakeville, Rheims, Tabors Corners, and Bristol Valley, N.Y.; (12) between Rochester, N.Y., and Binghamton, N.Y.; from Rochester over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Syracuse, N.Y., thence over U.S. Highway 11 to Binghamton and return over the same route, serving all intermediate points; (13) between Rochester, N.Y., and Owego, N.Y., over New York Highway 96, serving all intermediate points and the off-route points of Clifton Springs, Lodi, Spencer, Van Etten, Shortsville, and Willard, N.Y.; (14) between Rochester, N.Y., and Elmira, N.Y.; (a) from Rochester over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandaigua, N.Y., thence over New York Highway 5 to Geneva, N.Y., thence over New York Highway 14 to Elmira and return over the same route, serving all intermediate points and the off-route points of Dundee, Penn Yan, Gorham, Hall, and Stanley, N.Y.; (b) from Rochester over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Syracuse, N.Y., thence over U.S. Highway 11 to Cortland, N.Y.

Thence over New York Highway 13 to Elmira and return over the same route, serving all intermediate points and the off-route points of Breesport and Pine City, N.Y.; (15) between Rochester, N.Y., and Tarrytown, N.Y.; from Rochester over New York Highway 33 to Batavia, N.Y., thence over New York Highway 63 to junction New York Highway 36A, thence over New York Highway 36A to Dansville, N.Y., thence over New York Highway 36 through Hornell, N.Y., to Jasper, N.Y., thence over New York Highway 17 to Suffern, N.Y., thence over New York Highway 59 to Nyack, N.Y., thence via ferry to Tarrytown and return over the same route, serving all intermediate points between Jasper and Binghamton, N.Y.; (16) between Rochester, N.Y., and Caledonia, N.Y., over New York Highway 383, serving all intermediate points; (17) between Geneva, N.Y., and Wayland, N.Y., over New York Highway 245, serving all intermediate points; (18) between Skaneateles, N.Y., and Homer, N.Y., over New York Highway 41, serving all intermediate points; and (19) between

Oswego, N.Y., and Binghamton, N.Y. over New York Highway 17C, serving all intermediate points.

Irregular: (A) *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 Albany, N.Y., and Troy, N.Y.; (B) *groceries, hardware, dry goods,* and *clothing* (except as specified in (A) above), (1) from Rotterdam, N.Y., to Oneonta, N.Y. NOTE: Applicant states the authority proposed immediately above, (B)(1), shall not be combined with any other operating authority herein proposed or hereinafter issued to applicant; (2) from points in Schenectady County, N.Y., to points in Albany, Chemung, Columbia, Dutchess, Oneida, Rensselaer, Saratoga, Ulster, and Warren Counties, N.Y.; (3) from points in Allegany, Cattaraugus, Chemung, Columbia, Dutchess, Livingston, Monroe, Onondaga, Ontario, Schuyler, Steuben, Tompkins, Wayne, Westchester, Wyoming, and Yates Counties, N.Y., to points in Schenectady County, N.Y.; (4) from points in Ulster County, N.Y., to points in Onondaga County, N.Y.; (5) from points in Monroe County, N.Y., to points in Montgomery, Oneida, Rensselaer, and Ulster Counties, N.Y.; (6) from points in Rensselaer County, N.Y., to points in Monroe County, N.Y.; (7) from points in Ontario County, N.Y., to points in Montgomery County, N.Y.; (8) from points in Albany County, N.Y., to points in Cayuga, Chautauqua, Erie, Herkimer, Madison, Monroe, Oneida, Onondaga, Ontario, Rensselaer, Saratoga, Schenectady, Ulster, and Warren Counties, N.Y.; and (9) from points in Cayuga, Chautauqua, Erie, Greene, Livingston, Ontario, Orleans, Madison, Monroe, Oneida, Oswego, Otsego, Schuyler, Tompkins, Wayne, and Yates Counties, N.Y., to points in Albany County, N.Y. NOTE: Applicant states that it intends to tack the above proposed routes with each other at commonly authorized service points. This is a matter directly related to MC-F 9219, published in FEDERAL REGISTER issue of September 29, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9222. Authority sought for purchase by SOUTHERN PACIFIC TRANSPORT COMPANY, 733 South Poydras Street, Post Office Box 6187, Dallas, Tex., 75222, of a portion of the operating rights of THE ROCK ISLAND MOTOR TRANSIT COMPANY, Office: 2744 Southeast Market Street, Mail: Post Office Box 1355, Des Moines, Iowa, and for acquisition by SOUTHERN PACIFIC COMPANY, 65 Market Street, San Francisco, Calif., 94105, of control of such rights through the purchase. Applicants' attorney: Charles W. Burkett, 65 Market Street, San Francisco, Calif., 94105. Operating rights sought to be transferred: *General commodities,* with certain specified exceptions, as a *common carrier,* over regular routes, between Kansas City, Mo., and Topeka, Kans., between Fort Worth, Tex., and Dallas, Tex., between Hurst, Tex., and Irving, Tex., between Euless, Tex., and Tarrant, Tex., between Hutchinson, Kans., and Arlington, Kans., between Little Rock, Ark., and Memphis, Tenn., between Little Rock, Ark., and Booneville, Ark., between Ola, Ark., and Perryville, Ark., between Ola, Ark., and junction Arkansas Highways 7 and 60, between Topeka, Kans., and McPherson, Kans., between junction U.S. Highway 40 and Kansas Highway 43, and Herington, Kans., between Wichita, Kans., and junction U.S. Highways 56 and 57 near Marion, Kans., between Wichita, Kans., and Hutchinson, Kans., between (St. Joseph, Mo.), Topeka, Kans., and Hutchinson, Kans., between Hutchinson, Kans., and Pratt, Kans., between Hutchinson, Kans., and Wichita, Kans., between Wichita, Kans., and Dalhart, Tex.

Between Mullinville, Kans., and Dodge City, Kans., between Minneola, Kans., and Dodge City, Kans., between Searcy, Ark., and Stuttgart, Ark., between Booneville, Ark., and McAlester, Okla., between Booneville, Ark., and Wister, Okla., between Little Rock, Ark., and Perry, Ark., between Oklahoma City, Okla., and McAlester, Okla., between Oklahoma City, Okla., and El Reno, Okla., serving certain intermediate and off-route points; *dangerous explosives,* with exception, between Oklahoma City, Okla., and McAlester, Okla., serving certain intermediate and off-route points; *baggage* and *express,* between Wichita, Kans., and Fort Worth, Tex., between junction U.S. Highway 81 and Texas Highway 114, and Rhome, Tex., serving each termini and certain intermediate and off-route points; and *express matter, newspapers, milk,* and *cream,* and *returned empty containers,* between Little Rock, Ark., and Winnfield, La., serving all intermediate and off-route points, also from Little Rock, Ark., to Bauxite, Ark., from Little Rock, Ark., to Winnfield, La., and from Little Rock, Ark., to Sheridan, Ark. Vendee is authorized to operate as a *common carrier* in Texas and Louisiana. Application has not been filed for temporary authority under Section 210a(b). NOTE: (1) In Finance Docket Nos. 23285, 23286, and 23287, UNION PACIFIC RAILROAD COMPANY, seeks to control and merge CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD COMPANY, and to issue stock and debentures in connection therewith; (2) In Finance Docket Nos. 23595 and 23596, SOUTHERN PACIFIC COMPANY seeks to purchase a portion of the operating rights and certain properties of CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD COMPANY, and to assume obligations of certain terminal bonds in connection therewith; and (3) the proceeding in MC-F-9222, is conditioned upon approval of the above Finance Dockets, which presently will be set for hearing on a consolidated record.

No. MC-F-9223. Authority sought for purchase by GATE CITY TRANSPORT COMPANY, 13401 Eldon Avenue, Detroit, Mich., 48234, of a portion of the operating rights of SQUARE DEAL CARTAGE COMPANY, 13401 Eldon Avenue, Detroit, Mich., 48234, and for acquisition by N. F. MEALEY and PEARL MEALEY, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorney: George S. Dixon, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Operating rights sought to be transferred: *Automobiles,* in truckaway and driveaway, restricted to subsequent or secondary movements, as a *common carrier,* over irregular routes, between all points in the State of Ohio. Applicants propose to restrict the above operating rights to the transportation of automobiles other than that manufactured by the Chrysler Corp. Vendee is authorized to operate as a *common carrier,* in Michigan, North Carolina, South Carolina, Ohio, Virginia, West Virginia, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9224. Authority sought for purchase by GENERAL FREIGHT SYSTEM, INCORPORATED, 115 Park Avenue, East Hartford, Conn., of the operating rights of RAINBOW TRANSPORTATION, INC., 115 Lunenburg Street, Fitchburg, Mass., and for acquisition by BENJAMIN GOLDFARB, also of East Hartford, Conn., of control of such rights through the purchase. Applicants' attorney and representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., and John Longo, 3 Park Street, Leominster, Mass. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC-120463, Sub-No. 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, Rhode Island, Massachusetts, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: MC-109825, Sub-No. 8 is a matter directly related.

No. MC-F-9225. Authority sought for purchase by C. A. WHITE TRUCKING COMPANY, 4641 Greenville Avenue, Dallas, Tex., 75206, of a portion of the operating rights of D. E. McALISTER GRAHAM, doing business as McALISTER TRUCKING CO., Post Office Box 2377, Abilene, Tex., and for acquisition by FRANK CRANE, also of Dallas, Tex., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas 24, Tex., and Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining,

manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and byproducts; and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, as a *common carrier*, over irregular routes, between points in Texas, on the one hand, and, on the other, points in Colorado; *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Texas, on the one hand, and, on the other, points in Colorado; and *machinery, equipment, materials, and supplies* used in or in connection with, the drilling of water wells, between points in Texas, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, Texas, Arkansas, Illinois, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9226. Authority sought for purchase by E. A. SCHLAIRET TRANSFER CO., 701 Harcourt Road, Box 271, Mount Vernon, Ohio, of the operating rights of CONRAD TRUCKING, INC., Florence, Ky., and for acquisition by CHARLES V. SCHLAIRET, also of Mount Vernon, Ohio, of control of such rights through the purchase. Applicants' attorney and representative: Paul Berry, 100 East Broad Street, Columbus Center, Columbus, Ohio, 43215, and Norbert E. Miller, 1525 Carew Tower, Cincinnati 2, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Covington, Ky., on the one hand, and, on the other, Cincinnati, Ohio, between points in Covington, Ky., and Cincinnati, Ohio; *general commodities*, except those of unusual value, Classes A and B explosives, petroleum products in tank trucks, household goods as defined by the Commission, and commodities requiring special equipment, from Cincinnati, Ohio, to the below-specified origin points; and *livestock*, and *agricultural commodities*, from Burlington, Ky., and points in that part of Boone County, Ky., west of U.S. Highway 25, to Cincinnati, Ohio, including points on the indicated portion of the highway specified, except Union and Florence, Ky., and those between Florence and the Kentucky-Ohio State line. Vendee is authorized to operate as a *common carrier* in the State of Ohio. Application has been filed for temporary authority under section 210a (b). NOTE: MC-32839 Sub 15, filed simultaneously.

By the Commission.

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

[F.R. Doc. 65-10629; Filed, Oct. 5, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 1, 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 number assigned H-4914, filed July 27, 1965. Applicant: RAYMOND L. DOWLER AND MERLIN E. DOWLER, doing business as DOWLER BROS., St. Charles, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, between Des Moines, Lineville, Clio, Allerton, and Seymour, Iowa.

HEARING: October 20, 1965, at 10 o'clock a.m. at the Office of the Commission, Des Moines, Iowa. Requests for procedural information including time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, Des Moines, Iowa, 50319, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 65-10630; Filed, Oct. 5, 1965; 8:47 a.m.]

[Notice 59]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 1, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111015 (Sub-No. 6 TA) (Correction), filed September 21, 1965, published FEDERAL REGISTER, issue of September 28, 1965, and republished as corrected this issue. Applicant: L. P. M. CORPORATION, 52 Westway, Chappaqua, N.Y. Applicant's representative: Lester P. Marasco (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by manufacturers and refiners of, and dealers in, precious metals and precious metal alloys*, and, in connection therewith, *materials, supplies and equipment used in the conduct of such business*, between Fairfield, Conn., and Denver, Colo., for 180 days. Supporting shipper: Handy & Harman, 850 Third Avenue, New York, N.Y., 10022. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013. NOTE: The purpose of this republication is to correctly set forth the territory proposed to be served as above, in lieu of Fairchild, Conn., as shown in previous publication, and also to show the correct name of the supporting shipper as above, in lieu of Handy & *Marman*, which was in error.

No. MC 112304 (Sub-No. 13 TA), filed September 29, 1965. Applicant: ACE DORAN HAULING & RIGGING CO., 601 Orient Avenue, Cincinnati, Ohio, 45232. Applicant's representative: Robert J. Doran (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway guardrails, and parts and accessories thereof*, (1) from Evansville, Ind., to points in Kentucky, Illinois, Ohio, West Virginia, and Virginia, and (2) from Flint, Mich., to points in Maine, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Wisconsin, Illinois, Indiana, Kentucky, Ohio, West Virginia,

Virginia, and North Carolina, for 180 days. Supporting shipper: Anderson "Safeway" Guard Rail Corp., Box 814, 2610 North Dort Highway, Flint, Mich., 48501. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 118130 (Sub-No. 37 TA), filed September 29, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex., 76134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Texas, New Mexico, Colorado, Utah, Arizona, Nevada, California, Oregon, and Idaho, for 180 days. Supporting shipper: Mr. J. S. Brown 3d, Bruce's Foods Corp., Post Office Box 454, New Iberia, La. Send protests to: Ralph Bexner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T. & P. Building, Fort Worth, Tex., 76102.

No. MC 120543 (Sub-No. 32 TA), filed September 29, 1965. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, Highway 201 North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *potato products*, not frozen, from the plantsite of J. R. Simplot Co., located in Caldwell, Mampa, Burley, and Heyburn, Idaho, to points in North Carolina, South Carolina, Georgia, Florida, New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, Rhode Island, and Washington, D.C., for 180 days. Supporting shipper: J. R. Simplot Co., Caldwell, Idaho. Send protests to: George H. Fauss, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 127599 TA, filed September 29, 1965. Applicant: KENTON MEADOWS COMPANY, INCORPORATED, Post Office Box 518, Gassaway (Braxton County), W. Va. Applicant's representative: Mr. Phillip J. Graziana, Attorney General's Office, State Capitol, Charleston, W. Va., 25305. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed double tees, flexicore and A–M floor and roof systems, concrete blocks, concrete sewer and culvert pipe, precast and prestressed bridge beams, concrete wall panels, and cribbing*, from the Centurial Products Corp. plants at Clarksburg, New Martinsville, and Parkersburg, W. Va., to points in Meigs, Athens, Morgan, Washington, Noble, Monroe, Belmont, Harrison, Jefferson, Carroll, Columbiana Counties, Ohio; Beaver, Butler, Allegheny, Washington, and Greene Counties, Pa., Garrett, Allegany Counties, Md., and Frederick and Clark Counties, Va., for 180 days. Supporting shipper: Centurial Products Corp., Post Office Box 5146, Vienna, W. Va., 26105. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va., 25301.

By the Commission.

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

[F.R. Doc. 65–10631; Filed, Oct. 5, 1965; 8:47 a.m.]

[Notice 1242]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68191. By order of September 30, 1965, the Transfer Board approved the transfer to Parcel Delivery & Transfer, Inc., Anchorage, Alaska, of the certificate in No. MC–118446 (Sub-No. 2), issued May 4, 1965, to John P. Knudsen, doing business as Knudsen Past Freight, Anchorage, Alaska, authorizing the transportation of: General commodities, excluding household goods and other specified commodities, over regular routes, between Anchorage, Alaska, and Tok Junction, between Valdez, Alaska, and Delta Junction, Alaska, between Big Delta, Alaska, and Northway, Alaska, and between junction Alaska Highways 4 and 10, and Cordova, Alaska. John M. Sterm, Jr., Box 1672, Anchorage, Alaska, 99501, attorney for applicants.

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

[F.R. Doc. 65–10632; Filed, Oct. 5, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

Page

PROCLAMATIONS:
3674 ... 12623
3675 ... 12625
3676 ... 12709

EXECUTIVE ORDERS:
April 17, 1926 (revoked in part by PLO 3832) ... 12641
7558 (revoked in part by PLO 3833) ... 12642

5 CFR

213 ... 12529, 12627, 12720
731 ... 12661
735 ... 12529

6 CFR

530 ... 12720

7 CFR

29 ... 12627
701 ... 12661
730 ... 12627
831 ... 12628
848 ... 12534
905 ... 12635, 12636
908 ... 12636
910 ... 12637
926 ... 12534
932 ... 12629
948 ... 12534, 12635, 12724
993 ... 12535

PROPOSED RULES:
730 ... 12684
906 ... 12735
948 ... 12644, 12735
982 ... 12539
989 ... 12686
1008 ... 12539
1009 ... 12539
1136 ... 12736

9 CFR

PROPOSED RULES:
51 ... 12684
78 ... 12684
203 ... 12686

12 CFR

8 ... 12535

13 CFR

Page

121 ... 12640

14 CFR

71 ... 12535, 12661, 12724–12727
73 ... 12727
75 ... 12727
95 ... 12662
298 ... 12666

PROPOSED RULES:
39 ... 12687
71 ... 12688, 12735
77 ... 12735

15 CFR

201 ... 12535
202 ... 12535

16 CFR

13 ... 12536

18 CFR

141 ... 12727
152 ... 12728
260 ... 12727

19 CFR

1 ... 12680

21 CFR

120 ... 12729
121 ... 12637, 12670, 12730
141a ... 12637
144 ... 12670
146a ... 12637, 12730
148e ... 12537
148x ... 12537

PROPOSED RULES:
146a ... 12746
146b ... 12746
146c ... 12746
146d ... 12746
146e ... 12746

22 CFR

61 ... 12639
131 ... 12732

26 CFR

1 ... 12730
39 ... 12730

PROPOSED RULES:
1 ... 12564

32 CFR

Page

43 ... 12673
58 ... 12639

32A CFR

NSA (Ch. XVIII):
AGE–1 ... 12640

33 CFR

203 ... 12537

39 CFR

142 ... 12641
143 ... 12641

43 CFR

PUBLIC LAND ORDERS:
2248 (modified by PLO 3836) ... 12643
3832 ... 12641
3833 ... 12642
3834 ... 12642
3835 ... 12642
3836 ... 12643
3837 ... 12643

45 CFR

130 ... 12731
801 ... 12680

46 CFR

272 ... 12536
282 ... 12536
286 ... 12536
292 ... 12536
402 ... 12680
403 ... 12680
533 ... 12681

47 CFR

73 ... 12711, 12719

PROPOSED RULES:
1 ... 12688
17 ... 12688
73 ... 12688, 12746

49 CFR

6 ... 12669
95 ... 12731

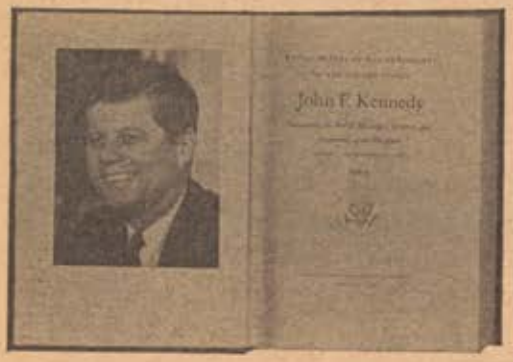
PROPOSED RULES:
77 ... 12543

50 CFR

32 ... 12536, 12643, 12683, 12732, 12733

Latest Edition in the series of . . .

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES



John F. Kennedy, 1963

Contains verbatim transcripts of the President's news conferences and speeches and full texts of messages to Congress and other materials released by the White House during the period January 1–November 22, 1963.

Among the 478 items in the book are: special messages to the Congress on education, youth conservation, needs of the Nation's senior citizens, and on improving the Nation's health; radio and television addresses to the American people on civil rights and on the nuclear test ban treaty and the tax reduction bill; joint statements with leaders of foreign governments; and the President's final remarks at the breakfast of the Fort Worth Chamber of Commerce. Also included is the text of two addresses which the President had planned to deliver on the day of his assassination; President Johnson's proclamation designating November 25 a national day of mourning; and remarks at the White House ceremony in which President Kennedy was posthumously awarded the Presidential Medal of Freedom.

A valuable reference source for scholars, reporters of current affairs and the events of history, historians, librarians, and Government officials.

1007 Pages Price: $9.00

VOLUMES *of* PUBLIC PAPERS *of the* PRESIDENTS
currently available:

HARRY S. TRUMAN:

1945	$5.50	1948	$9.75
1946	$6.00	1949	$6.75
1947	$5.25	1950	$7.75

DWIGHT D. EISENHOWER:

1953	$6.75	1957	$6.75
1954	$7.25	1958	$8.25
1955	$6.75	1959	$7.00
1956	$7.25	1960–61	$7.75

JOHN F. KENNEDY:

1961	$9.00	1962	$9.00
		1963	$9.00

Volumes are published annually, soon after the close of each year. Earlier volumes are being issued periodically, beginning with 1945.

Contents:

- Messages to the Congress
- Public speeches
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups
- Public letters

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