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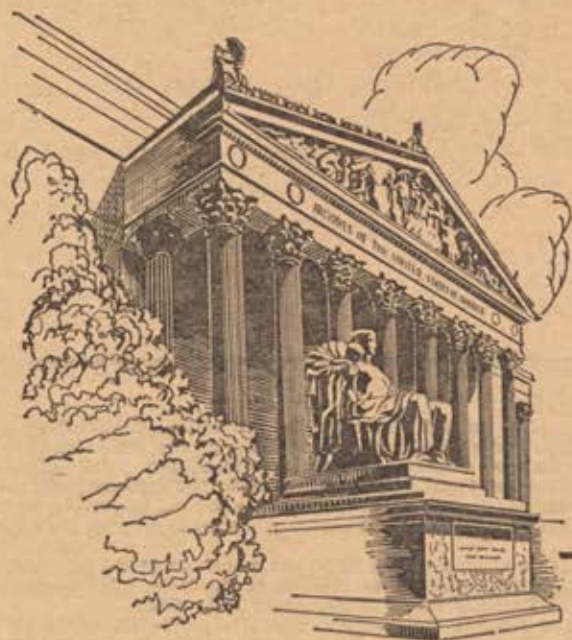
Wednesday, December 29, 1965 • Washington, D.C.

Pages 16181-16247

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Budget Bureau
Consumer and Marketing Service
Farm Credit Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
Health, Education, and Welfare
Department
Interstate Commerce Commission
Maritime Administration
National Science Foundation
National Shipping Authority
Securities and Exchange Commission
State Department
State and Technical Services Office
Tariff Commission

Detailed list of Contents appears inside.



Announcing a New Information Service

Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

The official distribution for the *Weekly Compilation of Presidential Documents* is governed by regulations published in the FEDERAL REGISTER dated July 31, 1965 (30 F.R. 9573; 1 CFR 32.40). Members of Congress and officials of the legislative, judicial, and executive branches who wish to receive this publication for official use should write to the Director of the Federal Register, stating the number of copies needed and giving the address for mailing.

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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.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until February 1, 1966, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on January 1, 1966, when a prior order (30 F.R. 14769) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on January 1, 1966.

Done at Washington, D.C., this 23d day of December 1965.

CLARENCE H. GIRARD,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13889; Filed Dec. 28, 1965; 8:48 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

STATE, COUNTY, AND FARM PROJECTED YIELDS

This document is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agriculture Act of 1965 (Pub. L. 89-321, 79 Stat. 1187, November 3, 1965).

(a) The purpose of § 722.275 is to establish the State and county projected yields under section 301(b)(13)(L) of the act for upland cotton of the 1966 crop and to establish the procedure under which farm projected yields for upland cotton of the 1966 crop are established.

(b) In order to permit orderly administration of the 1966 upland cotton price support program, the transfer of allotments and other programs requiring projected yield data, it is essential that § 722.275 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and § 722.275 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 722.275 State, county and farm projected yields for upland cotton of the 1966 crop.

(a) *Method of determining State and county projected yields.* The projected State and county yields for the 1966 crop of upland cotton were determined on the basis of the average yield per harvested acre in the State and counties during 1960, 1961, 1962, 1963, and 1964, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices, as provided under section 301(b)(13)(L) of the act.

(b) *Adjustments of county harvested yields for each year of the base period (1960-64).* The county harvested yields for each year of the base period (1960-64) were adjusted to provide comparable harvested yields for such years on the basis of the method for measuring the acreage devoted to cotton planted in

skip-row patterns under the provisions of Part 718 of this chapter and changes in regulations in process for the 1966 crop. Such adjustments were made on the following basis:

(1) *1962, 1963, and 1964.* It was estimated that a 30-percent increase in harvested acreage of cotton in 1962, 1963, and 1964 planted in less than four skip-row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1962, 1963, and 1964 and approximately the same acreage of land had been used for cotton. Such estimate was also based on the predominance during 1962, 1963, and 1964 of 40-inch row widths and skip-row patterns of two rows of cotton by one skip-row and two rows of cotton by two skip-rows, and the acreage that will be determined as devoted to cotton in such patterns during 1966. Accordingly, county harvested yields for 1962, 1963, and 1964 were adjusted by adding an amount of harvested acreage for each county equal to 30 percent of the cotton acreage planted in skip-row patterns of less than four-row skips in such county for each such year.

(2) *1961.* In 1961 and prior years, skip-row patterns of less than 4 row skips (generally two rows of cotton and two rows skipped) were used primarily as a moisture conservation practice in dryland areas and all the land planted in such patterns was regarded as planted to cotton. It was estimated that a 35-percent decrease in harvested acreage in 1961 planted in less than four skip row patterns would result if the method for measuring the acreage devoted to cotton in skip-row patterns applicable beginning with the 1966 crop had been in effect during 1961 and approximately the same acreage of land had been used for cotton. Accordingly, county harvested yields for 1961 were adjusted by subtracting an amount of harvested acreage for each county equal to 35 percent of the cotton acreage planted in skip-row patterns of less than four-row skips in such county.

(3) *1960.* Since skip-row acreages are not available for 1960, it was estimated that conditions similar to 1961 obtained and the same adjustments as made under subparagraph (2) of this paragraph for each county for 1961 were made for 1960.

(c) *Adjusted county yields for base period (1960-64).* The harvested yields for each county for the base period (1960-64) were adjusted for abnormal weather conditions, for trends in yields, and for any significant changes in production practices during such period as follows: (1) For each annual yield in the 5-year period which was less than 80 percent of the 5-year average har-

vested yield, a yield equal to 80 percent of such 5-year average was substituted. For each annual yield in the 5-year period which was more than 140 percent of the 5-year average harvested yield, a yield equal to 140 percent of such 5-year average was substituted. A simple average of the 5-year yields so adjusted was obtained for each county.

(2) The 5-year average yield for each county as adjusted under subparagraph (1) of this paragraph was further adjusted for trends in yields and significant changes in production practices by obtaining a simple average of (i) of the 1960-64 average yield for each county as adjusted under subparagraph (1) of this paragraph and (ii) the 1963-64 average yield for each county as adjusted under subparagraph (1) of this paragraph. For each county for which the 1963-64 average yield exceeded the 5-year average yield as adjusted under subparagraph (1) of this paragraph, the simple average determined under this subparagraph (2) was substituted for the adjusted 5-year average yield.

(3) No adjusted county yield was less than the larger of the 5-year, 1960-64, average yield unadjusted for weather conditions and trends, or 95 percent of the 1965 normal yield for the county (29 F.R. 15858).

(d) *State projected yields.* The State projected yields were determined as follows:

(1) An adjusted average yield for each State was obtained by dividing (i) the sum of the products of the adjusted county yields under paragraph (c) of this section times the county 1964 harvested acreage adjusted under paragraph (b) (1) of this section (referred to as the "State production extensions") by (ii) the State total of the 1964 county harvested acreages adjusted under paragraph (b) (1) of this section;

(2) A national average of the State adjusted yields under subparagraph (1) of this paragraph was obtained by dividing (i) the national total of the State production extensions by (ii) the national total of the 1964 State harvested acreages as determined under subparagraph (1) of this paragraph;

(3) A national yield factor was computed by dividing (i) the national projected yield of 525 pounds originally established under § 722.272(a) (5) (30 F.R. 14308) by (ii) the national average of the State adjusted yields determined under subparagraph (2) of this paragraph; and

(4) The State projected yield for 1966 was obtained by multiplying the State adjusted yield under subparagraph (1) of this paragraph by the national yield factor.

(e) *Preliminary county projected yields.* The preliminary county projected yields were determined as follows:

(1) A State weighted average of county adjusted yields determined under paragraph (c) of this section was obtained by dividing (i) the sum of the products of the 1966 county allotments,

including allocations from the State reserve for hardships and inequities and for small farms, times the adjusted county yields, by (ii) the State total of 1966 county allotments, including allocations from the State reserve for hardships and inequities and for small farms;

(2) A State yield factor was computed by dividing (i) the 1966 State projected yield determined on the basis of the originally established national projected yield of 525 pounds under § 722.272 (a) (5) (30 F.R. 14308) by (ii) the State weighted yield under subparagraph (1) of this paragraph; and

(3) The preliminary county projected yield was obtained by multiplying the county adjusted yield by the State yield factor.

(f) *County projected yields for 1966.* The county projected yields were established as follows:

(1) The preliminary county projected yields for each State established under paragraph (e) of this section were reviewed by the State committee and on the basis of all available data, the State committee adjusted such preliminary county projected yields to provide comparability between counties in the State. The weighted average of the county projected yields as adjusted by the State committee did not exceed the State projected yield.

(2) It was determined that projected county yields originally established under subparagraph (1) of this paragraph did not adequately reflect trends in yields in counties in which 1963 or 1964 harvested yields per acre were adversely affected by weather conditions. For such counties, if either the 1963 or 1964 yield used in making the trend adjustment was below the 5-year average, the 5-year average yield was substituted for such year and the county adjusted yield was revised accordingly. The county projected yield for each of the counties affected under this subparagraph was established as the larger of (i) the State committee recommended yield under subparagraph (1) of this paragraph, or (ii) the product of the revised adjusted county yield determined under this subparagraph times the State yield factor determined under paragraph (e) (2) of this section, except that, if the State committee recommended a downward adjustment from the preliminary projected yield determined under paragraph (e), the excess in the yield determined under this item (ii) over the preliminary projected yield was added to the State committee recommended projected yield as the 1966 projected yield for the county. The national projected yield has been increased from 525 pounds to 527 pounds per acre by an amendment to § 722.272 to provide for the increases in county projected yields determined under this paragraph.

(g) *Tabulation of State and county projected yields for 1966.* The following State and county projected yields for upland cotton of the 1966 crop are hereby determined and established:

ALABAMA			
County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Autauga	585	Jefferson	474
Baldwin	465	Lamar	439
Barbour	439	Lauderdale	494
Bibb	587	Lawrence	599
Blount	483	Lee	473
Bullock	362	Limestone	536
Butler	467	Lowndes	478
Calhoun	465	Macon	497
Chambers	510	Madison	569
Cherokee	587	Marengo	432
Chilton	512	Marion	523
Choctaw	422	Marshall	553
Clarke	395	Mobile	393
Clay	413	Monroe	572
Cleburne	363	Montgomery	426
Coffee	424	Morgan	510
Colbert	555	Perry	521
Conecuh	431	Pickens	517
Coosa	338	Pike	395
Covington	454	Randolph	465
Crenshaw	456	Russell	390
Cullman	561	St. Clair	407
Dale	439	Shelby	630
Dallas	503	Sumter	438
De Kalb	523	Talladega	433
Elmore	578	Tallapoosa	501
Escambia	545	Tuscaloosa	495
Etowah	437	Walker	432
Fayette	540	Washington	533
Franklin	437	Wilcox	431
Geneva	426	Winston	458
Greene	446		
Hale	538	State projected yield	499
Henry	435		
Houston	463		
Jackson	502		

ARIZONA			
County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Cochise	847	Santa Cruz	701
Gila	921	Yavapai	861
Graham	890	Yuma	1,351
Greenlee	826		
Maricopa	1,108	State projected yield	1,089
Mohave	1,450		
Pima	940		
Pinal	1,082		

ARKANSAS			
County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Arkansas	487	Jefferson	652
Ashley	680	Johnson	612
Baxter	463	Lafayette	592
Benton	266	Lawrence	548
Boone	324	Lee	637
Bradley	352	Lincoln	655
Calhoun	321	Little River	545
Chicot	614	Logan	455
Clark	434	Lonoke	569
Clay	573	Marion	339
Cleburne	367	Miller	496
Cleveland	374	Mississippi	654
Columbia	320	Monroe	609
Conway	494	Montgomery	326
Craighead	599	Nevada	429
Crawford	533	Newton	321
Crittenden	646	Ouachita	326
Cross	600	Perry	376
Dallas	374	Phillips	730
Desha	632	Pike	429
Drew	552	Poinsett	560
Faulkner	444	Polk	429
Franklin	433	Pope	541
Fulton	397	Prairie	520
Garland	378	Pulaski	481
Grant	340	Randolph	555
Greene	560	St. Francis	631
Hempstead	434	Saline	283
Hot Spring	391	Scott	366
Howard	492	Searcy	347
Independence	495	Sebastian	419
Izard	417	Sevier	361
Jackson	505	Sharp	391

ARKANSAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Stone	429	Yell	559
Union	331		
Van Buren	335	State projected	
Washington	298	yield	600
White	404		
Woodruff	606		

CALIFORNIA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Fresno	1,094	San Bernardino	489
Imperial	1,560	San Diego	1,289
Kern	1,184	Stanislaus	837
Kings	1,004	Tulare	944
Los Angeles	800		
Madera	868	State projected	
Merced	912	yield	1,091
Riverside	1,351		
San Benito	1,071		

FLORIDA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Alachua	334	Levy	283
Baker	252	Liberty	275
Bay	327	Madison	296
Calhoun	353	Nassau	368
Clay	450	Okaloosa	379
Columbia	191	Putnam	281
Dixie	312	Santa Rosa	507
Escambia	488	Suwannee	196
Gadsden	281	Taylor	240
Gilchrist	264	Union	272
Hamilton	246	Walton	360
Holmes	386	Washington	303
Jackson	363		
Jefferson	317	State projected	
Lafayette	329	yield	375
Leon	284		

GEORGIA

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Appling	383	Douglas	289
Atkinson	372	Early	544
Bacon	392	Echols	294
Baker	405	Effingham	348
Baldwin	364	Elbert	438
Banks	415	Emanuel	428
Barrow	382	Evans	427
Bartow	546	Fayette	423
Ben Hill	581	Floyd	451
Berrien	479	Forsyth	353
Bibb	482	Franklin	482
Bleckley	561	Fulton	359
Brantley	283	Gilmer	337
Brooks	421	Glascok	392
Bryan	385	Gordon	439
Bulloch	438	Grady	436
Burke	437	Greene	256
Butts	460	Gwinnett	380
Calhoun	587	Habersham	272
Candler	377	Hall	345
Carroll	427	Hancock	355
Catoosa	431	Haralson	335
Charlton	309	Harris	446
Chatham	376	Hart	497
Chattahoochee	199	Heard	445
Chattooga	432	Henry	428
Cherokee	299	Houston	495
Clarke	330	Irwin	482
Clay	537	Jackson	414
Clayton	333	Jasper	380
Clinch	329	Jeff Davis	427
Cobb	288	Jefferson	461
Coffee	460	Jenkins	411
Colquitt	542	Johnson	418
Columbia	261	Jones	300
Cook	495	Lamar	324
Coweta	392	Lanier	386
Crawford	485	Laurens	464
Crisp	541	Lee	489
Dade	310	Liberty	284
Dawson	276	Lincoln	248
Decatur	399	Long	333
De Kalb	316	Lowndes	370
Dodge	473	Lumpkin	405
Dooly	605	McDuffie	342
Dougherty	362	McIntosh	277
		Macon	593

GEORGIA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Madison	423	Talbot	317
Marion	506	Tallaferro	240
Meriwether	482	Tattnall	447
Miller	584	Taylor	644
Mitchell	456	Telfair	400
Monroe	308	Terrell	650
Montgomery	379	Thomas	486
Morgan	449	Tift	473
Murray	302	Toombs	440
Muscogee	282	Treutlen	397
Newton	405	Troup	413
Oconee	497	Turner	543
Oglethorpe	385	Twiggs	486
Paulding	310	Upson	353
Peach	573	Walker	326
Pickens	349	Walton	478
Pierce	332	Ware	351
Pike	484	Warren	366
Polk	418	Washington	490
Pulaski	484	Wayne	388
Putnam	291	Webster	418
Quitman	403	Wheeler	394
Randolph	622	White	354
Richmond	367	Whitfield	467
Rockdale	436	Wilcox	473
Schley	484	Wilkes	299
Screven	424	Wilkinson	305
Seminole	492	Worth	550
Spalding	354		
Stephens	362	State projected	
Stewart	497	yield	460
Sumter	655		

ILLINOIS

Alexander	497
Massac	478
Pulaski	478
State projected yield	489

KANSAS

Montgomery	206
State projected yield	206

KENTUCKY

Ballard	388	McCracken	469
Calloway	396	Marshall	451
Carlisle	476		
Fulton	671	State projected	
Graves	399	yield	643
Hickman	546		

LOUISIANA

Acadia	471	Lafayette	486
Allen	386	La Salle	503
Ascension	394	Lincoln	303
Assumption	414	Livingston	427
Avoyelles	627	Madison	722
Beauregard	357	Morehouse	716
Bienville	280	Natchitoches	541
Bossier	541	Ouachita	667
Caddo	611	Pointe Coupee	511
Calcasieu	352	Rapides	740
Caldwell	679	Red River	561
Cameron	447	Richland	567
Catahoula	595	Sabine	354
Claiborne	296	St. Helena	335
Concordia	609	St. James	394
De Soto	299	St. Landry	554
East Baton Rouge	318	St. Martin	449
East Carroll	757	St. Tammany	282
East Feliciana	407	Tangipahoa	287
Evangeline	532	Tensas	724
Franklin	567	Union	344
Grant	541	Vermilion	410
Iberia	328	Washington	381
Iberville	314	Webster	371
Jackson	280		
Jefferson	442		
Jefferson Davis	460		

LOUISIANA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
West Baton Rouge	473	Winn	277
West Carroll	567	State projected	
West Feliciana	374	yield	583

MISSISSIPPI

Adams	365	Lowndes	528
Alcorn	606	Madison	556
Amite	414	Marion	414
Attala	605	Marshall	659
Benton	622	Monroe	538
Bolivar	727	Montgomery	665
Calhoun	591	Neshoba	452
Carroll	658	Newton	434
Chickasaw	550	Noxubee	581
Choctaw	560	Oktibbeha	451
Claiborne	529	Panola	716
Clarke	423	Pearl River	367
Clay	538	Perry	397
Coahoma	750	Pike	397
Copiah	461	Pontotoc	595
Covington	475	Prentiss	581
De Soto	644	Quitman	754
Forrest	443	Rankin	555
Franklin	360	Scott	497
George	399	Sharkey	855
Greene	484	Simpson	453
Grenada	711	Smith	449
Hancock	332	Stone	367
Harrison	393	Sunflower	743
Hinds	507	Tallahatchie	756
Holmes	802	Tate	717
Humphreys	759	Tippah	630
Issaquena	818	Tishomingo	523
Itawamba	526	Tunica	740
Jackson	404	Union	583
Jasper	413	Walthall	442
Jefferson	421	Warren	651
Jefferson Davis	449	Washington	802
Jones	437	Wayne	480
Kemper	475	Webster	645
Lafayette	544	Wilkinson	429
Lamar	436	Winston	527
Lauderdale	416	Yalobusha	689
Lawrence	424	Yazoo	789

Lee	480	State projected	
Leflore	796	yield	667
Lincoln	419		

MISSOURI

Bollinger	460	Pemiscot	638
Butler	565	Ripley	475
Cape Girardeau	550	Scott	550
Carter	453	Stoddard	626
Dunklin	606	Vernon	456
Howell	487	Wayne	465
Mississippi	640	State projected	
New Madrid	607	yield	613
Oregon	424		

NEVADA

Clark	810
Nye	911
State projected yield	908

NEW MEXICO

Bernalillo	470	Otero	712
Chaves	814	Quay	540
Curry	465	Roosevelt	525
De Baca	523	Sierra	816
Dona Ana	848	Socorro	698
Eddy	810	Valencia	470
Grant	845		
Guadalupe	403	State projected	
Hidalgo	915	yield	751
Lea	567		
Luna	928		

NORTH CAROLINA

Alamance	317	Anson	429
Alexander	344	Beaufort	446

RULES AND REGULATIONS

NORTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bertie	465	Martin	463
Bladen	369	Mecklenburg	403
Brunswick	358	Montgomery	430
Burke	325	Moore	416
Cabarrus	381	Nash	458
Caldwell	319	New Hanover	390
Camden	467	Northampton	513
Carteret	334	Onslow	332
Catawba	345	Orange	331
Chatham	357	Pamlico	366
Chowan	439	Pasquotank	405
Cleveland	491	Pender	336
Columbus	345	Perquimans	439
Craven	336	Person	379
Cumberland	422	Pitt	418
Currituck	425	Polk	409
Davidson	351	Randolph	336
Davie	358	Richmond	403
Duplin	362	Robeson	435
Durham	355	Rowan	431
Edgecombe	502	Rutherford	450
Forsyth	334	Sampson	423
Franklin	416	Scotland	526
Gaston	395	Stanly	425
Gates	513	Tyrrell	428
Granville	371	Union	460
Greene	368	Vance	427
Guilford	348	Wake	397
Halifax	509	Warren	378
Harnett	455	Washington	352
Hertford	480	Wayne	397
Hoke	444	Wilkes	312
Hyde	366	Wilson	427
Iredell	397	Yadkin	321
Johnston	427		
Jones	347	State projected yield	447
Lee	407		
Lenoir	357		
Lincoln	478		

OKLAHOMA

Adair	182	Logan	323
Atoka	233	Love	218
Beaver	243	McCain	330
Beckham	293	McCurtain	523
Blaine	246	McIntosh	306
Bryan	300	Major	240
Caddo	328	Marshall	301
Canadian	322	Mayes	277
Carter	241	Murray	448
Cherokee	222	Muskogee	330
Choctaw	351	Noble	263
Cimarron	295	Nowata	257
Cleveland	350	Oklfuskee	213
Coal	290	Oklahoma	281
Comanche	203	Okmulgee	227
Cotton	209	Osage	382
Craig	254	Pawnee	320
Creek	220	Payne	389
Custer	363	Pittsburg	261
Dewey	262	Pontotoc	241
Ellis	262	Pottawatomie	265
Garfield	364	Pushmataha	194
Garvin	378	Roger Mills	308
Grady	362	Rogers	288
Grant	263	Seminole	199
Greer	293	Sequoyah	503
Harmon	378	Stephens	271
Harper	257	Texas	456
Haskell	401	Tillman	312
Huges	233	Tulsa	311
Jackson	420	Wagoner	328
Jefferson	235	Washington	329
Johnston	262	Washita	315
Kay	431	Woodward	255
Kingfisher	181		
Kiowa	282		
Latimer	208	State projected yield	314
Le Flore	283		
Lincoln	283		

SOUTH CAROLINA

Abbeville	438	Allendale	509
Aiken	471	Anderson	481

SOUTH CAROLINA—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Bamberg	462	Lancaster	425
Barnwell	462	Laurens	446
Beaufort	291	Lee	543
Berkeley	354	Lexington	410
Calhoun	531	McCormick	393
Charleston	282	Marion	354
Cherokee	440	Marlboro	548
Chester	396	Newberry	410
Chesterfield	430	Oconee	449
Clarendon	507	Orangeburg	487
Colleton	384	Pickens	434
Darlington	490	Richland	490
Dillon	445	Saluda	491
Dorchester	453	Spartanburg	360
Edgefield	505	Sumter	483
Fairfield	326	Union	361
Florence	374	Williamsburg	375
Georgetown	270	York	416
Greenville	429		
Greenwood	384		
Hampton	510	State projected yield	453
Horry	299		
Jasper	298		
Kershaw	371		

TENNESSEE

Bedford	511	Lincoln	509
Benton	535	Loudon	441
Bradley	355	McMinn	353
Cannon	462	McNairy	585
Carroll	652	Madison	642
Chester	629	Marion	493
Coffee	494	Marshall	472
Crockett	712	Maury	415
Cumberland	460	Meligs	361
Davidson	438	Monroe	319
Decatur	560	Moore	438
De Kalb	396	Obion	629
Dyer	640	Perry	446
Fayette	632	Polk	376
Franklin	569	Rhea	423
Gibson	672	Robertson	453
Giles	466	Rutherford	535
Grundy	505	Shelby	599
Hamilton	409	Tipton	659
Hardeman	662	Van Buren	548
Hardin	543	Warren	454
Haywood	674	Wayne	482
Henderson	616	Weakley	554
Henry	561	White	432
Hickman	479	Williamson	428
Humphreys	428	Wilson	423
Knox	559		
Lake	699	State projected yield	633
Lauderdale	683		
Lawrence	489		
Lewis	473		

TEXAS

Anderson	316	Burleson	515
Andrews	360	Burnet	145
Angelina	343	Caldwell	288
Aransas	295	Calhoun	466
Archer	172	Callahan	163
Armstrong	308	Cameron	454
Atascosa	228	Camp	234
Austin	364	Carson	323
Bailey	495	Case	293
Bandera	429	Castro	634
Bastrop	214	Chambers	329
Baylor	275	Cherokee	280
Bee	281	Childress	295
Bell	229	Clay	257
Bexar	228	Cochran	516
Blanco	179	Coke	164
Borden	340	Coleman	170
Bosque	159	Collin	250
Bowie	587	Collingsworth	313
Brazoria	568	Colorado	399
Brazos	596	Comal	227
Brewster	878	Comanche	126
Briscoe	509	Concho	264
Brooks	139	Cooke	234
Brown	163	Coryell	181

TEXAS—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Cottle	305	Lamb	540
Crockett	465	Lampasas	160
Crosby	576	LaSalle	319
Culberson	944	Lavaca	243
Dallam	472	Lee	207
Dallas	233	Leon	277
Dawson	413	Liberty	423
Deaf Smith	468	Limestone	153
Delta	345	Live Oak	215
Denton	265	Llano	189
De Witt	259	Loving	798
Dickens	298	Lubbock	595
Dimmit	526	Lynn	402
Donley	307	McCulloch	165
Duval	114	McLennan	207
Eastland	141	McMullen	138
Ector	515	Madison	368
Ellis	237	Marion	144
El Paso	967	Martin	385
Erath	177	Mason	417
Falls	261	Matagorda	454
Fannin	277	Maverick	497
Fayette	286	Medina	441
Fisher	359	Menard	192
Floyd	666	Midland	429
Foard	250	Milam	283
Fort Bend	508	Mills	265
Franklin	220	Mitchell	307
Freestone	182	Montague	225
Frio	650	Montgomery	254
Gaines	495	Moore	378
Galveston	373	Morris	216
Garza	383	Motley	290
Gillespie	182	Nacogdoches	272
Glasscock	605	Navarro	200
Goliad	232	Newton	183
Gonzales	193	Nolan	327
Gray	301	Nueces	367
Grayson	237	Ochiltree	486
Gregg	190	Oldham	333
Grimes	345	Palo Pinto	189
Guadalupe	277	Panola	218
Hale	641	Parker	155
Hall	350	Parmer	672
Hamilton	164	Pecos	852
Hansford	371	Polk	273
Hardeman	299	Potter	451
Hardin	340	Presidio	857
Harris	338	Rains	171
Harrison	229	Randall	338
Hartley	317	Reagan	643
Haskell	307	Real	487
Hays	262	Red River	380
Hemphill	307	Reeves	665
Henderson	179	Refugio	479
Hidalgo	473	Roberts	463
Hill	207	Robertson	661
Hockley	506	Rockwall	265
Hood	200	Runnels	282
Hopkins	166	Rusk	277
Houston	259	Sabine	243
Howard	292	San August- tine	220
Hudspeth	829	San Jacinto	244
Hunt	224	San Patricio	409
Irion	356	San Saba	261
Jack	198	Schleicher	352
Jackson	414	Scurry	336
Jasper	279	Shackelford	212
Jeff Davis	940	Shelby	207
Jefferson	245	Smith	214
Jim Hogg	126	Somervell	205
Jim Wells	215	Starr	263
Johnson	205	Stephens	163
Jones	248	Sterling	490
Karnes	193	Stonewall	256
Kaufman	203	Sutton	690
Kendall	307	Swisher	634
Kent	272	Tarrant	225
Kerr	199	Taylor	224
Kimble	245	Terrell	623
King	265	Terry	550
Kinney	555	Throckmor- ton	199
Kleberg	318	Titus	224
Knox	334		
Lamar	311		

Texas—Continued

County	Projected yield (pounds per acre)	County	Projected yield (pounds per acre)
Tom Green	291	Wichita	278
Travis	216	Wilbarger	310
Trinity	283	Willacy	436
Tyler	295	Williamson	286
Uphur	142	Wilson	246
Upton	508	Winkler	666
Uvalde	699	Wise	175
Val Verde	582	Wood	184
Van Zandt	180	Yakum	474
Victoria	369	Young	187
Walker	278	Zapata	605
Waller	358	Zavala	756
Ward	787		
Washington	326	State projected yield	382
Webb	594		
Wharton	504		
Wheeler	293		

VIRGINIA

Accomack	336	Nansemond	413
Brunswick	371	Patrick	401
Charlotte	330	Prince Edward	343
Chesapeake	455	Prince George	430
Cumberland	371	Southampton	432
Dinwiddie	336	Surry	469
Franklin	401	Sussex	347
Greensville	511		
Halifax	411		
Henrico	430		
Isle of Wight	502	State projected yield	425
Lunenburg	351		
Mecklenburg	352		

(h) Farm projected yields for 1966. The farm projected yields for 1966 shall be established in the calendar year 1965 by the respective county committees in accordance with section 301(b) (13) (M) of the act. Such yields will be available for public inspection in the respective county offices. Notice of such yields for each farm will be issued to the farm operator as soon as practicable. The base years used by the county committee in establishing such yields were 1962, 1963, and 1964, as required under section 301(b) (13) (M) of the act.

(Secs. 301(b) (13) (L), (M), 79 Stat. 1197; 7 U.S.C. 1301(b) (13) (L), (M))

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 23, 1965.

R. P. BEACH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13869; Filed, Dec. 28, 1965; 8:45 a.m.]

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

PROJECTED NATIONAL YIELD

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to revise the projected national yield established under § 722.272(a) (5) (30 F.R. 14308) to make a further adjust-

ment for trends in yields. The revised projected national yield as used in the findings made in § 722.272(a) relating to the domestic allotment program under section 350 of the act results in a small change in the calculation of paragraph (a) (2) of § 722.272 but due to rounding of numbers, there is no change in the result of 8.2 billion pounds. In addition, there is no change in the amount of national domestic allotment in pounds under § 722.272(b) and the farm domestic allotment percentage under § 722.272(c).

(b) Since the revised projected national yield is used in establishing State projected yields now being calculated, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.272(a) (30 F.R. 14308) is amended by revising subparagraph (5) thereof to read as follows:

§ 722.272 National domestic allotment and projected national yield.

(a) Findings under section 350 of the act.

(5) The projected national yield for the 1966 crop of upland cotton under section 301(b) (13) (L) of the act is hereby determined to be 527 pounds per acre on the basis of the average yield per harvested acre in the United States during 1960, 1961, 1962, 1963, and 1964, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices.

(Secs. 301(b) (13) (L), 350, 79 Stat. 1197, 1193, 7 U.S.C. 1301(b) (13) (L), 1350)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 23, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13868; Filed, Dec. 28, 1965; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 70]

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area (7 CFR Part 1070), it is hereby found and determined that:

a. The following provisions of the order no longer tend to effectuate the declared policy of the Act on and after January 1, 1966.

In § 1070.10(d) (3), the following provisions:

1. All of the table headed "month" and "minimum percentage".

2. In the text preceding the table, the provisions "quantity of", the provision "at least the following percentages, in the months indicated, of the total quantity of", and the provision "all" relating to the pool plant provisions applicable to a plant operated by a cooperative association.

Suspension of these provisions results in the text reading as follows: "(3) from which the milk transferred by the association to plants of other handlers specified in paragraph (a) of this section plus that delivered by such association pursuant to paragraph (c) of this section and that delivered directly from the farms of members of such association to such plants is Grade A milk delivered by producers who are members of the association."

b. Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

1. This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

2. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

3. This suspension was requested by a cooperative association of producers supplying milk to handlers regulated by the order. The suspension will enable the market-balancing plant operated by this association to maintain pool plant status. This cooperative association supplies some handlers in the Cedar Rapids-Iowa City market with their daily requirements of milk and uses the balancing plant to assemble milk for shipment to other markets when it is not needed by these handlers. This action will permit the farmers whose milk is delivered to the market-balancing plant to maintain producer status and share in the uniform price returned to all producers in the Cedar Rapids-Iowa City market.

4. Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (30 F.R. 15326). None were filed.

Therefore, good cause exists for making this order effective January 1, 1966.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective on and after January 1, 1966.

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

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 22, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13865; Filed, Dec. 28, 1965;
8:46 a.m.]

[Milk Order No. 73]

PART 1073—MILK IN WICHITA, KANSAS MARKETING AREA

Order Amending Order

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than January 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recom-

mended decision of the Deputy Administrator, Regulatory Programs was issued December 8, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued December 20, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective January 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

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

1. Section 1073.41(b) is amended to read as follows:

§ 1073.41 Classes of utilization.

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

2. Section 1073.51(b) is amended to read as follows:

§ 1073.51 Class prices.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 15 cents.

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

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 22, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13866; Filed, Dec. 28, 1965;
8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart A—General Provisions

Subpart B—Loans and Discounts

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Subpart B—Investments and Dividends

MISCELLANEOUS AMENDMENTS

In order to reflect changes made in the Manual for Federal Intermediate Credit Banks to implement Public Law 89-237, approved October 4, 1965, and to codify additional provisions of that manual, Part 40 of Title 6 of the Code of Federal Regulations is amended by including therein sections to be numbered and to read as hereinafter set forth. The sections so included are in lieu of any sections with the same numbering heretofore included in Part 40 of Title 6 but do not displace other sections therein with different numbering. Former § 40.153 is deleted and included as § 40.154. The old sections that continue in effect without change in number or text are noted in this document by headings only and the explanation "[Unchanged]," without repeating their text. To reflect this and in view of many more sections now being included in the codification, a complete table of contents for Part 40 of Title 6 is included in this document.

PART 40—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart A—General Provisions

Sec.	
40.101	Management.
40.102	Supervision.
40.111	Capital stock; participation certificates.
40.111-1	Class A stock.
40.111-2	Retirement of class A stock.
40.111-3	Class B stock.
40.111-4	Purchase of class B stock by production credit association.
40.111-5	Equalization of class B stock owned by production credit associations.
40.111-6	Participation certificates.
40.112-1	Retirements of class B stock, participation certificates and allocated legal reserve; general.
40.112-2	Same; institutions in liquidation.
40.112-3	Same; institutions in default.
40.113-1	Transfers of class B stock, participation certificates and legal reserve allocations; class B stock; general.
40.113-2	Same; disposition of class B stock and legal reserve allocations in merger or consolidation of associations.
40.113-3	Same; participation certificates.
40.113-4	Same; legal reserve allocations.

- Sec.
40.113-5 Same; preservation of statutory lien.
40.114 Surrender of certificates; issuance of new certificates.
40.115 Lost, destroyed, or stolen stock or participation certificates.
40.147 Lost, stolen, destroyed, or defaced collateral trust debentures.
40.148 Restrictive endorsements of bearer securities.
40.151 Annual application of earnings.
40.152 Absorption of net losses.
40.153-1 Surplus—reserved.
40.153-2 Legal reserve account.
40.153-21 Same; distribution.
40.153-22 Same; absorption of losses.
40.153-23 Same; disposition in the event of merger or consolidation of a production credit association or other financing institution.
40.153-24 Same; disposition on liquidation of credit bank.
40.154 Patronage refunds; general.
40.154-1 Same; if there is class A stock outstanding at the end of the fiscal year.
40.154-2 Same; if there is no class A stock outstanding at the end of the fiscal year.
40.172 Charging of fees or commissions unauthorized.

Subpart B—Loans and Discounts

- 40.201 Lending powers.
40.201-1 Same; terms denoting different classes of borrowing and rediscounting institutions.
40.201-2 Same; Federal credit unions.
40.202 General rediscount agreement.
40-303 Qualifications of other financing institutions.
40.203-1 Same; character of business.
40.203-2 Same; incorporation and capital structure.
40.203-3 Same; compliance with statutes.
40.203-4 Same; affiliated with other concerns.
40.203-5 Same; examinations, financial statements, reports, etc.
40.211 Limitations upon amount of credit; ratio of total liabilities to unimpaired capital and surplus.
40.212 Maximum ratios permitted.
40.212-1 Same; production credit associations.
40.212-2 Same; other financing institutions.
40.212-3 Same; banking institutions.
40.212-4 Same; credit unions.
40.213 Computation of debt-to-capital ratios.
40.221 Credit standards.
40.222 Loan purposes.
40.223 Maturities.
40.224 Interest rates.
40.225 Fees and other charges.
40.226 Notes of farming corporations.
40.226-1 Same; production credit associations.
40.226-2 Same; other financing institutions.
40.227 Notes given to merchants not eligible.
40.231 Direct loans to production credit associations.
40.231-1 Same; secured loans.
40.231-2 Same; unsecured loans.
40.231-3 Same; form of direct loan obligation.
40.232 Direct loans or advances to other financing institutions.
40.232-1 Same; classes of obligations approved as collateral.
40.232-2 Same; purpose of direct loans or advances.
40.242 General collateral; other financing institutions.

- Sec.
40.251 Amounts of individual obligations requiring approval.
40.251-1 Same; production credit associations.
40.251-2 Same; other financing institutions.
40.261 Interest and discount rates; Federal intermediate credit bank.
40.261-1 Same; action by board of directors.
40.261-3 Same; application of rates.
40.261-4 Same; discount (discounting interest, or collecting in advance).
40.261-5 Same; interest on delinquent notes under discount.
40.262 Interest rates charged notemakers by financing institutions.
40.262-1 Same; loan made before reduction in interest rate.
40.262-2 Same; higher rate after maturity.
40.262-4 Same; only on sums actually advanced and for time sums outstanding.
40.273-1 Credit to other financing institutions in special circumstances; partial discount procedure.
40.282 Suspension of right to borrow and rediscount.
40.282-1 Same; operations during suspension.
40.283-2 Insolvency; other financing institutions.

AUTHORITY: The provisions of this Part 40 issued under sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101.

NOTE: That part of each section number which follows the decimal is the same as the section number of the corresponding provision in the Manual for Federal Intermediate Credit Banks.

Subpart A—General Provisions

- § 40.101 Management.
[Unchanged]
§ 40.102 Supervision.
[Unchanged]
§ 40.111 Capital stock; participation certificates.
(a) Each Federal intermediate credit bank is authorized to issue two classes of capital stock. Class A stock, preferred as to assets in the event of liquidation, may be issued only to the Governor of the Farm Credit Administration on behalf of the United States and represents the investment of the United States in such bank. Class B stock may be issued to and held by production credit associations only.
(b) Other financing institutions dealing with a credit bank may not acquire capital stock in the bank but will receive participation certificates in payment of patronage refunds due them out of net earnings of the bank and in distribution of allocations of legal reserve when not paid in cash.
(c) All capital stock and participation certificates shall have a designated issue date, which shall determine its order of retirement. An additional series designation may be used if approved by the board of directors.
§ 40.111-1 Class A stock.
Class A stock shall have a par value of \$100 per share, shall be issued to the Governor of the Farm Credit Administration in the form prescribed therefor

and shall be delivered to the Farm Credit Administration.

§ 40.111-2 Retirement of class A stock.

At the end of each fiscal year each bank shall determine the amount of class A stock which shall be retired. Whenever the total of the capital stock, participation certificates, surplus and reserves of the bank is more than one-eighth of the highest month-end balance of debentures and other obligations issued by the bank, outstanding during the immediately preceding 5 years, the minimum amount of class A stock to be retired shall be the total amount of class B stock and participation certificates issued for that year. The term "preceding 5 years" shall include the fiscal year just ended. Class A stock may be retired in fractional shares, in multiples of \$5.00. Upon retirement of a portion of the class A stock represented by any such certificate, the amount of such retirement shall be endorsed upon the certificate by the Farm Credit Administration.

§ 40.111-3 Class B stock.

(a) Class B stock shall have a par value of \$5.00 per share. Class B stock certificates shall be issued in a form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. No fractional shares shall be issued.

(b) In the discretion of the bank, class B stock certificates need not be furnished unless a request therefor is made by the production credit association concerned. In the event a certificate is not issued, an "Advice of Class B Stock Issued," in form approved by the Farm Credit Administration, should be furnished to the association.

§ 40.111-4 Purchase of class B stock by production credit association.

(a) When the earnings of the bank are inadequate to meet its capital needs, and when feasible to do so with due regard for the circumstances of the associations, the board of directors of the bank may, by resolution, authorize the bank, with the prior approval of FCA, to require production credit associations of the district to subscribe for such additional capital as may be needed by the bank during the next several years. The amount determined shall be allotted, to the nearest full share, among the associations so that the total of all stock owned, including the additional amount to be subscribed for, will be as nearly as practicable in the same proportion to the total amount of class B stock already owned and to be subscribed for by all associations of the district as each association's average indebtedness to the bank during the immediately preceding 3 fiscal years is of the average indebtedness of all associations to the bank during such period. The "average indebtedness" may be computed on the basis of either average daily balance, or average of beginning and ending monthly balances of such indebtedness for the 3-year period. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such

amounts, all as may be determined by the bank.

(b) When making such allotments the bank may transfer, retire or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in the preceding paragraph. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 40.111-5 Equalization of class B stock owned by production credit associations.

Whenever the relative amounts of class B stock of a bank owned by the production credit associations of the district differ substantially from the proportion provided for in § 40.111-4 and additional subscriptions of class B stock through which such proportion could be reestablished are not contemplated, the board of directors of the bank may direct that such proportion be reestablished, subject to the prior approval of the Farm Credit Administration. In carrying out its purpose the bank may direct, either separately or in combination, such transfers, retirements, and reissuance of outstanding class B stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Stock that is retired or transferred for this purpose shall be the oldest stock held by the association. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 40.111-6 Participation certificates.

Participation certificates issued to other financing institutions shall be in multiples of \$5.00 and shall be in form prescribed by the board of directors of the bank, subject to the approval of the Farm Credit Administration. Ordinarily, participation certificates will be issued and delivered to the owners thereof; however, upon request of the owner an "Advice in Lieu of Participation Certificate," in form approved by the Farm Credit Administration, may be furnished.

§ 40.112-1 Retirements of class B stock, participation certificates and allocated legal reserve; general.

After all class A stock has been retired, and under policies established by the Farm Credit Administration, the bank may retire class B stock and participation certificates at par or face amount without preference and in such order that the oldest shares of stock and participation certificates outstanding at any time shall be retired first (12 U.S.C. 1061 (a) (2)). The amount of class B stock owned by any active production credit association shall not be less than the original subscription made by the association pursuant to the Farm Credit Act of 1956, unless a different amount is ap-

proved by the Farm Credit Administration.

§ 40.112-2 Same; institutions in liquidation.

In case of liquidation or dissolution of a production credit association or other financing institution, the class B stock, participation certificates, and allocated legal reserve of the bank owned by such association or other institution may be retired if approved by the board of directors of the bank at the fair book value thereof, not exceeding par, face, or stated amount, as the case may be (12 U.S.C. 1061(a)(2)). A financing institution holding such participation certificates and legal reserve allocations will be deemed to be in "liquidation or dissolution" if it is going out of business, liquidating its assets for the distribution of the proceeds to those entitled thereto, and taking appropriate steps to terminate its corporate existence in accordance with applicable State laws. Merely paying its indebtedness to the credit bank and suspending the making of loans will not qualify a corporation for retirement of its participation certificates and legal reserve allocations.

§ 40.112-3 Same; institutions in default.

In the event of default by the holder of class B stock, participation certificates or legal reserve allocations, the bank may retire and cancel all or any part of its holdings in total or partial liquidation of the debt of the holder to the bank; the legal reserve allocations, most recent years first, should be retired ahead of class B stock or participation certificates.

§ 40.113-1 Transfers of class B stock, participation certificates and legal reserve allocations; class B stock—general.

Class B stock of a credit bank may be transferred to another production credit association, with the approval of the issuing bank (12 U.S.C. 1061(a)(2)).

§ 40.113-2 Same; disposition of class B stock and legal reserve allocations in merger or consolidation of associations.

In the event of the merger or consolidation of two or more production credit associations, class B stock and legal reserve allocations held by the associations involved shall be disposed of in the manner provided in the agreement of consolidation or merger.

§ 40.113-3 Same; participation certificates.

Participation certificates may be transferred only on the books of the issuing bank, and with its approval.

§ 40.113-4 Same; legal reserve allocations.

Legal reserve allocations may be transferred only with the approval of the bank.

§ 40.113-5 Same; preservation of statutory lien.

All changes in ownership of class B stock, participation certificates, and le-

gal reserve allocations shall be subject to the statutory lien of the bank for any indebtedness of the transferor to the issuing bank (12 U.S.C. 1061(b), 1072 (a)).

§ 40.114 Surrender of certificates; issuance of new certificates.

Upon retirement of any class B stock or participating interest evidenced by an outstanding certificate, the certificate involved shall be surrendered to the bank for cancellation. In case of partial retirement a new certificate shall be issued for the balance not retired, which shall bear the same issue date and series designation, if any, as the canceled certificate. In the event of a transfer of class B stock resulting from mergers or consolidations, or transfer of participation certificates from one holder to another, any new class B stock or participation certificates issued shall bear the same issue dates and series designations, if any, as the original certificates for which new certificates are substituted. In the event of a transfer or reissuance of class B stock to equalize the ownership of class B stock of the bank, as provided in §§ 40.111-4 and 40.111-5, the issue date of such stock shall be the date of equalization.

§ 40.115 Lost, destroyed, or stolen stock or participation certificates.

[Unchanged]

§ 40.147 Lost, stolen, destroyed, or defaced collateral trust debentures.

[Unchanged]

§ 40.148 Restrictive endorsements of bearer securities.

[Unchanged]

§ 40.151 Annual application of earnings.

Pursuant to section 206 of the Farm Loan Act, as amended (12 U.S.C. 1072), the net earnings of each bank at the end of each fiscal year of the bank, after the payment of operating expenses (including provision for reasonable valuation reserves and losses in excess of reserves), shall be applied as follows:

(a) To restore the amount of impairment, if any, of capital stock and participation certificates, as determined by the board of directors;

(b) To restore the amount of impairment, if any, of the surplus account, as determined by the board of directors;

(c) After restoring impairments, if any, of capital stock, participation certificates, and surplus, as provided herein, 25 percent of the remaining net earnings shall be used to create and maintain a reserve account (designated "Legal Reserve" account). The amount added to such account shall be allocated to the users of the bank in accordance with § 40.153-2;

(d) If class A stock has been outstanding during any part of the fiscal year, to pay to the United States a franchise tax equal to 25 percent of the remaining net earnings; provided, that the amount of such tax shall not exceed a rate of return on such Government capital calculated at a rate equal to the computed average annual rate of interest on all public issues of public debt obligations

of the United States issued during the fiscal year of the U.S. Treasury ending next before such tax is due, as certified to the Farm Credit Administration by the Secretary of the Treasury;

(e) When a bank has no class A stock outstanding, it may pay noncumulative dividends on Class B stock and participation certificates in an amount not to exceed 5 percent in any year, when authorized by its board of directors;

(f) After the foregoing requirements have been met (including the payment of dividends when applicable) the net earnings remaining shall be distributed as patronage refunds to production credit associations and other financing institutions, as provided in § 40.154.

§ 40.152 Absorption of net losses.

In the event a net loss is sustained in any year, it shall be absorbed in the following manner, and in the order stated:

(a) By charges to the reserve account;

(b) By charges to the surplus account, other than that transferred from the production credit corporation;

(c) By charges to the surplus transferred from the production credit corporation;

(d) The impairment of class B stock and participation certificates; and

(e) The impairment of class A stock.

§ 40.153 Patronage refunds. [Deleted]

§ 40.153-1 Surplus-reserved.

The surplus established by the bank on January 1, 1957, as provided in section 103 of the Farm Credit Act of 1956, shall be maintained as a part of the permanent capital of the bank. Should the surplus become impaired through losses, it shall be restored out of future earnings as provided in § 40.151.

§ 40.153-2 Legal reserve account.

The legal reserve account of the bank shall be allocated on a patronage basis to production credit associations and other financing institutions. Allocations on a patronage basis means that such allocations shall be recorded on the books of the bank for the credit of such users (or their successors in interest) in the proportion that the amount of interest earned by the bank on loans to and discounts for each user bears to the total interest on loans to and discounts for all such users outstanding during the fiscal year. The users shall be given appropriate notice of such allocations in a form approved by the Farm Credit Administration. Allocations may be transferred only on the books of the bank and with its approval. Allocations shall be subject to a first lien as additional collateral for any indebtedness of the holder thereof to the bank, and in any case where such indebtedness is in default may be applied thereon.

§ 40.153-21 Same; distribution.

Whenever the amount in the legal reserve account exceeds 25 percent of the capital stock and participation certificates outstanding at the end of any fiscal year, such excess may be distributed, in full or in part, if the board of

directors of the bank so determines, oldest allocations first, in class B stock and participation certificates issued as of the date of the allocations and, whenever the bank has no class A stock outstanding, also in money.

§ 40.153-22 Same; absorption of losses.

When net losses are charged to the legal reserve account, as provided in § 40.152, such losses shall reduce the amounts allocated to production credit associations and other financing institutions, most recent allocations first. All allocations for each year shall be fully absorbed before any losses are charged against allocations for an earlier year. Charges that are less than the full amount of all allocations issued for a specified year shall be on a pro rata basis.

§ 40.153-23 Same; disposition in the event of merger or consolidation of a production credit association or other financing institution.

In the event of merger or consolidation of two or more production credit associations, the reserve account allocations of the respective associations shall be disposed of in the manner provided in the agreement of merger or consolidation. In the event of a merger or consolidation of another financing institution, the reserve account allocations of such institution shall be transferred to its successors in interest.

§ 40.153-24 Same; disposition on liquidation of credit bank.

In the event of a liquidation or dissolution of a credit bank, the remaining reserve account allocations shall be paid to the owners of record or their successors in interest.

§ 40.154 Patronage refunds; general.

Patronage refunds may be paid to production credit associations and other financing institutions only. The amount payable to each such institution shall be in the proportion that the amount of interest earned by the bank on loans to and discounts for that institution bears to the total interest on loans to and discounts for all production credit associations and other financing institutions outstanding during the fiscal year, and shall be paid as provided in §§ 40.154-1 and 40.154-2.

§ 40.154-1 Same; if there is class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds shall be made in class B stock to production credit associations and in participation certificates to other financing institutions borrowing from or rediscounting with the bank during the fiscal year.

§ 40.154-2 Same; if there is no class A stock outstanding at the end of the fiscal year.

Payments of patronage refunds may be made in cash, or in class B stock to production credit associations and in participation certificates to other financing institutions as provided in § 40.154-1, as may be authorized by the board of directors.

§ 40.172 Charging of fees or commissions unauthorized.

[Unchanged]

Subpart B—Loans and Discounts

§ 40.201 Lending powers.

In general, the lending powers of the Federal intermediate credit banks are set forth in section 202(a) of the Federal Farm Loan Act, as amended (12 U.S.C. 1031), as follows:

The Federal intermediate credit banks, when chartered and established, shall have power, subject solely to the restrictions, limitations, and conditions contained in this Act or as may be prescribed by the Farm Credit Administration not inconsistent with the provisions of this Act—

(1) to discount for, or purchase from, any production credit association organized under the Farm Credit Act of 1933, as amended, with its endorsement, any note, draft, or other such obligation presented by such association; and to make loans and advances to any such association secured by such collateral as may be approved by the Governor of the Farm Credit Administration or without collateral to the extent authorized under rules and regulations prescribed by the Farm Credit Administration;

(2) to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement, any note, draft, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Governor of the Farm Credit Administration; *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose; and

(3) to make loans to and discount paper for any other Federal intermediate credit bank, any Federal land bank, or any bank for cooperatives organized under the Farm Credit Act of 1933, as amended, all upon terms and at rates of interest or discount approved by the Farm Credit Administration.

§ 40.201-1 Same; terms denoting different classes of borrowing and rediscounting institutions.

[Unchanged]

§ 40.201-2 Same; Federal credit unions.

Following is an excerpt from the Federal Credit Union Act of June 26, 1934, as amended (12 U.S.C. 1757):

POWERS

Sec. 7. A Federal credit union shall have succession in its corporate name during its existence and shall have power—* * *

(9) to borrow, in accordance with such rules and regulations as may be prescribed by the Director, from any source, in an aggregate amount not exceeding 50 per centum of its paid-in and unimpaired capital and surplus; *Provided*, That any Federal credit union may discount with or sell to any Federal intermediate credit bank any eligible obligations up to the amount of its paid-in and unimpaired capital;

- § 40.202 General rediscount agreement.
[Unchanged]
- § 40.203 Qualifications of other financing institutions.
[Unchanged]
- § 40.203-1 Same; character of business.
[Unchanged]
- § 40.203-2 Same; incorporation and capital structure.
[Unchanged]
- § 40.203-3 Same; compliance with statutes.
[Unchanged]
- § 40.203-4 Same; affiliated with other concerns.
[Unchanged]
- § 40.203-5 Same; examinations, financial statements, reports, etc.
[Unchanged]
- § 40.211 Limitations upon amount of credit; ratio of total liabilities to unimpaired capital and surplus.
[Unchanged]
- § 40.212 Maximum ratios permitted.
[Unchanged]
- § 40.212-1 Same; production credit associations.
[Unchanged]
- § 40.212-2 Same; other financing institutions.
[Unchanged]
- § 40.212-3 Same; banking institutions.
[Unchanged]
- § 40.212-4 Same; credit unions.
[Unchanged]
- § 40.213 Computation of debt-to-capital ratios.
[Unchanged]
- § 40.221 Credit standards.
[Unchanged]
- § 40.222 Loan purposes.
(a) Loans discounted for or purchased from a production credit association shall have been made to qualified farmers or ranchers for general agricultural purposes, and other requirements of the borrowers including the needs of their families. (See § 50.101 of this chapter.)
(b) The proceeds of loans discounted for or purchased from other financing institutions shall have been advanced to farmers or ranchers and have been used in the first instance for an agricultural purpose, including the breeding, raising, fattening, or marketing of livestock (12 U.S.C. 1031(2)).
(c) In determining whether the purpose of a loan offered for discount is "agricultural" the bank will apply the term on a practical and constructive basis rather than in a purely technical sense. Eligibility should be judged in line with the usually accepted requirements of farm and ranch operations, including the support and maintenance of the farm or ranch family.

- § 40.223 Maturities.
[Unchanged]
- § 40.224 Interest rates.
[Unchanged]
- § 40.225 Fees and other charges.
[Unchanged]
- § 40.226 Notes of farming corporations.
Notes of a corporation may be discounted for, purchased from, or accepted as a basis for a loan to, any eligible financing institution if they meet the requirements of §§ 40.226-1 or 40.226-2 applicable to the financing institution concerned.
- § 40.226-1 Same; production credit associations.
To be eligible for discount for a production credit association, notes of a corporation must meet the requirements of §§ 50.102 and 50.103 of this chapter.
- § 40.226-2 Same; other financing institutions.
Notes of a corporation may be discounted for a financing institution other than a production credit association if the borrowing corporation is engaged in actual farming operations or livestock production and meets the following requirements:
(a) Either (1) at least 75 percent in value and number of shares of its capital stock must be owned by the individuals personally actually conducting the farming or livestock operations of the corporation; or (2) the major portion of the assets of the corporation must consist of property actually devoted to farming or livestock production and at least half of its gross income must be derived from such operations; and
(b) Either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the Federal intermediate credit bank, a principal stockholder or stockholders must (1) endorse, or sign as comakers, all notes evidencing such loans; or (2) execute continuing guaranties of all indebtedness of such corporation to the payee lending institution. Requirement (2) may be met by two or more stockholders each executing a guaranty for a specified percentage of the indebtedness, with the aggregate of such guaranties affording personal liability for 100 percent of the indebtedness. If such personal liability of stockholders of the borrowing corporation cannot be obtained by reason of ownership of its capital stock by another corporation, the stockholder liability requirement may be met by like endorsement or guaranty on the part of an individual stockholder or stockholders of such parent or affiliated corporation.
- § 40.227 Notes given to merchants not eligible.
[Unchanged]
- § 40.231 Direct loans to production credit associations.
The bank may make direct loans to production credit associations on an un-

secured basis or secured by such collateral as may be approved by the Governor of the Farm Credit Administration. The total of all direct loans (both secured and unsecured) to any production credit association shall not at any time exceed the total of its capital and surplus accounts less the total of (a) the amount of class B stock of the bank owned by the association and (b) the legal reserve of the bank allocated to the association.

§ 40.231-1 Same; secured loans.

Whenever, in the discretion of the bank, collateral for a direct loan is required, the following security is approved for that purpose:

(a) Investments approved under §§ 50.201 and 50.202 of this chapter;

(b) Loans eligible for discount that may be used as security pursuant to the trust procedure authorized for financing production credit associations in special circumstances;

(c) Loans ineligible for discount, but which may be used as security pursuant to the bills payable and partial discount procedures authorized for financing production credit associations in special circumstances; and

(d) Any other unencumbered assets, excluding class B stock and allocations of the legal reserve account of the bank.

§ 40.231-2 Same; unsecured loans.

Any part of the maximum direct loan that is not required to be secured pursuant to § 40.231-1 may, at the discretion of the bank, be made on an unsecured basis. The amount loaned on an unsecured basis shall be determined by the bank for each association (within the limitations for total secured and unsecured loans) and shall be consistent with sound financial and credit practices.

§ 40.231-3 Same; form of direct loan obligation.

Direct loans and advances to a production credit association may be evidenced by a promissory note, or by a loan agreement in form approved by the Farm Credit Administration.

§ 40.232 Direct loans or advances to other financing institutions.

[Unchanged]

§ 40.232-1 Same; classes of obligations approved as collateral.

[Unchanged]

§ 40.232-2 Same; purpose of direct loans or advances.

In making loans or advances to any other financing institution on the security of collateral other than that described in § 40.232-1(a), the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes. In making examinations of such institutions, the bank's examiners should include such reviews or test checks as may be needed to satisfy the bank that this provision is complied with.

- § 40.242 General collateral; other financing institutions.
[Unchanged]
- § 40.251 Amounts of individual obligations requiring approval.
[Unchanged]
- § 40.251-1 Same; production credit associations.
[Unchanged]
- § 40.251-2 Same; other financing institutions.
[Unchanged]
- § 40.261 Interest and discount rates; Federal intermediate credit bank.
[Unchanged]
- § 40.261-1 Same; action by board of directors.
[Unchanged]
- § 40.261-3 Same; application of rates.
[Unchanged]
- § 40.261-4 Same; discount (discounting interest, or collecting in advance).
[Unchanged]
- § 40.261-5 Same; interest on delinquent notes under discount.
[Unchanged]
- § 40.262 Interest rates charged notemakers by financing institutions.
[Unchanged]
- § 40.262-1 Same; loan made before reduction in interest rate.
[Unchanged]
- § 40.262-2 Same; higher rate after maturity.
[Unchanged]
- § 40.262-4 Same; only on sums actually advanced and for time sums outstanding.
[Unchanged]
- § 40.273-1 Credit to other financing institutions in special circumstances; partial discount procedure.
[Unchanged]
- § 40.282 Suspension of right to borrow and rediscount.
[Unchanged]
- § 40.282-1 Same; operations during suspension.
[Unchanged]
- § 40.283-2 Insolvency; other financing institutions.
[Unchanged]

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Subpart B—Investments and Dividends

Pursuant to the authority vested in the Governor of the Farm Credit Administration by section 20 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131d), § 50.211 of Title 6 of the Code of Federal Regulations is amended to read as follows:

§ 50.211 Class A and class B stock.
An association may pay dividends on its capital stock, subject to the limitations thereon contained in its bylaws, and the further policies established herein. No dividends shall be paid when the United States holds class A stock in the association. Further, except with the approval of the Farm Credit Administration, no dividend may be paid on class B stock unless the total amount in the surplus accounts (after payment of dividends) would equal at least 5 percent of the maximum volume of loans outstanding during the most recent 3-year period.

(Sec. 6, 47 Stat. 14, as amended, sec. 22(b), 48 Stat. 261, as amended; 12 U.S.C. 665, 1131f(b))

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 65-13881; Filed, Dec. 28, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

On September 23, 1965, there was published in the FEDERAL REGISTER (30 F.R. 12128) a notice of proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126; 134-134h), said Part 76 is hereby amended in the following respects:

1. Sections 76.2 (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Alaska, Idaho, Montana, Oregon, Utah, Washington, and Wyoming.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Nevada and Vermont.

2. Section 76.7 is amended to read:

§ 76.7 Movement to recognized slaughtering centers, licensed establishments, approved feed lots, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate as indicated in this section and shall not be diverted for any other purpose:

(a) From any point to a recognized slaughtering center for immediate slaughter, or

(b) From any point to a licensed establishment as defined in § 101.1(q) of this chapter or a feed lot approved by the Director of the Veterinary Biologics Division for biologics production, or

(c) From any point to a public stockyard or approved stockyard or livestock market: *Provided, however,* That feeder or breeder swine moved interstate, for sale for feeding or breeding purposes, to a public stockyard or approved stockyard or livestock market may be so moved only in the following ways:

(1) From a farm of origin in any State to a public stockyard or approved stockyard or livestock market in an adjacent State if interstate movement is continuous and accomplished in the same vehicle in which movement of such swine commenced; or

(2) From a farm of origin in any State to a public stockyard or approved stockyard or livestock market in any other State if such swine are officially vaccinated under the provisions of § 76.9(a) or § 76.10 (a) or (b) prior to such movement: *Provided, however,* That swine which have not been so officially vaccinated at least 21 days prior to interstate movement shall not be so moved unless interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; or

(3) From a farm of origin in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any other State if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced and such swine are moved interstate without contact prior to or during movement with swine from States not designated in § 76.2 (f) or (g); or

(4) From a public stockyard or approved stockyard or livestock market in any State to a public stockyard or approved stockyard or livestock market in any other State if such swine meet the

requirements of § 76.9(a) (1) through (6) prior to such movement; or

(5) From a public stockyard or approved stockyard or livestock market in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any State if such swine originate in a State designated in § 76.2 (f) or (g) and if such swine are moved interstate without contact with swine from States not designated in § 76.2 (f) or (g) and the interstate movement is continuous and accomplished in the same vehicle in which movement of such swine commenced and such swine are individually identified and meet the requirements of § 76.9(a) (1) through (6) prior to movement except that such swine are not required to have been officially vaccinated; or

(6) From any point not listed in paragraphs (1) through (5) of paragraph (c) of this section to a public stockyard or approved stockyard or livestock market in any other State if such swine have been officially vaccinated at least 21 days prior to the date of shipment by the method provided in § 76.10(a) (1) or (2) or § 76.10(b) (2).

3. Section 76.9(a) (3) is amended to read:

§ 76.9 Movement from public stockyards, or approved stockyards or livestock markets.

(a) * * *

(3) The swine, upon such inspection, are found to be free from symptoms of hog cholera and in a healthy condition and are treated in accordance with paragraph (b) of this section in a public stockyard by a veterinarian under Division supervision, or in an approved stockyard or livestock market by an accredited veterinarian, in a portion of the yard or market set aside for that purpose: *Provided*, That swine officially vaccinated prior to inspection in accordance with § 76.10(a) or § 76.10(b) (2) and so identified, and suckling pigs under 8 weeks of age nursing officially vaccinated sows are not required to be so treated but are subject to the other provisions of paragraph (a) of this section: *And provided further*, that swine which originate in, and are shipped interstate from public stockyards or approved stockyards or livestock markets located in, States designated in § 76.2 (f) or (g) are not required to be so treated if shipped interstate without contact prior to or during movement with swine from States not so designated and if the interstate movement of such swine is continuous and is accomplished in the same vehicle in which movement of such swine commenced, but such swine are subject to the other provisions of paragraph (a) of this section; and

4. Section 76.10 is amended to read:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes.

Swine which have never been treated with anti-hog-cholera serum alone or antibody concentrate alone and which are not known to be affected with or

exposed to hog cholera or any other contagious, infectious, or communicable disease may be moved interstate to any destination for feeding, breeding, or exhibition purposes in accordance with the provisions of this section.

(a) *Movement from any point of origin.* Swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate for feeding, breeding, or exhibition purposes if such swine have been officially vaccinated either with:

(1) Modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than one year prior to the date of shipment; or,

(2) Killed or inactivated hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than 6 months prior to the date of shipment.

(b) *Movement from any farm of origin.* Notwithstanding paragraph (a) of this section, swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate directly from any farm of origin for feeding, breeding, or exhibition purposes if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

(1) Such swine have been officially vaccinated as provided in paragraph (a) of this section; or

(2) Such swine have been officially vaccinated within 21 days prior to shipment with the simultaneous inoculation of modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the dosage recommendations on the vaccine label and with a minimum of 15 cc. of anti-hog-cholera serum or a minimum of 7.5 cc. of antibody concentrate, also prepared under such a license; or

(3) Such swine, without being previously officially vaccinated, are moved from a farm of origin directly to a farm in another State,³ the laws, rules, or regulations of which require a 21-day or longer quarantine or isolation period for imported feeder or breeder swine, and

(i) All swine located on the farm of origin have remained on the farm for a period of not less than 21 days prior to such movement; and

(ii) A permit for importing such swine is obtained from the State of destination prior to the movement; and

(iii) Such swine do not come into contact with other swine during shipment.

(c) *Movement from a farm of origin located in a State identified in § 76.2 (f) or (g).* Notwithstanding paragraphs (a) and (b) of this section, swine which otherwise qualify for interstate movement under this section may be moved

³ In each instance, the regulations of the State of destination should be consulted before shipments are made.

directly from a farm of origin in a State identified in § 76.2 (f) or (g) for feeding, breeding, or exhibition purposes if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

(1) Such swine are officially vaccinated prior to interstate movement as provided in paragraph (a) or (b) of this section; or

(2) If not officially vaccinated prior to interstate movement, such swine are moved interstate in such a manner that they do not come into contact prior to or during such movement with swine from a State not designated in § 76.2 (f) or (g).

(d) *Identification.* All swine moved interstate under the provisions of this section shall be permanently identified by individual ear tags or other acceptable individual identification prior to interstate movement.

(e) *Health certificates.* All swine moved interstate under the provisions of this section shall be accompanied by a health certificate issued by a State or Federal inspector or an accredited veterinarian specifying:

(1) The permanent and individual identification of the swine;

(2) The consignee and consignor;

(3) The record of official vaccination if such swine are officially vaccinated or if official vaccination is required for movement under this section;

(4) That such swine are apparently free from and have not been exposed to hog cholera or other contagious, infectious or communicable diseases;

(5) That swine moved under the provisions of paragraphs (b) (2) and (c) (2) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources;

(6) That swine moved under the provisions of paragraph (b) (3) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources; and, that all swine on the farm at the time of shipment had been located on such farm for not less than 21 days prior to shipment. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

(Sec. 4, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 2, 32 Stat. 792, as amended, sec. 1, 75 Stat. 481, 76 Stat. 131; 21 U.S.C. 111, 112, 114g, 120, 125, 134c; 29 F.R. 16210, as amended, 30 F.R. 5801)

The primary purposes of these amendments are to (1) under § 76.2(f) add the States of Alaska and Idaho to the list of hog cholera eradication States and delete the State of Nevada from such list; (2) under § 76.2(g) add the State of Nevada to the list of hog cholera free States; (3) under § 76.7 clarify intent of the regulations as to originating points of shipments; relieve vaccination requirements for swine to be shipped interstate from farms of origin to public stockyards or approved stockyards or

livestock markets, if such farms of origin are located in States listed in § 76.2(f) or (g); and delete present April 1, 1965, effective date relative to movement of feeder and breeder swine; (4) under § 76.9 relieve vaccination requirements for swine shipped interstate from public stockyards or approved stockyards or livestock markets located in States listed in § 76.2 (f) or (g), when such swine originate in such States; and (5) under § 76.10 relieve vaccination requirements for swine shipped interstate from farms of origin in States listed in § 76.2 (f) or (g).

The foregoing amendments are the same as the proposals set forth in the notice of rule making except that (1) Idaho has been added to the list of States designated as hog cholera eradication States, and (2) Nevada has been deleted from such list and added to the list of States designated as hog cholera free States, as such States now qualify for these respective designations. It does not appear that further notice and other public procedure with respect to the amendments would make additional information available to the Department. Therefore, under section 4 of the Administration Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary.

Effective date. The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of December 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-13890; Filed, Dec. 28, 1965;
8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-294; Order No. 313]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Recreational Development at Licensed Projects

DECEMBER 27, 1965.

This order sets forth a statement of Commission policy with respect to outdoor recreational development at projects licensed or to be licensed under the Federal Power Act.

There has been a dramatic increase in public utilization of outdoor recreation opportunity during the 20 years since World War II. During the period from 1952 to 1962, for example, visits to National Parks increased 87 percent, visits to other Federal recreation areas increased 238 percent, and visits to State Parks increased 113 percent.

The population of the United States has increased substantially in the past two decades, with greater growth predicted for the future. A larger number of Americans than ever before are participating in one form or another of outdoor recreation at established recreational areas. Reservoirs at federally licensed projects currently provide a significant source of outdoor recreation opportunity; but here is every indication that greatly expanded recreational development at such sites is possible both at existing projects and at those to be licensed in the future.

The Congress, in enacting Public Law 88-29¹ recognizing future recreational needs of the Nation, set forth the following national policy on outdoor recreation:

* * * the Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action, to the extent practicable without diminishing or affecting their respective powers and functions, to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

The President, by Executive Order 11017, dated April 27, 1962, established the Recreation Advisory Council to provide broad policy advice to the heads of Federal agencies on all important matters affecting outdoor recreation resources and to facilitate coordinated efforts among Federal agencies.

The Federal Power Commission has long been interested in recreational development at licensed projects. While section 10(a) of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), did not refer specifically to recreation, in 1935 when the Federal Water Power Act was re-enacted as Part I of the Federal Power Act (49 Stat. 838, 16 U.S.C. 791a-825r), the words "including recreational purposes" were added to section 10(a) to make clear that recreation considerations were to be included in comprehensive development of the nation's water resources.

In the ensuing years the Commission, starting with a practice of considering project recreational possibilities on case-by-case basis at the time of initial application, has gradually developed a comprehensive general pattern. Standard license forms for various categories of projects have for a number of years provided for reasonable free public access to project reservoirs for recreational purposes, and obliging the licensee, upon notice and opportunity for hearing, to take such steps to install reasonable recreational facilities as might be required by public interest and consistent with the other objectives of the license. Recognizing the need for greater advance planning for development of outdoor

¹ An act to promote the coordination and development of effective programs relating to outdoor recreation (77 Stat. 49; 16 U.S.C. 4601). This statute established the Bureau of Outdoor Recreation within the Department of the Interior to promote the coordination and development of effective programs relating to outdoor recreation.

recreation resources at licensed projects, the Commission, in 1962, issued a notice of proposed rulemaking (Docket No. R-223), proposing that license applicants submit a recreational use plan for all major projects. This proceeding culminated on April 25, 1963, in Order No. 260-A (29 FPC 777, 28 F.R. 4092), whereby the Commission amended § 4.41 of its Regulations under the Federal Power Act to require the filing of Exhibit R—a recreational use plan—as part of every application for major license filed after June 1, 1963. The requirements of Exhibit R were further particularized by Order No. 292, issued January 8, 1965 (33 FPC 32, 30 F.R. 523).

Reflecting its desire to make project recreational opportunities widely known to the general public, the Commission by Order No. 299, issued May 27, 1965, amended Regulations under the Federal Power Act by adding new Part 8 requiring the publicizing of recreational features or operational procedures affecting recreation at licensed projects (33 FPC _____, 30 F.R. 7313).

These various provisions constitute a comprehensive recreational package applicable to all new major licensees, whether their licenses are for constructed or unconstructed projects. We also intend in connection with any application for substantial amendment to a license, reasonably related to recreation, which does not presently incorporate an article requiring the filing of a recreational use plan, the standard free access article, or the article providing for the installation of such recreational facilities as the Commission might, after notice and opportunity for hearing, find consistent with the other objectives of the license and required by public interest, to require the licensee to show cause why such articles should not be incorporated into its license, if the license is otherwise amended in response to the application. And in the future we shall not approve any application or request by a licensee to dispose of any interest in lands within project boundaries, in the absence of a showing by the licensee that such disposal is not inconsistent with the approved public recreational plan for the project, or, in the absence of such a plan, that the lands in question do not have recreational value.

By separate order we are amending § 4.41 of the regulations to make clear that we expect licensees to extend their project boundaries beyond the 200 feet from the exterior margin of reservoirs presently specified whenever appropriate to effectuate a comprehensive recreational plan. In addition, it is our view, as set out in the proposed policy statement below, that generally all recreational areas specified in an approved plan, should be acquired by the licensee in fee, and should include all lands immediately adjacent to the exterior margin of the reservoirs. We recognize, however, that in the case of some constructed though unlicensed projects or amendments to existing licenses, the latter two objectives on occasion may not be consistent with the economic well being of the project, or in isolated situa-

tions of low recreational potential, required by the public interest.

The Commission believes that irrespective of the requirements of their licenses, licensees whose projects comprise land and water resources with outdoor recreation potential have a responsibility for the development of those resources in accordance with area needs, to the extent that such development is not inconsistent with the primary purpose of the project. All licensees will therefore be encouraged to submit for Commission approval and incorporation into their licenses an appropriate recreational plan. In assuming this responsibility the licensee should consider each project on the basis of its physical and economic characteristics, its operational plan, and area needs for outdoor recreation. As an aid to both licensees and the Commission in this endeavor we are proposing to initiate a nationwide inventory of the recreational potential of all Commission licensees for which an appropriate recreational use plan had not been approved within the last 5 years.

When formulating plans for project recreational facilities, applicants and licensees are encouraged to consult and coordinate such planning with local, State and Federal agencies concerned with outdoor recreation, as well as with professional recreational facilities designers and landscape architects. Pursuant to the Land and Water Conservation Act of 1965 (P.L. 88-578, 78 Stat. 897, 16 U.S.C. 4601-4), public funds may be made available by the Secretary of the Interior for both State and Federal acquisition and for State development of recreational areas under appropriate circumstances. Cooperation with the Bureau of Outdoor Recreation of the Department of the Interior as well as with interested State agencies could result in State or Federal developments adjacent to licensed project reservoirs, thereby supplementing and enhancing project facilities.

The Commission recognizes that a licensee will incur costs in providing recreational facilities, and, therefore, will allow appropriate and reasonable expenditures for recreational facilities, including the purchase of additional land, to be included as part of the project cost. The Commission also recognizes that certain annual costs will be incurred by a licensee in the operation and maintenance of recreational facilities. Accordingly, the Commission will not object to the imposition by a licensee of reasonable user fees in order to help defray these costs.

In making project lands, waters, and facilities available for public recreation, licensee should, of course, comply with local and State regulations and also formulate such rules of use as may be appropriate to insure public safety.

Concurrently with the issuance of this order we are issuing a report entitled "Criteria and Standards for Outdoor Recreation Development at Hydroelectric Projects." The report consists of a selected compilation of criteria and standards utilized by Federal and State agencies concerned with outdoor recreation development which are adaptable

to hydroelectric projects. We are making it public in the hope that it will be of value to licensees, applicants for license, and recreational planners, in formulating plans for the development of recreational facilities at hydroelectric project.

The Commission finds:

(1) The notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply with respect to the amendment here adopted.

(2) It is appropriate and in the public interest in administering Part I of the Federal Power Act to promulgate Commission policy on recreational development at licensed projects.

The Commission orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.7, entitled "Recreational development at licensed projects," as follows:

§ 2.7 Recreational development at licensed projects.

The Commission will evaluate the recreational resources of all projects under Federal license or applications therefor and seek, within its authority, the ultimate development of these resources, consistent with the needs of the area to the extent that such development is not inconsistent with the primary purpose of the project. Reasonable expenditures by a licensee for public recreational development pursuant to an approved plan, including the purchase of land, will be included as part of the project cost. The Commission will not object to licensees and operators of recreational facilities within the boundaries of a project charging reasonable fees to users of such facilities in order to help defray the cost of constructing, operating, and maintaining such facilities. The Commission expects the licensee to assume the following responsibilities:

(a) To acquire in fee and include within the project boundary enough land to assure optimum development of the recreational resources afforded by the project. To the extent consistent with the other objectives of the license, such lands to be acquired in fee for recreational purposes shall include the lands adjacent to the exterior margin of any project reservoir plus all other project lands specified in any approved recreational use plan for the project.

(b) To develop suitable public recreational facilities upon project lands and waters and to make provisions for adequate public access to such project facilities and waters.

(c) To encourage and cooperate with appropriate local, State, and Federal agencies and other interested entities in the determination of public recreation needs and to cooperate in the preparation of plans to meet these needs, including those for sport fishing and hunting.

(d) To encourage governmental agencies and private interests, such as operators of user-fee facilities, to assist in carrying out plans for recreation, including operation and adequate maintenance of recreational areas and facilities.

(e) To cooperate with local, State, and Federal Government agencies in planning, providing, operating, and maintaining facilities for recreational use of public lands administered by those agencies adjacent to the project area.

(f) To comply with local and State regulations for health, sanitation, and public safety, and to cooperate with local law enforcement authorities in the development of additional necessary regulations for such purposes.

(g) To ensure public access and recreational use of project lands and waters without regard to race, color, sex, religious creed or national origin.

(h) To inform the public of the opportunities for recreation at licensed projects, as well as of rules governing the accessibility and use of recreational facilities.

(B) Licensees who have not already done so are encouraged to file comprehensive recreational plans for approval and incorporation within their licenses to the extent necessary and appropriate to provide adequate recreational facilities. The Commission will approve extensions of the boundaries of existing projects as part of its approval by any such plan.

(C) The Commission will not grant any authorization for a licensee to dispose of any interest in project lands, unless a showing is made that such disposal is not inconsistent with any approved recreational plan or in the absence of such a plan, that the lands do not have recreational value pending such a determination by the Commission, all project lands, buildings, or other property will be considered to be required to achieve the purposes of the license within the meaning of any article in the license relating to the leasing of such lands, buildings, or other property. The licensee, in the absence of specific Commission exemptions from these requirements, shall include in the instrument of conveyance a covenant running with the land adequate to insure that, unless the Commission subsequently authorizes a different use as consistent with a comprehensive plan for improving or developing the waterway, the use of the lands conveyed will not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-13870; Filed, Dec. 28, 1965; 8:47 a.m.]

[Order No. 314, Docket No. R-295]

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

Required Exhibits

DECEMBER 27, 1965.

In developing its general policy with respect to recreational development at

[Order No. 315; Docket No. R-268]

PART 12—INSPECTION OF PROJECT WORKS WITH RESPECT TO SAFETY OF STRUCTURES

DECEMBER 27, 1965.

projects licensed or to be licensed under Part I of the Federal Power Act, the Commission became aware of the need to amend § 4.41 *Exhibit K*, (1)(iii) of Regulations under the Federal Power Act, as hereinafter provided, to relax the requirements of that subsection with respect to the distance the project boundary may extend from the exterior margin of a reservoir. The purpose of this amendment is to permit the establishment of a project boundary extending more than 200 feet (horizontal measurement) from the exterior margin of the reservoir (in general, high-water level), as presently limited, in cases where the provision for or construction of project recreational facilities would make it appropriate and desirable to exceed the 200-foot limitation.

The Commission finds:

(1) The amendment of § 4.41 of the Commission's regulations under the Federal Power Act, prescribed herein, is necessary and appropriate for the administration of the Federal Power Act.

(2) Since the amendment of § 4.41, prescribed herein, relaxes the requirements of the section, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4 and 309 thereof (49 Stat. 839, 858; 16 U.S.C. 797, 825c, 825j), orders:

(A) Section 4.41 *Required exhibits*, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations, is amended by amending *Exhibit K*, paragraph (1)(iii) to read as follows:

§ 4.41 Required exhibits.

Exhibit K * * * *

(1) * * * *

(iii) Except with respect to lands necessary or appropriate for recreation purposes, for which it is recognized that additional project area will generally be required, the project boundary shall be no more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet, unless satisfactory reasons are given to the contrary. The project boundary shall be shown on the map in such manner that it can be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(Secs. 4, 309, 49 Stat. 839, 858; 16 U.S.C. 797, 825c, 825j)

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

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

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13871; Filed, Dec. 28, 1965; 8:47 a.m.]

On October 20, 1964, the Commission gave notice by publication in the FEDERAL REGISTER (29 F.R. 14643) that it proposed to require licensees under the Federal Power Act to provide complete safety inspections of hydroelectric project works by independent consultants at regular 5-year intervals or more frequently, if necessary. The proposed regulations are not intended to relieve or release the licensee from any existing responsibility for maintenance, operation and inspection of its project to assure its stability and safety, or for immediate notification to the Commission's representative concerning any condition or development which could have an effect on the safety of project structures. They are designed to supplement existing Commission inspection procedures, thereby improving the Commission's effectiveness in carrying out its statutory responsibilities to protect the public safety. (16 U.S.C. 803(c).)

Comments were invited from interested persons to be submitted by December 9, 1964. At the request of several licensees, the time for filing written views was subsequently extended through January 8, 1965 (29 F.R. 16997). In response to this notice and invitation, the Commission has received a number of comments with regard to the proposed regulations and has taken them into consideration in preparing the text of the regulation which is herein promulgated.

While comments endorsed the objectives of the proposed rule to protect the public safety through periodic inspection of project facilities, doubts were expressed both as to its necessity and effectiveness. The comments indicated that the proposed regulation would in some instances duplicate existing state inspection programs and in other duplicate more stringent inspection programs currently maintained by licensees with their own personnel. There were many suggestions that run-of-river projects with little or no storage and small low-head developments be exempt. Strong preferences were expressed for revision of the rule to provide for inspection at periodic intervals by the licensee's staff, as opposed to independent inspections by outside consultants, in accordance with specific Commission requirements and subject to Commission staff review.

We intend that the licensee's own staff be eligible for participation in the inspections so long as they operate under the direction and supervision of an independent consultant. Use of the licensee's staff, under supervision of an outside consultant, may reduce costs without impairing the benefits secured by an independent examination. In order to achieve public confidence in the

* Comments were received from 49 licensees and from one individual.

safety program, however, it is vital that an ultimate judgment be exercised by outside consultants to complement the inspection programs of the licensee and any State agency. Of course we expect that the licensee and his consultants will give due consideration to the State's inspection program. Accordingly, while we have adopted a number of the suggestions to clarify and simplify the rule, we are unable to acquiesce in the general objections.

The purpose of the inspection program established by this order is to assure that adequate and timely measures will be taken to protect the public safety. Within this context we have provided in the regulation that inspection procedures shall apply only to those licensed projects having a dam exceeding 35 feet in height above streambed or having a gross storage capacity in excess of 2,000 acre-feet, and that licensee's own personnel may be utilized so long as the inspections and the report thereof be made under the direction and with the approval of an independent consultant.

In setting the 5-year interval between inspections, the Commission recognized the difficulty of accurately predicting the condition of project structures for longer periods of time. To avoid inequities the regulation includes a time schedule for initial inspections based on the length of time a project has been under license.

The Commission further finds:

(1) The detailed, objective inspections by or under the direction of independent consultants will provide important assistance to the Commission in carrying out its obligations under the Federal Power Act by assuring that the Commission and the licensees both have accurate and up-to-date information on the condition of project structures and facilities.

(2) In view of the foregoing, and upon consideration of all relevant matters presented, this amendment is necessary and appropriate for the purposes of the Federal Power Act.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 10(c), 304(a) and 309 thereof (49 Stat. 842, 855, 858; 16 U.S.C. 803(c), 825c(a), 825h), orders:

(A) Subchapter B, Regulations Under the Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, is amended by inserting new Part 12, to read as follows:

- Sec.
- 12.1 Applicability.
- 12.2 Periodic inspections.
- 12.3 Additional inspections.
- 12.4 Responsibility for inspections.
- 12.5 Report of inspections; recommendations.
- 12.6 Initial inspection; time for reporting.

AUTHORITY: The provisions of this Part 12 issued under secs. 10(c), 304(a), 309, 49 Stat. 842, 855, 858; 16 U.S.C. 803(c), 825c(a), 825h.

§ 12.1 Applicability.

Unless otherwise ordered by the Commission, the provisions of this part shall apply with respect to projects licensed

under Part I of the Federal Power Act having a dam exceeding 35 feet in height above stream bed or having a gross storage capacity in excess of 2000 acre feet.

§ 12.2 Periodic inspections.

Notwithstanding any other terms and conditions of the license, the licensee shall cause a complete inspection of the projects works, excluding transmission lines and generating equipment, to be made at least every 5 years, in order to determine whether there are any deficiencies or potential deficiencies in the condition of project structures, quality and adequacy of maintenance or methods of operation which might endanger public safety. Such inspections shall provide pertinent data with respect, but not limited, to such matters as settlement, movement, erosion, seepage, leakage, cracking, examination of internal conditions of stress and hydrostatic pressures in structures, their foundations and abutments, functioning of foundation drains and relief wells, and stability of critical sections of reservoir shorelines and back-slopes above structures. It is contemplated that the inspections may involve the use of special equipment, instrumentation, procedures and inspection staff. In the planning of the inspection and the preparation of the reports required by § 12.5, the licensee and the consultant responsible under § 12.4 shall give due consideration to pertinent reports made by or under the direction of Federal or State agencies, prior reports submitted under this regulation, and reports made by other consultants.

§ 12.3 Additional inspections.

When an inspection by the licensee or the Commission's staff reveals conditions of concern regarding the safety of any project structure or the operation of the project works, the licensee shall cause such additional inspection and investigation to be made as may be found by the Commission to be warranted under the circumstances.

§ 12.4 Responsibility for inspections.

The inspections provided for by §§ 12.2 and 12.3 of this part shall be performed by or under the responsibility and direction of qualified independent consultants.

§ 12.5 Report of inspections, recommendations.

The arrangement between the licensee and the consultants shall provide that:

(a) A report shall be made by or under the direction of the consultants who shall certify approval thereof. It shall include a review of any and all items relating to the safety of the project, including records of observations of pressures, stresses, settlements and similar data, and recommendations, if any, as to corrective measures required. The report shall also include any recommendations considered appropriate on instrumentation or periodic observations of the behavior of any features of the project. If, during the course of an inspection, conditions are disclosed which indicate the need for emergency corrective measures, the situation shall be reported to the Commission at once.

(b) Three copies of the report shall be filed with the Commission immediately upon its issuance.

(c) Within 30 days following submission of the report or within such other time as the Commission may direct, the licensee shall submit to the Commission any plan of action it proposes to take, which may include further investigation, for design and implementation of any corrective measures recommended in the report or design and implementation of any additional remedial measures which the licensee considers may be required.

§ 12.6 Initial inspection, time for reporting.

(a) Licenses issued subsequent to the effective date of this part. The initial inspection required by this part with respect to projects licensed after the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposal for remedial work, if any, can be submitted to the Commission within 5 years of the date of the first commercial operation of projects constructed under license and within 2 years of the date of the issuance of license for constructed projects.

(b) Licenses issued prior to the effective date of this part. The initial inspection required by this part with respect to the projects under license on the effective date hereof shall be made so that the report required by § 12.5, together with licensee's proposal for remedial work, if any, can be submitted to the Commission within the time specified in the following schedule:

If license was issued	Initial report shall be submitted by
Prior to January 1, 1940	March 1, 1967
January 1, 1940 to January 1, 1955	December 1, 1967
After January 1, 1955	September 1, 1968

(B) This amendment herein adopted shall become effective December 31, 1965.

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

By the Commission.¹

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13872; Filed, Dec. 28, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS AND CERTAIN WHOLESALEERS OF DRUGS

Definitions; Exemptions

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat.

¹ Dissenting statement of Commissioner Ross, in which Commissioner Bagge joined, filed as part of original document.

1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), Part 132 is amended for clarification by changing § 132.1(d) and § 132.51(a) to read as follows:

§ 132.1 Definitions.

(d) The term "wholesaling, jobbing, or distributing of depressant, stimulant, or hallucinogenic drugs" as used in this part means the selling or distributing of any depressant, stimulant, or hallucinogenic drug to any person who is not the ultimate user or consumer of the drug. The term includes cooperatives and other joint buying and distribution groups composed of pharmacies, hospitals, persons, or institutions, but does not include pharmacies operating under local law by reason of their providing prescription drugs to a practitioner licensed by law to administer such drugs for his use in the course of his professional practice, or by reason of the pharmacies providing other such pharmacies with prescription drugs to meet a temporary inventory shortage.

§ 132.51 Exemptions for domestic establishments.

(a) Pharmacies that are operating under applicable local laws regulating dispensing of prescription drugs and who do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of the practice of the profession of pharmacy including the business of dispensing and selling drugs at retail. The supplying by such pharmacies of prescription drugs to a practitioner licensed to administer such drugs for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

(Secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended; 21 U.S.C. 351, 371(a))

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are interpretative in nature.

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

Dated: December 17, 1965.

WINTON B. RANKIN,
Acting Commissioner
of Food and Drugs.

[F.R. Doc. 65-13882; Filed, Dec. 28, 1965; 8:48 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Unlabeled Containers; Exemption

After consideration of inquiries and representations received from regulated

industry, and other relevant information, the Commissioner of Food and Drugs has concluded that within the conditions set forth below it is not necessary for the adequate protection of the public health and safety for a packing firm to label filled containers of household articles subject to the Federal Hazardous Substances Labeling Act prior to shipment to a distributor firm if such articles are properly labeled by the distributor firm prior to retail distribution.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 191 is amended by adding thereto the following new section:

§ 191.64 Exemption for unlabeled containers.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a hazardous substance that in accordance with the practice of the trade is to be labeled in substantial quantity at an establishment other than that where originally manufactured or packed shall be exempt during the time of introduction into and movement in interstate commerce and during the time of holding in that establishment from compliance with the labeling requirements of section 2(p) of the act if:

(1) The person who introduced the shipment or delivery into interstate commerce is the operator of the establishment where the hazardous substance is to be received and labeled; or

(2) The person who introduced the shipment or delivery is not the operator, and the shipment or delivery is made to the establishment under a written agreement, signed by and containing the post office address of the person and the operator, and containing whatever specifications for the labeling of the hazardous substance that are necessary to insure, if such specifications are followed, that the hazardous substance will not be misbranded within the meaning of the act upon completion of the labeling. The person and the operator shall each keep a copy of the agreement until 2 years after the final shipment or delivery under the agreement has been completed and shall make copies of the agreement available for inspection upon request of any properly authorized officer or employee of the Department.

(b) An exemption of a shipment or delivery of a hazardous substance under paragraph (a) (1) of this section shall, at the beginning of the act of removing the shipment or delivery or any part thereof from the establishment, become void ab initio if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or delivery of a hazardous substance under paragraph (a) (2) of this section shall become void ab initio with respect to the person who introduced the shipment or

delivery into interstate commerce upon refusal by that person to make available for inspection a copy of the agreement as required by paragraph (a) (2) of this section.

(d) An exemption of a shipment or other delivery of a hazardous substance under paragraph (a) (2) of this section shall expire:

(1) At the beginning of the act of removing the shipment or delivery, or any part thereof, from the establishment if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where the hazardous substance is to be labeled, to make available for inspection a copy of the agreement required by paragraph (a) (2) of this section.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

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

Dated: December 21, 1965.

WINTON B. RANKIN,
Assistant Commissioner of
Food and Drugs.

[F.R. Doc. 65-13883; Filed, Dec. 28, 1965; 8:48 a.m.]

**Title 32A—NATIONAL DEFENSE,
APPENDIX**

**Chapter XVIII—National Shipping
Authority, Maritime Administration,
Department of Commerce**

[NSA Order 1 (AGE-1, Rev. Amtd. 2)]

**AGE-1—GENERAL AGENTS, AGENTS,
AND BERTH AGENTS**

Amendment 1 to AGE-1, Rev. (Sept. 2, 1965, 30 F.R. 12640) is hereby revoked. AGE-1, Rev., is hereby amended as follows:

1. Amend section 2(a) thereof by changing the parenthetical notation "(Consolidated as of 5-60)" at the beginning of the standard form of General Agency Agreement to read "(Amended 11-65)."

2. Add the following new article following Article 20 *Renegotiation*:

ARTICLE 21. Nondiscrimination in Employment. During the performance of this agreement, the General Agent agrees as follows:

(a) The General Agent will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The General Agent will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The General Agent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be

provided by the National Shipping Authority setting forth the provisions of this nondiscrimination clause.

(b) The General Agent will, in all solicitations or advertisements for employees placed by or on behalf of the General Agent, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The General Agent will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the National Shipping Authority advising the said labor union or workers' representative of the General Agent's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The General Agent will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The General Agent will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the National Shipping Authority and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the General Agent's noncompliance with the nondiscrimination clauses of this agreement or with any of the such rules, regulations, or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the General Agent may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The General Agent will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The General Agent will take such action with respect to any subcontract or purchase order as the National Shipping Authority may direct as a means of enforcing such provisions including sanctions for non-compliance: *Provided, however,* That in the event the General Agent becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the National Shipping Authority the General Agent may request the United States to enter into such litigation to protect the interests of the United States.

3. Add a new section reading as follows:

Sec. 3. Addendum to GAA 3-19-51.

Each party holding a General Agency Agreement (GAA 3-19-51) shall be required to execute an addendum to the agreement in the following form:

Contract No. MA-----
Addendum No.-----

This addendum dated as of the ____ day of _____, 19____, between the United States of America (herein called the "United States"), acting by and through the Direc-

tor, National Shipping Authority of the Maritime Administration, Department of Commerce, and (herein called the "General Agent").

WITNESSETH

Whereas, the United States and the General Agent as of the day of _____, 19____, executed a General Agency Agreement, Contract MA-_____ (herein called the "Agreement"); and

Whereas, Article 15(d) of the Agreement provides for the modification thereof at any time by mutual consent; and

Whereas, section 202 of Executive Order No. 11246 of September 24, 1965, 30 F.R. 12319, prescribes a form of nondiscrimination clause and requires all Government contracting agencies to include such clause in every Government contract thereafter entered into, except in contracts exempted in accordance with section 204 of said Executive Order No. 11246; and

Whereas, the parties desire to amend the Agreement to conform with the aforementioned mandate of said Executive Order.

Now, therefore, in consideration of the premises, the parties hereto agree that the Agreement be, and hereby is, modified by adding a new article following Article 20 reading as follows:

[Here insert in full Article 21 "Nondiscrimination in Employment" as set forth in section 2(a).]

In witness whereof, the parties hereto have executed this Addendum in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION.

(Director, National Shipping Authority)

Attest:

(Secretary)

[CORPORATE SEAL]

By:

Attest:

By:

(Secretary)

Approved as to form:

(General Counsel,
Maritime Administration)

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 202 of Executive Order 11246)

Approved: November 18, 1965.

NICHOLAS JOHNSON,
Director,
National Shipping Authority.

[F.R. Doc. 65-13861; Filed, Dec. 28, 1965;
8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

PART 635—KEEPING OF RECORDS AND FURNISHING OF REPORTS IN CONNECTION WITH WEATHER MODIFICATION ACTIVITIES

Part 635 reads as follows:

Sec.

- 635.1 Purpose.
635.2 Application of part.
635.3 Reporting requirements.
635.4 Maintenance of logs.

Sec.

- 635.5 Retention of records.
635.6 Disclosure of information.
635.7 Penalty.

AUTHORITY: The provisions of this Part 635 issued under 72 Stat. 353 and sec. 11(a), 64 Stat. 149, 153.

§ 635.1 Purpose.

The purpose of this part is to develop information for use in carrying out the responsibility of the National Science Foundation to support a program of study, research and evaluation in the field of weather modification as authorized by the National Science Foundation Act of 1950, as amended. Section 14(f) of the Act authorizes the Director of the Foundation to obtain, by regulation, subpoena, or otherwise, such information in the form of testimony, books, records, or other writings, to require the keeping of or furnishing such reports and records, and to make such inspections of the books, records, and other writings and premises or property of any person or persons as may be deemed necessary or appropriate by him to carry out this responsibility, where adequate and authoritative data is not available from any Federal agency. The information required under this regulation is not so available and therefore must be obtained from individuals and organizations engaged in weather modification activities.

§ 635.2 Application of part.

This part applies to any person, and to any organization, whether commercial or nonprofit, engaged in or intending to engage in, any weather modification activity (including research) intended to modify the atmosphere through artificial means. Such activities include, but are not limited to, any of the following:

- Intentional seeding of clouds and fog to alter drop size distribution, produce ice crystals, produce coagulation of droplets, or in any way to influence the natural development cycle of the cloud or its environment by dispersing into it any material or gas such as silver iodide, lead iodide, carbon black, dry ice, ammonia, etc.
- Intentional initiation of large heat sources or fires to influence convective circulation or evaporate fog.
- Intentional modification of solar radiation exchange of the earth or clouds through the release of gases, dusts, liquids, or aerosols into the atmosphere.
- Intentional modification of the energy transfer characteristics of the earth's land or water surface by dusting with powders, liquid sprays, or dyes.
- Intentional release of electrically charged particles, radioactive particles or ions into the atmosphere to alter its electrical field pattern or produce localized electrical field anomalies.
- Intentional application of shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere to influence cloud growth, dissipation, or precipitation patterns.

§ 635.3 Reporting requirements.

(a) *Prior notice.* Each individual or organization intending to engage in any

weather modification activity on or after February 1, 1966, shall give not less than 30 days advance notice to the Foundation of intention to engage in such activity. Such notice will be submitted on a Foundation report form, copies of which will be made available upon request from the National Science Foundation, Washington, D.C., 20550. Where intention to engage in a weather modification activity develops less than 30 days prior to the planned activity, the required report shall immediately be forwarded to the Foundation by airmail and shall be accompanied by a statement explaining why the 30-day requirement could not be met.

(b) *Activity reports.* After the weather modification activity reported pursuant to § 635.3(a) of this section has commenced, each person or organization engaged in such activity shall submit to the Foundation an activity report on field operations on a quarterly basis. This report will be submitted on the form referred to in § 635.3(a) of this section.

§ 635.4 Maintenance of logs.

Each individual or organization engaging in a weather modification activity shall maintain a daily log of such activity. The log shall contain all relevant facts, including the following:

(a) Daily Log of Ground Weather Modification Activities (including Seeding Releases):

(1) When readily available to project personnel during observational period, description of meteorological situation in target area and control area such as types of clouds, percent cloud cover, temperature, humidity, appearance of lightning, hail, funnel clouds, severe rain, snow and unusual radar patterns should be recorded.

(2) Quantitative measurements of precipitation obtained from nonfederally operated sources such as rain gauges, snow pillows, radar, optical transmissometers and streamflow gauges, in target and control areas.

(3) Any pertinent remarks on unusual results or significant events in the progress of the project should be entered in the log if they would contribute significantly to the technical evaluation of the project.

(4) In the case of the operation of a ground silver iodide generator or other dispenser of particles, aerosols or gases, the daily log shall include:

- Location of each weather modification device or generator in use.
- Name of individual responsible for turning each weather modification device or generator on or off.
- Time each weather modification device or generator was turned on and turned off.
- Basis or criteria for turning on or off each weather modification device or generator.
- Type of material dispersed by each weather modification device or generator.
- Rate of material release of each weather modification device or generator during operation.

(vii) Total material released by each weather modification device or generator during each operational period.

(b) Daily Log of Airborne or Mobile Weather Modification Activities (including Seeding Releases):

(1) Complete log of each aircraft flight or mobile generator run including, but not necessarily limited to, ground track, altitude, air speed, times over check points, release points of seeding or other charges, temperature, average wind direction and speed at release altitude, and, for aircraft, specify type of aircraft, airport or airports used and names of crew members.

(2) All other pertinent information as listed above for ground weather modification activities.

§ 635.5 Retention of records.

Records required to be maintained by this part, including logs, shall be available for inspection upon request of the National Science Foundation for a period of not less than 5 years after the date of entry. Such records shall not be required to be produced at any place other than the place where normally kept, provided a true copy of such record is made available to the Foundation, as may be requested, or there is agreement as to the information contained therein.

§ 635.6 Disclosure of information.

Information developed as a result of the reporting procedures set forth herein shall be made publicly available on a periodic basis by the Foundation. This information will not include trade secrets or other data required to be kept confidential under section 1905 of Title 18 of the United States Code, except where the Director of the Foundation determines that the withholding of such information would be contrary to the purposes of sections 3(a)(9) and 14 of the National Science Foundation Act of 1950, as amended. Individuals and organizations reporting weather modification activities may request that information which they consider to be included within the scope of 18 U.S.C. 1905 be withheld from public disclosure and the Foundation will give due consideration to granting such requests.

§ 635.7 Penalty.

Any person willfully failing to meet the requirements imposed by this regulation shall, upon conviction, be fined not more than \$500.

Effective date. This part shall become effective on January 1, 1966.

Dated: December 21, 1965.

LELAND J. HAWORTH,
Director,
National Science Foundation.

[P.R. Doc. 65-13879; Filed, Dec. 28, 1965; 8:48 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter I—Presidential Documents

SUBCHAPTER A—ORGANIC ORDERS

PART 3—AUTOMOTIVE AGREEMENT ADJUSTMENT BOARD

NOTE: For text of Part 3 see Executive Order 11254 published at 30 F.R. 13569, October 26, 1965.

SUBCHAPTER B—PROCLAMATIONS

PART 14—PROCLAMATION IMPLEMENTING AGREEMENT CONCERNING AUTOMOTIVE PRODUCTS BETWEEN UNITED STATES AND CANADA

NOTE: For text of Part 14 see Proclamation 3682 at 30 F.R. 13683, October 28, 1965.

PART 15—PROCLAMATION TERMINATING THE QUANTITATIVE LIMITATIONS ON IMPORTS OF UNMANUFACTURED LEAD AND ZINC

NOTE: For text of Part 15 see Proclamation 3683 at 30 F.R. 13623, October 27, 1965.

SUBCHAPTER C—OTHER DOCUMENTS

PART 182—NOTICE OF FEBRUARY 18, 1965

NOTE: For text of Part 182 see Notice of February 18, 1965, at 30 F.R. 2301, February 20, 1965.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[EX PARTE NOS. MC-19; MC-19 (Sub-No. 1); MC-61; Released Rates Order No. MC-505]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Miscellaneous Amendments

The regulations contained in orders of April 30, and October 6, 1964, having been vacated by order of September 7, 1965, and the effective date of regulations prescribed by order of May 6, 1964, having been indefinitely postponed, the following are published as the currently effective regulations, having been adopt-

ed pursuant to decisions in 17 M.C.C. 505; 47 M.C.C. 146; 71 M.C.C. 113; and orders of May 7, 1958, and February 25, 1965.

§ 176.1 Definitions.

As used in this part:

(a) *Household goods.* The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(b) *Other terms.* Where any other terms used in these rules are defined in section 203(a) of Part II of the Interstate Commerce Act, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203(a), they shall have the ordinary practical meaning of such terms.

§ 176.2 Establishment of rates stated in amounts per hundred pounds and not upon any other basis; cancellation of rates otherwise established.

All common carriers by motor vehicle engaged in the transportation of household goods in interstate or foreign commerce shall establish, in the manner and form required by section 217 of the Interstate Commerce Act, and by the regulations of the Commission issued pursuant thereto, rates for the transportation of household goods in interstate or foreign commerce stated in amounts per hundred pounds, and shall not establish rates upon any other basis. All rates applicable to the transportation of household goods established upon any other basis than in amounts per hundred pounds shall be cancelled and superseded by rates published in accordance with this section.

§ 176.3 Determination of weights.

(a) *Loaded weight, tare weight, and constructive weight.* (1) Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. After the vehicle has been loaded, it shall be weighed, without the crew thereon, at

point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the loaded weight. Where no adequate scale is available at point of origin, the loaded weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads.

(2) If no adequate scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Such a constructive weight also may be used for a part load where the circumstances are such that its scale weight could not be obtained at origin, en route, or a destination without first unloading it or other part loads being carried in the same vehicle.

(b) *Part loads.* In the transportation of part loads, this section shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle.

(c) *Weight ticket.* Whenever weights are required to be obtained pursuant to the sections in this part, the carrier shall cause to be executed a weight ticket, in the form specified below, and such weight ticket shall be maintained by the carrier as part of its record of shipment.

HOUSEHOLD GOODS UNIFORM WEIGHT TICKET

Date _____
 Name of carrier _____
 Vehicle identification _____
 Name of shipper _____
 Origin of shipment _____
 Destination of shipment _____
 Gross weight of loaded vehicle without the crew thereon _____ pounds
 Tare weight of vehicle without the crew thereon, including full gasoline tank and all necessary pads, chains, dollies, hand trucks, and other equipment _____ pounds
 Net weight of the shipment _____ pounds
 The above gross and tare weights were obtained at scales—

Gross: _____
 (Name of scales)

_____ (Location)

Tare: _____
 (Name of scales)

_____ (Location)

As shown by attached weight ticket(s) prepared by weighmaster(s). List of shipments, if any, on vehicle at time above weights were obtained:

Shipper Net weight

I certify the above entries are true and correct.

 (Driver's signature)

§ 176.4 Accessorial or terminal services; tariffs providing therefor; packaging and uncrating charges.

Such common carriers shall establish in the manner prescribed in section 217 of part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor, provided that such tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated in the tariff for the service so requested. The charges so established for packing and unpacking shall be in amounts per container and those for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. No charge so established shall be lower than the cost of performing the service. This section shall apply only where the line-haul transportation is performed by a motor carrier. The rate for transportation of such goods shall not include the charge for any accessorial service and no such services other than those for which separate charges have been so established shall be rendered by any such carrier.

§ 176.5 Discounts prohibited; rates based on prepayment charges prohibited.

No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any such common carrier, and no rates or charges shall be established based upon prepayment of charges.

§ 176.6 Prohibition against carrier action as agent for another carrier.

No such common carrier shall act as agent for any other such common carrier in the solicitation of shipments of household goods, in interstate or foreign commerce, between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal.

§ 176.7 Acting as agent for compensation for insurance company prohibited.

No such common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods to be transported by such carrier in interstate or foreign commerce if such carrier, or its employee, agent, or representative receives compensation from such insurance company.

§ 176.8 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited.

No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or

foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

§ 176.9 Liability of carriers.

(a) *Liability restricted.* Common carriers by motor vehicle of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Insurance policy.* Each such common carrier which sells, offers, or procures cargo insurance to or for a shipper of household goods shall deliver to the shipper at or prior to the time of shipment a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the premium therefor, and the risks insured against, or the risks excluded, whichever is more appropriate.

(c) *Advertisement of insurance.* Such common carrier or any employee, agent, or representative thereof, shall not advertise or represent to the public that insurance is provided against all risks, unless such insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies" or by some other appropriate designation which will indicate clearly to the shipper that not all risks are covered thereby.

(d) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured".* Such carriers or any employee, agent, or representative thereof, shall not advertise or represent to the public that "all loads are insured" or other similar wording, unless such carrier has filed tariffs with this Commission assuming complete liability, and has filed evidence of insurance with this Commission providing protection covering all shipments to their full value without limitation and insuring against every peril to which any shipment may be exposed.

§ 176.10 Estimates of charges.

(a) *Estimates by the carrier.* Whenever an estimate of the charges for a proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator, shall be in writing, and shall contain the following:

(1) The name and address of the carrier which is to perform the service and the name and title of the person preparing the estimate.

(2) The origin and destination of the proposed movement, and the mileage between such points.

(3) The applicable rate to be applied.

(4) A list of the articles upon which the estimate is based, showing for each article listed the estimated cubic footage thereof.

(5) The estimated total weight of the shipment, based upon a conversion formula of no less than 7 pounds per cubic foot.

(6) An itemized statement of all known accessorial services to be performed, and the charges therefor.

(7) An estimate of the transportation tax.

(8) An estimate of the total charges, including transportation charges, charges for accessorial services, and transportation tax.

(9) A printed statement (in contrasting lettering) on the face thereof, in not less than eight-point bold or full-faced type, the following:

IMPORTANT NOTICE

This estimate covers only the articles and services listed. It is not a warranty or representation that the actual charges will not exceed the amount of the estimate. Common carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, regardless of prior rate quotations or estimates made by the carrier or its agents. Transportation charges are based upon the weight of the goods transported, and such charges may not generally be determined prior to the time the goods are loaded on the van and weighed.

No guarantee can be made as to the specific dates of pickup or delivery of your shipment, unless you make special arrangements with the carrier for expedited service, for which an additional charge will normally be made.

(b) *Estimate form for shipper's use.* Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic-foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(c) *Weight of shipment, notification to shipper.* After the shipment has been weighed, the carrier, if requested by the shipper, shall immediately notify the shipper of the weight thereof and the charges, by telephone or telegraph if requested. The notices shall be at the carrier's expense, unless the carrier provides in its tariff that the actual cost of such notice shall be collected from the shipper.

(d) *Reweighting.* The carrier shall, upon request, made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed 100 pounds on shipments weighing 5,000

pounds or less, and 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining applicable charges.

§ 176.11 Absorption or advancement of dock charges.

Motor common carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advanced charges are paid.

§ 176.12 Information to shipper.

Whenever a written estimate is submitted to a prospective shipper, the carrier shall furnish such shipper a printed statement, in not less than 8-point bold or full-faced type, as set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS BY MOTOR CARRIERS IN INTERSTATE OR FOREIGN COMMERCE

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Interstate Commerce Commission. It relates to the transportation of household goods, in interstate or foreign commerce by motor carriers frequently called "Movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agents for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. Regardless of any prior estimate received, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Interstate Commerce Commission, plus transportation tax. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier.

Tariffs. These are publications, in book form, containing the rates, charges, and rules of the carriers. The tariffs of all carriers are not the same, but all of them are open to public inspection and may be examined at the carrier's office. All tariffs contain rules and regulations, and those in the tariff of the carrier serving you must be considered in determining the charges on your shipment.

Among the rules and regulations normally appearing in published tariffs will be found special provisions applicable to "Shipments picked up or delivered at more than one place;" "Packing and marking;" "Diversions of shipments en route;" and "Additional services," the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying pianos up or down steps. The tariff of the carrier serving you will also probably have rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated in amounts per hundred pounds, depending upon the distance involved. Carriers generally maintain rates varying according to the released or declared value of the shipment. The lowest rate usually applies when the shipper releases the goods to a value not exceeding 30 cents per pound per article. For example, you may agree that the value of any article weighing 10 pounds is only \$3. This value may not be what the article is worth, but it is the amount which you agree to as the released value and it will be the basis for the settlement of any claim for loss or damage which you might later file. You may declare a higher value on some or all of your goods, but if you do, the transportation charges will be higher.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, its tariffs, and the value declared by the shipper. If you desire the benefit of the lowest transportation rate, but seek greater protection than afforded thereunder, you may purchase cargo insurance or other protection. If such protection is purchased through the carrier, you should require the deliverance to you of evidence of such protection prior to the time your goods are moved, and such evidence should show the amount of such additional protection, the cost thereof, and the risks included or excluded, whichever is more appropriate.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed

100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight—usually 5,000 pounds—will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight (5,000 pounds), and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items are taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made

for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pickup your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges—freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges, you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle; the net weight of your shipment; the mileage; the applicable rate per 100 pounds; and the charges for transportation, tax, additional protection, and any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on

the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. All claims for loss or damage must be filed with the carrier, in writing. Although the carriers are subject to the rules and regulations of the Interstate Commerce Commission, the Commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for, or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a Court of Law. The names of the carrier's agents for service of process in each State may be obtained by writing the Interstate Commerce Commission, Washington, D.C., 20423.

§ 176.13 Minimum weight shipments.

No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

Released Rate Order No. 505 entered October 9, 1964, 49 CFR 187.201, having been vacated by order entered September 7, 1965, the provisions published at 29 F.R. 11921, continue in effect.

[SEAL]

H. NEIL GARSON,
Secretary.

DECEMBER 22, 1965.

[F.R. Doc. 65-13854; Filed, Dec. 28, 1965;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16-A9]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Decision With Respect to Proposed Amendments to Marketing Agreement, as Amended, and Order, as Amended

Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (9 CFR Part 132) a public hearing was held in Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (30 F.R. 1816) on proposed amendments to the Marketing Agreement, as amended, hereinafter referred to as the "marketing agreement" and to the order, as amended (9 CFR Part 131), hereinafter referred to as the "order" regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on June 24, 1965, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision containing notice of the opportunity to file written exceptions thereto (30 F.R. 8271).

The material issues, findings and conclusion, rulings and general findings of the recommended decision (30 F.R. 8271; F.R. Doc. 65-6809) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 1 of the *Findings and Conclusions*, eight new paragraphs are added following the 16th paragraph, and the 18th paragraph is revised.

2. The recommended amendment to the marketing agreement and order, as amended, is revised.

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

1. Revision of price filing requirements of the marketing agreement and order to prevent undue and excessive fluctuations in the market prices of the regulated products.

2. Initial price filing by new handlers. *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. The Marketing Agreement and Order should be amended to require that each handler's filed price list remain in

effect at least 30 days, and to limit the extent a posted price, including discount, may be changed to a maximum of 10 percent with each new price list filed.

The declared purposes of the act, under which the marketing agreement and order were issued, is to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus (hereinafter sometimes referred to as "serum," "virus," "vaccine," or "products") by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing.

Undue and excessive fluctuations became a major problem in the industry in 1964 when a combination of unforeseen events resulted in a series of fluctuations in the market prices and supplies of the regulated products which, in turn, adversely affected the production, marketing and distribution processes necessary to effectuate the purposes of the Act. Such occurrences present economic problems of serious nature and concern to this industry, tend to discourage the maintenance of adequate supplies of serum and virus, and are contrary to the public interest.

The problem arose in early 1964, when considerable publicity was given the hog-cholera eradication program which stressed the importance of vaccination, and manufacturers were encouraged to produce more serum and virus, and wholesalers were encouraged to stock larger quantities of these immunizing products. As the eradication program progressed and the incidence of hog cholera diminished, vaccination of hogs decreased, and various State laws and regulations were promulgated to modify the types of vaccination approved or permitted. These factors resulted in some handlers having an oversupply of hog cholera products, and their efforts to reduce such stocks led to a series of undue and excessive fluctuations in the market prices of such products. The matter was compounded by the fact other handlers were soon forced to adopt similar price changes in order to dispose of their inventories of hog cholera products before the products became outdated.

The greatest fluctuations in market prices of these products occurred during the last 6 months of 1964. During this period there was a marked increase in number of new price lists filed and these frequently were accompanied with wide, and sometimes violent, swings in market prices.

As an example of the recent price fluctuations, one exhibit introduced into evidence at the hearing disclosed that a firm made five price changes between October 10, 1964, and November 6, 1964, for vaccine which must be used with serum. On October 10, the filed price of this vac-

cine was decreased 17 percent. On October 16, the filed price of this vaccine was again decreased 55 percent. On October 25, the filed price of this vaccine was increased 178 percent. On October 29, the filed price of this vaccine was again decreased 64 percent and on November 6, the filed price was increased 100 percent. While this instance is extreme, there are others showing as many fluctuations to a lesser degree. The present marketing agreement and order do not prevent a handler from making such changes in his posted prices other than to require that a handler's new price list remain on file in the office of the Control Agency for 3 days before it becomes effective, thus assuring that a price list will be in effect at least 3 days before a new list may be filed.

Price lists filed by handlers in 1962 numbered 375 and averaged 31 per month, and in 1963, the new price lists filed numbered 300 or an average of 25 per month. One hundred and seventy-four new price lists were filed from January 1, 1964, to June 30, 1964, or an average of 29 per month. It appears, therefore, that the normal number of new price lists filed for a 2½-year period ranged from 25 to 31 new price lists per month. However, during the last 6 months of 1964, 660 new price lists were filed or an average of 110 per month. If the month of December 1964 is excluded, the average number of new price lists for 5 months becomes 124. Thus, during the period of greatest fluctuations, the number of price filings were approximately four to five times more than normal. (Official notice was taken of all price lists filed since 1961.)

Such fluctuations are undesirable because they disrupt orderly marketing and distribution methods and lead directly to unstabilized market conditions with consequential fluctuations in supplies of serum and virus. All classes of handlers are affected.

The record also reflects that such fluctuations adversely affect and tend to deter the usual stocking by manufacturer and wholesaler handlers of the large inventories generally necessary to meet the normal and unexpected demands of the industry, especially since such fluctuations negate the economic incentive back of carrying these inventories.

Additionally, there is no indication that the ultimate user (owners of swine) received any benefit from these fluctuations. Usually, benefits from lower prices are not passed on to consumers until a price has been stabilized for a reasonable period of time.

Manufacturing of serum and virus is carried on under license, regulation and supervision of the Agricultural Research Service of the United States Department of Agriculture pursuant to the provisions of the Virus-Serum-Toxin Act of March

4, 1913¹ (of which official notice is taken) which prescribe the general conditions and methods of manufacture, and establish minimum requirements for quality. Since the regulations and minimum requirements for all licensees are uniform, there is a high degree of uniformity of quality in the finished product which enters the market, and operational efficiency rather than individual characteristics and merit of the product is a major factor in the establishment of market prices. Therefore, when price fluctuations occur in the market, it becomes necessary for producers and other handlers to meet this competitive situation. It is the history of this industry that the lowest price in the market eventually determines the general price level to each buyer classification.

The original promulgation record (Hearing of January 13 and 14, 1936, Omaha, Nebr., of which official notice was taken) and the record of this hearing contain adequate evidence that price stability, orderly marketing and distribution, and the maintenance of adequate supplies of serum and virus are interdependent. Instability of one directly influences fluctuations and instability in the others. Some important industry problems associated with such price fluctuations include the question of desirability of further production, permitting of stocks to deplete, handlers' reluctance to maintain stocks, difficulties in planning production because of abnormal purchases, inability to anticipate market requirements, and overstocking by some handlers and dealers which results in large inventories outside normal channels. Also, as these products are perishable, all have an expiration date and, therefore, overstocking may result in the use of inferior or worthless products, to the detriment of the products and the swine industry.

It is recognized that some fluctuations in prices are necessary. A handler must be permitted to increase or decrease prices to compensate for cost of production and distribution and to obtain a reasonable profit. At the same time it is recognized that if market stability is to be maintained these fluctuations must be reasonable.

The record in this hearing indicates that from the time the marketing agreement and order became effective in 1936, until 1963-64, there was reasonable stability in market prices in this industry; that during this period of nearly 30 years average industry market prices for such products did not fluctuate more than 10 percent per month.

Both manufacturer and wholesaler handlers testified in support of the proposed amendment and asserted that if undue and excessive fluctuations in market prices continued, production would be curtailed, or perhaps even discontinued by some producers, and wholesalers' stocks will become depleted to such an extent it will no longer be possible to insure the maintenance of adequate supplies of serum and virus readily available to swine owners. The handlers

also testified that, in their opinion, the proposed amendment would not in any way inhibit or deter the entry of a new business entity into this industry.

No one appeared or gave testimony in opposition to the proposed amendment.

Subsequent to the issuance of the recommended decision of the Acting Administrator, the Anchor Serum Co. of Louisiana, a wholesaler under the order, filed a letter objecting to application of the amendment to intrastate sales. The Assistant Secretary in an order issued December 23, 1957 (22 F.R. 10907), found that all handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

The Control Agency filed a brief excepting to the phrase of the recommended amendment in the recommended decision of the Acting Administrator, "and should an effective price list be discontinued or withdrawn, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed by such handler for a period of at least 30 days: *Provided, however,* That such handler shall not be precluded from reinstating such previously filed price list within the 30-day period and such reinstated price list shall remain in effect for at least 30 days before a new price list may be filed by the handler."

In its exception, the Control Agency takes the position, *inter alia*, that: (a) to allow withdrawal or discontinuance of a price list makes a complete change in the operation of the order; (b) to allow a handler who discontinues or withdraws a price list to restate such price list within a period of 30 days is inconsistent with other order provisions and indicates such person may continue in status of a handler during such period; and (c) the lack of adequate guidelines regarding how and in what manner a price list may be reinstated and when it again becomes effective, would create difficult problems in administration and enforcement.

The amendment published in the Notice of Hearing in the FEDERAL REGISTER (30 F.R. 1816) proposed a general revision of the provisions regulating the filing of price lists under section 131.52, and included a proposal for the establishment of a minimum period a price list should remain in effect, among other things. There is considerable testimony in the hearing record with respect to the reasons for and the purposes of the proposed amendment. It is clear the entire subject of regulating the filing of price lists, including the effective period thereof, the time, place and method of making a change, including the withdrawal or cancellation of an effective price list, and subsequent filing of a new price list, was within the reasonable scope of the hearing notice.

The major consideration in making the recommendation was to assure compliance with the amendment to effectuate its purpose. The present provisions of the Marketing Agreement and Order, as amended, do not prevent a handler

from making any changes in posted prices, other than requiring a new price list to remain on file with the Control Agency for 3 days before it becomes effective.

The Marketing Agreement and Order are silent with respect to withdrawal, discontinuance, termination or cancellation of an effective price list, and there is some doubt that such an action could be prevented under present provisions. There may be instances where such action could be justified by a handler. However, such an action by a handler would jeopardize his classification as a handler inasmuch as he could make no sales during such a period, and therefore would not be actively engaged in handling serum and virus.

For the reasons set out in this decision, a minimum period of time should be established for an effective price list to remain in effect. The hearing record amply established 30 days as the minimum time a price list should remain in effect. For the same reasons it is equally essential that the same 30 days minimum time should be applicable before a handler may discontinue, withdraw, terminate or otherwise effect the cancellation of a price list, as well as before a person may file a new price list subsequent to cancelling an existing price list without filing a new price list to be effective at the same time. As used herein the words "withdraw," "discontinue," "terminate," "cancel," or variations thereof are considered to have the same meaning; i.e., cancel.

Considering the exceptions filed by the control agency with respect to that part of the recommended amendment concerning reinstatement of a canceled price list within 30 days after its cancellation, and in view of administrative difficulties and the regulatory problems which may be encountered thereunder, it is concluded that such portion of the amendment in the recommended decision should be deleted. Also, since the language in the proposed amendment may have created some confusion, the language in the amendment has been reworded for purposes of clarification.

The amendment will have a stabilizing effect on market prices and supplies, with a consequent improvement of competitive positions among all classes of handlers, thereby aiding in the assurance of an adequate supply and maximum availability of serum and virus to the farmer, which is in the public interest and tends to effectuate the declared policy of the Act. It will discourage price changes of serum or virus which have no justification economically. It will also prevent unwarranted price changes such as those which occurred in 1964, where, for example, a price was decreased by 55 percent and very shortly thereafter raised by 178 percent, computed on the posted price effective at the time the change was made.

Each filed price list will be required to remain in effect for at least 30 days. After a price list has been in effect for 30 days, a new price list may be filed but the price, including discount, for each product to each class of buyer may not be

¹ 37 Stat. 832, 21 U.S.C. 151-158.

increased or decreased more than 10 percent from the price for that product as set forth in the handler's price list which is in effect at that time. To avoid evasion of this provision, a handler who completely discontinues, withdraws, terminates or cancels an effective price list without filing a new price list to be effective at the same time, shall not file a new price list for a period of at least 30 days thereafter.

Also, it is recognized that a price filing which effects the maximum reduction of 10 percent in a posted price of a product will necessitate the filing of more than one price increase in the posted price of the product to offset such price reduction and reestablish (or increase) the previous effective posted price.

The caption of the amendment has been modified and will more nearly reflect the contents contained in the amendment. The amendment has been paragraphed for purposes of clarity, in accordance with request of the proponents.

Several witnesses who appeared expressed concern for an orderly transition into effect of such an amendment, if it is approved in due course, and noted for the attention of the Secretary that as the proposed amendment provides that price lists shall remain in effect for at least 30 days, it is possible an effort might be made by a handler to obtain a particularly favorable price filing just prior to the effective date of the amendment, which would give the handler a special competitive advantage over other handlers. During the hearing several methods for preventing such a situation were suggested for consideration by the Secretary but no specific proposal was proffered.

Each method suggested would require the Secretary to establish or fix the initial price or range of prices that would be effective during the initial 30-day period the amendment was operative. However, the act authorizing establishment of this marketing agreement and order does not grant the Secretary the authority to fix prices.

The marketing agreement and order do, however, give the Secretary authority to suspend, pending investigation, any price list, term of sale or discount, in whole or in part, if he has reason to believe such price list, term of sale or discount is inequitable to consumers or handlers by reason of the fact it may cause immediate injury by impeding the carrying out of this order or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemption from the antitrust laws. If the Secretary finds, after an investigation and opportunity to be heard is afforded the handler whose price filing is questioned, that such price list, term of sale or discount, in whole or in part, is inequitable as measured by the standards set out in that section of the order, the Secretary may declare the filed price list to be ineffective (9 CFR Part 131.56).

It would therefore appear that in the event a handler should file a price or price list just prior to the effective date of the proposed amendment which would

be in conflict with the standards contained in section 131.56 of the Order (9 CFR Part 131.56) such price or price list may be subject to being suspended or being declared ineffective, pursuant to the provisions of section 131.56 of the Order (9 CFR Part 131.56).

2. Initial price filing by new handlers.

During the hearing the question was raised with respect to including a provision to assure that the initial prices filed by a new handler in the industry would not be disruptive but reasonably aligned with his competitors. Testimony concerning the matter is limited.

The situation to which the question relates and the appurtenant problems which might be expected to arise would appear to be similar in nature to the situation hereinabove discussed concerning price filings just prior to the effective date of the amendment proposed herein, and the aforementioned standards in section 131.56 of the Order (9 CFR Part 131.56) would appear equally applicable to price filings by new handlers. However, as no specific proposal was made to modify the proposed amendment with respect to regulation of price filings by new handlers, additional discussion is unnecessary and the matter will not be considered further herein.

Rulings on proposed findings and conclusions. One brief supporting the amendment was received on behalf of the Control Agency. The brief, 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 marketing agreement and 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.

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus" and "Order Amending the Order, as amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of section 132.14(b) of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

Done at Washington, D.C., this 22d day of December 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order Amending the Order, as Amended, Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

§ 131.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus (Part 132 of this chapter) a public hearing was held at Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (30 F.R. 1816), on proposed amendments to the Marketing Agreement, as amended, and to the order, as amended (9 CFR Part 131), regu-

¹ This order shall not become effective unless and until the requirements of § 132.14(b) of this chapter have been met.

lating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is hereby found that:

(1) The said marketing agreement as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Delete § 131.52 and substitute therefor the following:

§ 131.52 Price lists, effective date, new price lists.

(a) Each price list, including discounts and terms of sale, filed by a manufacturer or wholesaler handler shall be filed in the office of the Control Agency only during the designated business hours of such office. Each such price list shall, subject to the limitations set forth in § 131.54, only become effective after such price list has been on file in the office of the Control Agency for 3 days, and such price list shall remain in effect for at least 30 days thereafter.

(b) After a price list has been in effect for at least 30 days, a new price list, including discounts and terms of sale, may be filed: *Provided, however,* That the price, including discount, for each product for each classification of buyer set forth in the new price list shall not be decreased or increased more than 10 percent from the price for that product, including discount, for such classification of buyer as set forth in the handler's currently effective price list for that classification of buyer. A handler shall not file more than one price list within any 30-day period, and should an effective price list be terminated or canceled, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed for a period of at least 30 days.

(c) In the event a price list is mailed by registered letter or telegraphed to the office of the Control Agency, it shall be deemed to have been filed either (1) at the time during the usual business hours it is actually delivered in such office, or (2) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

[P.R. Doc. 65-13864; Filed, Dec. 28, 1965; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 910]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Fixing of Rate of Assessment for 1965-66 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under 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 necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1965, through October 31, 1966, will amount to \$235,988, and (2) that the rate of assessment for said period, payable by each handler in accordance with §910.41, be fixed at \$0.0175 per carton of lemons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall 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: December 23, 1965.

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

[P.R. Doc. 65-13891; Filed, Dec. 28, 1965; 8:49 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Outlets for Certain Substandard Dates

Notice is hereby given of a proposal recommended by the Date Administrative Committee. The proposal is to permit Deglet Noor dates which meet the grade and size requirements for marketable dates except for defect of broken skin, improper hydration, mashing, and mechanical injury, to be disposed of for use, or used, in specified products for human consumption. The authorization for the proposed disposition of such dates would be pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR

Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Deglet Noor dates generally are in plentiful supply. However, the quantity of marketable dates available for use in date products for human consumption is somewhat limited and the demand in such outlet is good.

A substantial quantity of substandard Deglet Noor dates fail to meet the requirements for marketable dates due only to damage during harvesting, and in the processing and packing plants. Such substandard dates may be disposed of only in animal feed, nontable syrup, alcohol, brandy, or other nonhuman food outlets. The return in such outlets is relatively low.

The proposal would permit such substandard dates of the Deglet Noor variety to be disposed for use in the manufacture of date products for human consumption in the form of rings, chunks, pieces, butter, macerated, or paste. Hence, it would augment the supply of dates available for such products and give producers a substantially higher return for those dates than that to be realized from the outlets currently authorized pursuant to § 987.56 for such dates. To insure that the substandard dates qualify for use as food products, the proposal would require the dates otherwise to meet the grade and size requirements applicable to marketable Deglet Noor dates except for the following defects: broken skin, improper hydration, mashing and mechanical injury.

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

The proposal is as follows:

Disposition of substandard dates for specified products. Dates of the Deglet Noor variety which are inspected and certified as meeting the grade and size requirements for marketable Deglet Noor dates except for defects of broken skin, improper hydration, mashing, and mechanical injury may, pursuant to § 987.56, be disposed of for use, or used, in the production of date products for human consumption in the form of rings, chunks, pieces, butter, macerated, or paste.

Dated: December 21, 1965.

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

[P.R. Doc. 65-13892; Filed, Dec. 28, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of State Technical Services

[15 CFR Part 700]

GENERAL REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given, pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 1004), that the Office of State Technical Services, Department of Commerce, proposes to issue general regulations governing operation and administration of the State Technical Services Act of 1965 (Public Law 89-182). The regulations are proposed pursuant to authority contained in section 12 and other sections of the State Technical Services Act.

All persons who desire to submit written comments, views, or suggestions for consideration in connection with the issuance of regulations are invited to forward such comments in writing to the Acting Director, Office of State Technical Services, Department of Commerce, Washington, D.C., 20230, within 30 days of the date of publication of these proposed regulations in the FEDERAL REGISTER.

The proposed regulations follow.

Done in Washington, D.C., this 22d day of December 1965.

CHARLES LAW McCABE,
Deputy Assistant Secretary for
Science and Technology, and
Acting Director, Office of
State Technical Services.

Approved:

J. HERBERT HOLLOMON,
Assistant Secretary for
Science and Technology.

**PART 700—GENERAL REGULATIONS
GOVERNING OPERATION AND ADMINISTRATION
OF THE STATE
TECHNICAL SERVICES ACT OF 1965**

Sec.	
700.1	Scope of part.
700.2	Definitions.
700.3	Record keeping and fiscal controls.
700.4	Planning grant.
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700.15	Existing or planned technical services programs.
700.16	Duplication.
700.17	Repayment.
700.18	Formula for maximum amounts States are eligible to receive.
700.19	Funding programs under the Act.
700.20	Reports.
700.21	Federal coordination and advisory committees.

AUTHORITY: The provisions of this Part 700 are issued under 79 Stat. 679, Public Law 89-

182, approved September 14, 1965, the State Technical Services Act of 1965.

§ 700.1 Scope of part.

(a) *The Act.* The State Technical Services Act of 1965 (hereafter referred to as the "Act") became law on September 14, 1965.

(b) *Purpose of the Act.* The purpose of the Act is to provide a national program of incentives and support for the several States individually and in cooperation with each other in their establishing and maintaining States and interstate technical service programs in order that the benefits of federally financed research, as well as other research, may be placed more effectively in the hands of American business, commerce and industrial establishments throughout the country.

(c) *Application of part.* This part applies to any technical services program for which Federal financial assistance is authorized under the Act.

(d) *Delegation of authority.* The authority of the Secretary of Commerce under the Act was delegated to the Director, Office of State Technical Services, subject to such policies and directives as the Assistant Secretary of Commerce for Science and Technology may prescribe, by Department Order 7-A, effective November 19, 1965 (F.R. vol. 30, No. 234, Dec. 4, 1965, at p. 15042).

§ 700.2 Definitions.

(a) "Secretary" means the Secretary of Commerce or the Assistant Secretary of Commerce for Science and Technology.

(b) "Director" means the Director of the Office of State Technical Services.

(c) "State" means one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands.

(d) "Technical services" means activities or programs designed to enable businesses, commerce and industrial establishments to acquire and use scientific and engineering information more effectively through such means as—

(1) Preparing and disseminating technical reports, abstracts, computer tapes, microfilm, reviews and similar scientific or engineering information, including the establishment of State or interstate technical information centers for this purpose;

(2) Providing a reference service to identify sources of engineering and other scientific expertise; and

(3) Sponsoring industrial workshops, seminars, training programs, extension courses, demonstrations and field visits designed to encourage the more effective application of scientific and engineering information.

(e) "Designated agency" means the institution or agency which has been designated as administrator of the program for any State or States under section 3 or section 7 of the Act.

(f) "Participating institution" means each qualified institution in a State which participates in the administration or execution of the State technical services program as provided by the Act.

(g) "Matching funds" means funds that are provided by the State or from other non-Federal sources and may include fees, contributions, donations, gifts of money and special user charges from persons and private profit or nonprofit firms, organizations or institutions.

(h) "Advisory council" means the council appointed by the designated agency under section 9 of the Act and § 700.7.

(i) "Planning grant" means a grant awarded to a designated agency to assist in the preparation of the 5-year plan and the initial annual technical services programs.

(j) "State program" means the annual technical services program submitted by the designated agency on behalf of a State or on behalf of two or more States jointly.

(k) "Special merit program" means a program determined by the Secretary to be entitled to Federal financial assistance under section 10(c) of the Act to accomplish the purposes of the Act.

(l) "Designee" means the person designated by the Governor of a State to furnish the certifications required under section 5 of the Act. The designee may not be an officer or employee of the designated agency or of a participating institution nor a member of the advisory council.

(m) "Qualified institution" means an agency, institution or organization meeting criteria in § 700.10 or § 700.11.

§ 700.4 Recordkeeping and fiscal controls.

(a) Every request for Federal financial assistance under the Act shall contain a detailed budget, together with a description of the procedures which have been established for adequate fiscal control, fund accounting and auditing to assure proper disbursement for funds paid.

(b) Each recipient of a grant under the Act shall keep records containing the following information for each grant:

(1) The amount of each grant received;

(2) A detailed breakdown showing the disposition of each grant;

(3) The total cost of the related approved program;

(4) The amount and nature of the cost of the program supplied by other non-Federal sources, including identification of such other sources; and

(5) Such other records as may be prescribed by the Director, including reports from time to time as required under § 700.20.

§ 700.4 Planning grant.

(a) *Purpose and use.* The purpose of the planning grant is to assist each designated agency, other than a designated agency under Section 7 of the Act, to prepare the 5-year plan and the State's initial annual technical services programs. The funds provided by the planning grant may be used for any legitimate purpose directly related to the preparation of such plan and programs. The Director shall be notified of the nature and amount of any contract

which the designated agency makes for the purpose of planning, using all or part of the planning grant. A designated agency established under section 7 of the Act, while ineligible to receive a direct planning grant, may receive all or part of a State's planning grant under an agreement between two or more States for the purpose of joint planning. There is no requirement that a State match or otherwise furnish any portion of planning grant funds paid to its designated agency under section 10(e)(1) of the Act.

(b) *Amount and term.* No designated agency may receive a planning grant in excess of \$25,000 a year. In the discretion of the Director a planning grant may be paid for each of the first 3 fiscal years commencing with fiscal year 1966, or until the 5-year plan and the initial annual technical services programs are submitted to the Secretary and approved, whichever first occurs. No other planning grant will be paid if the 5-year plan and the first annual technical services program have been submitted and approved unless the Director determines—

(1) That there is a specific need for planning in a new direction which is not included in the approved 5-year plan and which is to be included in a future revision of the plan; and

(2) That the total amount of the first approved technical services program is inadequate to provide for such planning.

(c) *Procedure to obtain planning grant.* A designated agency may obtain a planning grant by a written request to the Director only after the Governor of the State concerned has notified the Secretary or the Director that such State intends to participate under the Act and has designated under section 3 of the Act the institution or agency making such request. The request should contain the following information:

(1) A statement of the appropriate State laws and regulations under which the Governor has designated such institution or agency to be the designated agency and under which authority the State program will be carried out;

(2) A clear and succinct statement justifying the need for the planning grant and the specific purposes for which it is to be used;

(3) The total amount requested for these purposes;

(4) A budget showing a breakdown of the estimated amounts which will be expended during the fiscal year for these purposes with the funds furnished by the planning grant; and

(5) The name of the officer of the designated agency who is authorized to act for the designated agency.

§ 700.5 Five-year plan.

(a) To receive Federal financial assistance for an annual technical services program a designated agency shall prepare and submit a 5-year plan which—

(1) Outlines the technological and economic conditions of the State, taking into account its region, business, commerce, and its industrial potential and

identifies the major regional and industrial problems;

(2) Identifies the general approaches and methods to be used in the solution of these problems and outlines the means for measuring the impact of such assistance on the State or regional economy; and

(3) Explains the methods to be used in administering and coordinating the technical services program.

(b) A designated agency may revise the 5-year plan it previously submitted, either annually or at some less frequent interval during the period of the plan.

(c) No 5-year plan of a State shall be accepted for review and approval by the Director unless the Governor of the State or his designee certifies that the plan is consistent with the State's policies and objectives.

§ 700.6 Annual technical services program.

(a) In addition to the 5-year plan described in § 700.5, each designated agency seeking Federal financial assistance on behalf of a State or States under the Act shall prepare and submit to the Director an annual technical services program which—

(1) Identifies specific methods, which may include contracts, for accomplishing particular goals and outlines the likely impact of these methods in terms of the 5-year plan. If it is planned to enter into a contractual arrangement, the type of contract and identity of the contractor shall be furnished as well as information concerning its cost, term and the basis for selection of the contractor;

(2) Contains a detailed budget, together with procedures for adequate fiscal control, fund accounting and auditing, to assure proper disbursement for funds paid to the State under the Act; and

(3) Indicates the specific responsibilities assigned to each participating institution in the State, including a statement of the method by which the participating institutions were selected for their respective responsibilities.

(b) No annual technical services program shall be accepted for review and approval by the Director unless the Governor of the State or his designee certifies that the designated agency has—

(1) Invited all qualified institutions in the State to submit proposals for providing technical services under the Act. Invitations shall be publicly announced and issued in writing to institutions in the State that have been qualified under §§ 700.10 and 700.11;

(2) Coordinated its programs with other States (when regional cooperation is planned) and with other publicly supported activities within the State, as appropriate. In connection with this requirement, the designated agency shall furnish a statement to the Director showing the extent and manner in which such coordination has been carried out by identifying such programs and activities and indicating how any duplication of other technical services programs in the State has been avoided;

(3) Established adequate ethical standards and rules to insure that no officer or employee of the State, the designated agency or any participating institution shall receive compensation for technical services he performs, for which funds are provided under the Act, from sources other than his employer, and that no such officer or employee shall otherwise maintain any private interest in conflict with his public responsibility. Each designated agency will furnish for certification in this regard a copy of the ethical standards and rules which are established to avoid any conflict of interest in connection with the administration of any plan or program receiving Federal financial assistance under the Act. Such rules shall clearly set forth the standards and procedures which officers, employees and consultants can follow to avoid any conflict of interest;

(4) Determined that matching funds will be available from State or other non-Federal sources. In addition, each designated agency shall furnish a statement to the Director showing the basis for the determination by identifying such sources. The sources of matching funds shall be those defined in § 700.2(g) and shall meet the requirements of § 700.8(i);

(5) Determined that such technical services program does not provide a service which on the date of such certification is economically and readily available in such State from private technical services, professional consultants, or private institutions. Each designated agency shall furnish a statement to the Director showing the basis for such determination;

(6) Planned no services specially related to a particular firm or company, public work or other capital project except insofar as the services are of general concern to the industry and commerce of the community, State or region. If the designated agency has planned services which are specially related to a particular firm or company, public work or other capital project, a statement shall be furnished to the Director describing such services and the basis for the determination that such services are of general concern to the industry and commerce of the community, State or region; and

(7) Provided for making public all reports prepared in the course of furnishing technical services supported under the Act or for making them available at cost to any person on request. Each designated agency shall furnish the Director a copy of the fee schedules for such reports or a statement showing the steps that have been taken to make such reports public.

§ 700.7 Advisory council.

(a) *Appointment.* Each designated agency shall appoint a public advisory council (representing broad community interests) pursuant to the requirements of section 9 of the Act and shall furnish to the Director the following information:

(1) Names of the members of the council, their occupations and organizational affiliations (members shall not be

directly concerned with the planning, administration or participation of the technical services program);

(2) The qualifications of each of the members appointed to the council; and

(3) A statement as to how such appointments give a balanced representation from relevant segments of society within the State or region, which may include such segments as business, labor, education, local government, consumers, scientists, engineers, or other professional groups.

(b) *Review of annual program.* The advisory council shall review each annual technical services program, evaluate its relation to the purposes of the Act, and report its findings, which may include appropriate recommendations, to the designated agency.

(c) *Reports.* A copy of each report submitted by each advisory council to the designated agency shall be sent to the Governor or his designee and to the Director prior to certification by the Governor or his designee.

§ 700.8 Criteria for approval of State plans and programs.

No annual technical services program submitted by a designated agency of a State or by an interstate agency shall be approved by the Director unless such program is accompanied by the information called for by § 700.6(b) and other information sufficient, in the judgment of the Director, to insure that the annual program—

(a) Provides coherence in the planning and program activities;

(b) Contains a method for evaluating the results of the annual program;

(c) Provides professional competence of a full-time staff of the participating institutions;

(d) Does not duplicate any other publicly-financed technical services activity or program readily available to the State;

(e) Identifies all proposed contractors and subcontractors including information as to the type of contract (i.e., fixed price, cost-plus-a-fixed-fee, etc.) term, cost and the basis for the selection of the contractors and subcontractors;

(f) Provides for adequate experience and competence in the management of State or interstate programs;

(g) Contains efficient and effective plans and procedures to utilize existing State and Federal sources for collecting and disseminating technical information;

(h) Considers whether interstate plans and procedures are desirable for a more effective operation of its technical services program and, if so, provides plans looking toward an interstate agreement under section 7 of the Act; and

(i) Provides a satisfactory method of allocating costs between the State and non-Federal contributions and for the receipt and expenditure of any special user charges or fees under the following guidelines:

(1) Allocation of costs between State and non-Federal contributions and the receipt and expenditure of any special user charges or fees shall be reviewed specifically by the advisory council;

(2) The State, the designated agency or the participating agencies shall be responsible for making available the total amount of the State and non-Federal share as provided in the approved program;

(3) Receipts in excess of the planned cost of the State and non-Federal share of the program must be expended to carry out an approved technical services program; and

(4) The Director may review any fees or user charges as to their reasonableness.

§ 700.9 Criteria for approval of special merit programs.

No payment shall be made to any designated agency, participating institution or qualified institution directly, in support of a special merit program under section 10(c) of the Act, unless the Director determines that the program is of national, regional or special significance and is not included in any State or interstate program, taking into account the following guidelines and information (which shall be furnished with the request):

(a) A description of the proposed program, a detailed budget, the particular goals being sought under such program consistent with the specific purposes of section 10(c) of the Act, and why the program is of national or regional significance or is needed in addition to the State or any interstate program.

(b) If the program is submitted by a designated agency or participating institution, an explanation of why such program would not be included in the annual State or interstate technical services program approved by the Director under section 6 of the Act.

(c) If the program is submitted by a qualified institution, information as to whether such institution previously has submitted the program to the designated agency of the State or States for possible inclusion in the State or interstate program and, if previously submitted and rejected, any reasons given for such action by the designated agency.

(d) Any proposal from a designated agency or a qualified or participating institution seeking support as a program of special merit under section 10(c) of the Act shall, as nearly as practicable, meet the requirements of section 4(b) of the Act and §§ 700.6(b) and 700.8 with the following exceptions:

(1) Proposed special merit programs are not required to be reviewed by advisory councils within the States or regions.

(2) Concerning the allocation of costs among non-Federal contributions and the receipt and expenditure of any charges or fees, § 700.8(i) shall apply but upon the termination of any special merit program, any income in excess of the cost of the approved program shall be returned to the United States Treasury.

§ 700.10 "Qualified institution."

(a) Any institution of higher learning with a four year program leading to a degree in science, engineering or busi-

ness administration which is accredited by an accrediting agency or association listed by the Commissioner of Education under section 2(c) of the Act (see Appendix A) shall be deemed to be a qualified institution for the purpose of the Act and these regulations. An institution of higher learning with a program leading to a degree in science, but not in engineering or business administration, shall not be deemed to be a qualified institution (even though accredited as set forth above) unless its science program is reasonably related to business, industry or commerce within the State or region as determined by the designated agency, subject to approval or, on appeal, final decision by the Director.

(b) Any institution of higher learning with a program leading to a degree in science, engineering or business administration for which there is no accrediting agency or association listed by the Commissioner of Education under paragraph (a) of this section may apply to the Commissioner of Education for evaluation and determination of whether such institution is qualified under section 2(c) of the Act. A copy of such request shall be sent to the Director and to the appropriate designated agency. The Director may assist the Commissioner of Education in his determination by furnishing appropriate advice.

§ 700.11 Private, nonprofit institution or State agency as a "qualified institution."

(a) Any private nonprofit institution, other than an institution of higher learning, shall be deemed to be a qualified institution for the purpose of the Act and these regulations, if the appropriate designated agency determines upon a full and complete showing, subject to approval or, on appeal, a final decision by the Director that such institution—

(1) Has demonstrable competence and significant experience in the collection, dissemination and translation of technology to business, commerce or industry;

(2) Has management with adequate qualifications and experience;

(3) Employs a full-time professional staff which is qualified to undertake technical services programs, as evidenced by adequate education, training and experience;

(4) Has a sound and stable financial structure, and provides sound fiscal management to avoid dominance or control by any particular business or group of businesses and to insure broad participation; and

(5) Maintains efficient and modern physical plant facilities, including equipment, necessary to provide technical services under the Act.

Any such institution which has applied for a special merit program may request a determination of its qualifications under the foregoing criteria directly from the Director. Such determination shall be final, and notice shall be given to the appropriate designated agencies.

(b) A State agency, other than an institution of higher learning, shall be

deemed to be a qualified institution for the purpose of the Act and the regulations in this part, if the Governor or his designee determines, subject to approval by the Director, that the State agency meets the criteria of competence set forth in paragraph (a) of this section, as applied to such agency.

§ 700.12 Correspondence and communications.

All correspondence, inquiries and communications concerning the operation and administration of the Act, including the submission of certifications, plans, programs, reports, information, and documents, which the Act and these regulations require to be furnished to the Secretary, shall be addressed to the Director, Office of State Technical Services, Department of Commerce, Washington, D.C.

§ 700.13 Termination.

(a) *Grounds.* Any plan or program receiving Federal financial assistance under the provisions of the Act or these regulations may be terminated by the Director, in accordance with the procedures set forth below, if he finds that any of the following conditions exist:

(1) The designated agency, participating or qualified institution, or those with whom such agency or institution has contracted or subcontracted, is not complying substantially with the provisions of the Act, with these regulations, or with the annual technical services plan or program or the special merit program previously approved by the Director; or

(2) Any funds paid to the designated agency, participating or qualified institution under the provisions of the Act or these regulations have been lost, misapplied, or otherwise diverted from or improperly used or expended for other than the purposes for which they were paid or furnished.

(b) *Notice.* If any of the conditions described in paragraph (a) of this section are deemed by the Director to exist and if such conditions cannot be corrected or eliminated by informal means, he shall, prior to taking action to terminate any program, furnish written notice to the agency or institution he considers to be in violation of the provisions of the Act or of these regulations. Such notice shall:

(1) Specify those provisions of the Act or regulations thereunder which have been violated;

(2) State the basis for the belief that such violations have occurred; and

(3) Offer the agency or institution an opportunity to provide the Director with a written answer to the statements in the notice. Such answer shall be furnished to the Director within 30 days of the receipt of his notice and shall provide a full and complete explanation together with substantiating documentation, if appropriate, of the violations described in the notice. A 30-day extension of time to answer the notice may be granted if the agency or institution requests such extension prior to the end of the original 30-day period and if such

request, in the judgment of the Director, is based on good and sufficient reason.

(c) *Hearings.* In the event that the designated agency or institution receiving the notice provided under paragraph (b) of this section does not respond thereto within the time period provided thereunder, or if the written response to the notice does not, in the judgment of the Director, indicate that the conditions leading to the issuance of the notice have been corrected or eliminated and describe the steps taken to preclude a repetition of such conditions, the Director shall extend to the agency or institution an opportunity for a hearing on the matter. The offer of the hearing shall afford the agency or institution the right to be represented by counsel and shall set a date not less than 30 days from the time the offer of the hearing is received. The hearing shall take place at the Office of State Technical Services in Washington, D.C., unless the Director determines, based on good and sufficient reason tendered by the agency or institution, that another place be selected. The hearing shall be conducted in accordance with such rules as may facilitate a full and complete explanation of the conditions leading to the convening of the hearing. Witnesses shall be given an opportunity to testify and evidence, exhibits and documents may be introduced and submitted for the record. A transcript of the hearing will be taken, the cost of which will be borne by the Office of State Technical Services. A copy of such transcript will be available to the agency or institution on request.

(d) *Revocation.* Following his review of the hearing provided in paragraph (c) of this section, or if the agency or institution declines the offer of hearing or if it accepts but fails to appear or participate at such hearing, the Director shall make a finding on whether the conditions leading to the written notice or hearing have been corrected or eliminated. If the Director finds that such conditions have not been corrected or eliminated, he shall notify such agency or institution of his finding and the basis for his conclusion. The notification of such decision shall also advise that no further payments will be made under the provisions of the Act or under these regulations until there is, in the judgment of the Director, substantial compliance with the provisions of the Act and these regulations or that the diversion, misapplication, improper use or expenditure of funds has been corrected. If compliance or correction is not possible, no further payments under the provisions of the Act or under these regulations shall be made until such agency or institution repays or arranges for the repayment of the funds diverted or improperly expended.

§ 700.14 Application of Title VI of Civil Rights Act of 1964.

(a) The program of extending Federal financial assistance under the Act will be conducted in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) and the requirements imposed by or pursuant to the regulations of the Department of Com-

merce issued thereunder (Title 15, Code of Federal Regulations, Subtitle A, Part 8), to the end that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under such program. Accordingly, each designated agency, on behalf of the State or States it represents, participating institution or person, shall, as a condition to the extension to it of Federal financial assistance under the Act, execute an assurance of compliance with the aforesaid regulations of the Department of Commerce issued pursuant to Title VI of the Civil Rights Act of 1964. A copy of the assurance of compliance to be executed by each grantee prior to the receipt of Federal financial assistance under the Act appears in full as Appendix B at the end of the regulations in this part.

(b) Each grant (or amendment thereto) issued or amended under the Act shall contain a clause stating as follows: "By accepting this grant, the grantee affirms that the 'Assurances of Compliance with the Department of Commerce Regulations under Title VI of the Civil Rights Act of 1964,' previously executed, is fully applicable to this grant and to any program assisted thereby."

§ 700.15 Existing or planned technical services programs.

Federal financial assistance under the Act or the regulations in this part may be granted to any designated agency or participating institution in support of a technical services program presently funded by State or other non-Federal sources and operating therein when such program is modified or expanded in light of the objectives of the Act. In any modification or expansion of an existing program, the designated agency shall define the portion of the old program which contained technical services as defined in the Act and identify the nature of the modification or expansion of technical services, as well as the portion for which Federal assistance is sought. While existing programs are eligible for Federal assistance under the Act, it shall be the policy, in approving such programs and in determining the amount of any Federal support, to provide an incentive for their expansion or modification for the widest benefit practicable throughout the country, considering the following:

(a) The extent to which the effectiveness of the State or interstate technical services program is increased within the State or region;

(b) The extent to which private or State participation in the technical services program is increased;

(c) The nature of the benefits within the State or region of any modification or redirection of existing technical services program in relation to the amount of the Federal assistance requested; and

(d) The extent of any national benefits resulting from any modification or expansion of the existing technical services program in relation to the total national program for accomplishing the purposes of the Act.

§ 700.16 Duplication.

In addition to the certification required under section 5(e) of the Act, that the technical services program submitted to the Secretary for his review and approval does not provide a service which is economically and readily available in the State from private sources, section 10 (e) (2) of the Act prohibits the payment of any funds to any designated agency, participating institution or person to carry out any technical services activity or program if such activity or program is a duplication of any other program readily available in the State from Federal or State agencies, including publicly supported institutions of higher learning in the State. Accordingly, before any request is submitted to the Director for Federal financial assistance under the Act, the designated agency or qualified institution shall first examine Federal and State programs which are available to be sure that the proposal will not duplicate other Federal and State programs and provide a supporting statement indicating compliance.

§ 700.17 Repayment.

In the event any activity or program is terminated under the provisions of section 16 of the Act and § 700.13, any funds that have been paid to any designated agency or participating institution by the Office of State Technical Services which have not been expended by such agency or institution upon receipt of the notice of termination, shall be repaid to the Director within 30 days of such notice.

§ 700.18 Formula for maximum amounts States are eligible to receive.

Maximum amounts which may be paid to the States for fiscal year 1966 under section 10(b) of the Act shall be fixed by the Director in accordance with the following method: The least populous State shall not receive more than \$37,500, and the most populous State shall not receive more than \$500,000. The maximum amount which each and every other State is eligible to receive shall be an amount which bears the same relationship to amounts which the least and most populous States are eligible to receive as the population of the State bears to the population of the least and most populous States. Within these maximum amounts, the available appropriations shall be apportioned among the States as equitably as possible, considering the merit of the plans and programs submitted.

§ 700.19 Funding programs under the Act.

(a) *General.* All funds provided by the Office of State Technical Services under the Act shall be maintained in a separate account or as required by the Director. Matching funds may be commingled with the Federal funds so long as accurate records are maintained which show the separate balance of such funds.

(b) *Matching funds.* While the funds provided from State or non-Federal sources must, except for planning grants made under section 10(e) (1) of the Act

and § 700.4, match the funds provided by the Office of State Technical Services, any State may provide additional amounts from any non-Federal sources.

(c) *Payments.* Grant payments to each designated agency, participating institution, qualified institution or person shall be made in accordance with the technical services program approved by the Director and under accounting any policies established by the Office of State Technical Services.

§ 700.20 Reports.

(a) Each designated agency shall make an annual report as required under section 14 of the Act containing such information as the Director may request.

(b) In his discretion, the Director may request copies of any proposals which qualified institutions in a State or region have submitted to the appropriate designated agency in the preparation of the annual State or interstate technical services program.

(c) Such other special and periodic reports as may be required by the Director shall be submitted.

§ 700.21 Federal coordination and advisory committees.

The Director may, prior to approving any technical services plan or program, take such steps as he deems appropriate to coordinate such plans or programs with other Federal agencies or seek the advice of such committees as the Secretary may establish for the purpose of reviewing the plans and programs.

APPENDIX A—DESIGNATION BY COMMISSIONER OF EDUCATION

ORGANIZATIONS DESIGNATED BY THE COMMISSIONER OF EDUCATION AS NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS UNDER SECTION 2(C) OF THE STATE TECHNICAL SERVICES ACT OF 1965

I. Regional:

Middle States Association of Colleges and Secondary Schools.

New England Association of Colleges and Secondary Schools.

North Central Association of Colleges and Secondary Schools.

Northwest Association of Secondary and Higher Schools.

Southern Association of Colleges and Schools.

Western Association of Schools and Colleges.

II. *For Engineering:* Engineers' Council for Professional Development.

III. *For Business Administration:* American Association of Collegiate Schools of Business.

Accreditation status of any institution with respect to the above designation may be found in *Accredited Higher Institutions 1964* available from the Government Printing Office.

APPENDIX B—ASSURANCE OF COMPLIANCE WITH REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

ASSURANCES OF COMPLIANCE WITH THE DEPARTMENT OF COMMERCE REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called

(Name of Grantee)

the "Grantee") hereby agrees, assures and undertakes that as a condition to the extension to it of Federal financial assistance for any program under the State Technical Serv-

ices Act of 1965 (hereinafter referred to as the Act) said program will be conducted in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) and the requirements imposed by or pursuant to the Regulations of the Department of Commerce issued thereunder (Title 15, Code of Federal Regulations, Subtitle A, Part 8), a copy of which is attached, to the end that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under said program; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

In accord with and without limiting the above, the Grantee agrees:

1. That the aforesaid discrimination in the conduct of the program includes and prohibits such discrimination in:

a. Inviting qualified institutions to submit proposals for providing technical services or in their selection as participating institutions;

b. Appointing members to the advisory council for technical services specified in section 9 of the Act;

c. Preparing the 5-year plans and technical service programs called for by section 4 of the Act by such means or with such provisions as would cause any discriminatory act or course of conduct prohibited by section 8.4 (a) and (b) of the Department's Title VI Regulations;

d. Considering the merits of proposals for providing technical services under the Act;

e. Selecting means for providing technical services under the Act;

f. Administering and coordinating plans and programs under the Act;

g. Selecting institutions, agencies, and individuals to administer, coordinate and prepare technical services plans and programs under the Act;

h. Preparing, making public, disseminating, applying, and using reports, technical services, and other information under the Act;

i. Selecting and using contractors and subcontractors and other individuals and organizations to assist in accomplishing the objectives of the plans and programs under the Act and otherwise to participate therein;

j. Publicizing, inviting participation in, providing facilities for, and otherwise administering and operating industrial workshops, seminars, training programs, extension courses, demonstrations, field visits, and other technical services; and

k. Otherwise planning, organizing, administering, operating, and fulfilling the objectives of the Act.

2. That it will not engage in any discrimination described hereinabove in paragraph 1, or in any prohibited act or course of conduct with respect thereto as described in sections 8.4 and 8.5(b) (6) of the Department of Commerce Title VI Regulations.

3. That the Grantee further recognizes and agrees that its obligations to comply with the Department's Title VI Regulations extend not only to its own activities but also, in accord with section 8.5(b) (4) of said Regulations, to assure that the public and private organizations, institutions and individuals, such as participating institutions or contractors, which play a part in developing the Grantee's plans and in the Grantee's programs, will also comply with the Department's Title VI Regulations and these Assurances with respect to said plans and programs. To that end, the Grantee agrees that it will obtain as part of its contractual or other arrangements with such parties, or will arrange with others with whom it has direct dealings to obtain in turn from such parties, written Assurances of Compliance

PROPOSED RULE MAKING

with the Department's Title VI Regulations in the same form and substance as these Assurances, which shall be applicable in connection with their contracts, agreements, operations, receipt of benefits and other participation under or relating to State Technical Services plans and programs receiving Federal financial assistance.

4. That it will obtain and provide the information required by or pursuant to said Title VI Regulations to ascertain and obtain compliance with said Regulations and these Assurances.

5. That it will secure the compliance, and assist and cooperate actively with the Department of Commerce in obtaining and enforcing the compliance, of said contracting and other participating parties with the nondiscrimination required by the Department's Title VI Regulations and their respective agreements and arrangements, and in the event the Grantee becomes involved in litigation with a noncomplying party, it may request the Department of Commerce to enter into such litigation to protect the interests of the United States in the enforcement of these obligations.

6. That when the Grantee or other participant under the plans or programs is an institution referred to in section 8.5(b)(9) of the Department's Title VI Regulations, the provisions of that section shall be applicable.

7. That any failure to comply with these assurances of nondiscrimination shall constitute a breach of the grant or agreement pursuant to which they were furnished; that in such case of breach further disbursements or payments under the grant or agreement may be refused or suspended or repayments required or any other enforcement or remedial actions or remedies provided in the regulations under the Act or the Department's Title VI Regulations or otherwise by law may be taken; and that the enforcement of one or more rights shall not be prejudicial to the Government's right to obtain judicial relief and/or take any other action available under the Act, regulations, grant, agreements, or otherwise by law.

8. That these Assurances shall be in effect for the period provided in section 8.5(b)(10) of the Department's Title VI Regulations.

9. That these Assurances of the Grantee, and any supplementary Assurances given by related subgrantees, contractors and other participants in the plans and programs under the Act, shall be binding not only upon them but also upon their officers, directors, employees and agents, assignees, transferees, lessees, and successors in interest.

The Grantee acknowledges that it has received and read the provisions of the Department's Title VI Regulations.

Dated _____
_____ (Grantee)

By _____
Title _____

(Grantee's mailing address)

Title _____

I hereby certify that the person whose signature appears above is authorized to sign these Assurances on behalf of _____

[P.R. Doc. 65-13858; Filed, Dec. 28, 1965;
8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary
SEA LINE, INC.

Notice of Application for Presidential Permit

The Department of State has received an application, dated December 14, 1965, from Sea Line, Inc., a Texas corporation, for a Presidential Permit to construct, operate and maintain a pipeline for crude, residual and unfinished oils at the international boundary line between the United States and Mexico, specifically at a point near Brownsville, Tex., and Matamoros, Tamaulipas.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice.

For the Secretary of State.

ANDREAS F. LOWENFELD,
Deputy Legal Adviser.

[P.R. Doc. 65-13862; Filed, Dec. 28, 1965;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 66]

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 December 13, 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, NAME OF SHIP	Gross tonnage
Total all flags (244 ships).....	1,709,743
British (74 ships).....	555,109
**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

**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

British—Continued	Gross tonnage
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
Athelduke (Tanker).....	9,089
Athelmere (Tanker).....	7,524
Athelmonarch (Tanker).....	11,182
**Athelsuitan (Tanker—broken up).....	
Avisfaith.....	9,149
Baxtergate.....	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
*Elcos.....	7,134
Formentor.....	8,424
**Free Enterprise (now Haitian flag).....	6,807
**Free Merchant (now Cypriot flag).....	
**Garthdale (now Jeb Lee—British flag).....	7,542
Grosvenor Mariner.....	7,026
Hazelmooor.....	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.....	5,388
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.....	7,368
**Newgrove (now Cypriot flag).....	
Newheath.....	7,643
Newhill.....	7,855
Newlane.....	7,043
**Newmeadow (now Cypriot flag).....	
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. Evangella—Greek flag).....	7,388
Ruthy Ann.....	7,361
**St. Antonio (now Maltese flag).....	
Sandsend.....	7,236

*Added to Rept. No. 65, appearing in the FEDERAL REGISTER issue of Dec. 8, 1965.

FLAG OF REGISTRY, NAME OF SHIP—Continued

British—Continued	Gross Tonnage
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).....	9,602
Stanwear.....	8,108
**Suva Breeze (now Djatingaleh—Panamanian flag).....	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 (58 ships).....	389,592
Agla Sophia.....	3,108
Aloos II.....	7,256
Ais Giannis.....	6,997
Akamas.....	7,285
Al Amin.....	7,186
Alaska.....	6,989
Anthas.....	7,044
Antonia.....	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. Myrtdiotissa (trips to Cuba under ex-name, Kalliopt D. Lemos—Lebanese flag).....	
**Free Trader (now Cypriot flag).....	5,270
Giannis.....	5,270
Giorgos Tsakiroglou.....	7,240
Granikos.....	7,282
Iena.....	5,925
Ioannis Aspiotis.....	7,297
**Kalliopt D. Lemos (now E. Myrtdiotissa—Lebanese flag).....	5,103
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).....	4,353
Mersinidi.....	6,782
Mimosa.....	7,314
Mousse.....	6,984
Nictrie.....	7,296
Noelle.....	7,251
Noemi.....	7,070
Oiga.....	7,199
Panagos.....	7,133
Parmarina.....	8,721
**Razani (broken up).....	7,253

FLAG OF REGISTRY, NAME OF SHIP—Continued		FLAG OF REGISTRY, NAME OF SHIP—Continued		FLAG OF REGISTRY, NAME OF SHIP—Continued			
	Gross tonnage		Gross tonnage		Gross tonnage		
Lebanese—Continued							
Reneka	7,250	Greek—Continued					
Rio	7,194	Tina	7,362	Yugoslav—Continued			
St. Anthony	5,349	Western Trader	9,268	Promina	6,960		
St. Nicolas	7,165	Polish (17 ships)				7,145	
San George	7,267	Baltyk	6,963	**Treblanjica (wrecked)			
**San John (now Ledra—Cypriot flag)		Bialystok	7,173	French (7 ships)			
San Spyridon	7,260	Bytom	5,967	Aralnoe (Tanker—sunk)			
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav flag)		Chopin	6,987	Circe			
Steve	7,066	Chorzow	7,237	Enee			
Taxiarhis	7,349	Huta Florian	7,258	Foulaya			
Tertric	7,045	Huta Labedy	7,221	Mungo			
Theodoros Lemos	7,198	Huta Ostrowiec	7,175	Nelee			
Tony	7,176	Huta Zgoda	6,840	Neve			
Toula	4,561	Hutnik	10,897	Moroccan (5 ships)			
Troyan	7,243	Kopalnia Bobrek	7,221	Atlas			
Vassilki	7,192	Kopalnia Czeladz	7,252	Banora			
Vastric	6,453	Kopalnia Miechowice	7,223	Marrakech			
Vergoltvada	6,339	Kopalnia Siemianowice	7,165	Mauritanie			
Yanxilas	10,051	Kopalnia Wujek	7,033	Toubkal			
Greek (34 ships)		Plast	3,184	Maltese (5 ships)			
	250,409	Transportowiec	10,880	**Amalia (previous trips to Cuba under British flag)			
Italian (14 ships)							
Agios Therapon	5,617	Achille	6,950	Ispahan			
Akastos	7,331	Agostino Bertani	8,380	**St. Antonio (previous trip to Cuba under British flag)			
Alice	7,189	**Andrea Costa (Tanker—broken up)	10,440	**Soclyve (previous trips to Cuba under British flag)			
**Ambassade (sold Hong Kong ship breakers)	8,600	Aspromonte	7,154	**Timios Stavros (previous trips to Cuba under British flag and Greek flag)			
Americana	7,104	Capra	7,189	Finnish (3 ships)			
Anacreon	7,359	Giuseppe Giulietti (Tanker)	17,519	Augusta Paulin			
**Anatoli (now Sunrise—Cypriot flag)		Mariasusanna	2,479	**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag)			
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712	Montiron	1,595	Margrethe Paulin			
**Antonia (now Amfitha—Cypriot flag)		Nazareno	7,173	Ragni Paulin			
Apollon	9,744	Nino Bixio	8,427	Netherlands (2 ships)			
Athanasios K.	7,216	San Francesco	9,284	Melke			
Barbarino	7,084	San Nicola (Tanker)	12,461	Tempo			
Calliopi Michalos	7,249	Santa Lucia	9,278	Norwegian (2 ships)			
**Embassy (broken up)	8,418	**Somalia (now Chenchang—Nationalist Chinese flag)	3,352	Ole Bratt			
**E. Evangella (trips to Cuba under ex-name, Redbrook—British flag)		Cypriot (12 ships)					
Flora M.	7,244	Acme	7,159	**Tine (now Jezreel—Panamanian flag—wrecked)			
**Gloria (now Helen—Greek flag)		Adelphos Petrakis	7,170	Swedish (2 ships)			
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128	Alexandros	7,245	**Amfred (now Hermia—Finnish flag)			
Irena	7,232	**Amfitha (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171	**Dagmar (now Ricardo—Panamanian flag)			
Istros II	7,275	**Antonia II (trip to Cuba under ex-name, Stylianos N. Viassopoulos—Greek flag)	7,247	Haitian:			
Kapetan Kostis	5,032	Artemida	7,247	**Free Enterprise (trips to Cuba under British flag)			
Kyra Hariklia	6,888	**Free Merchant (previous trips to Cuba under British flag)	5,237	**Newforest (trips to Cuba under British flag)			
**Maria Theresa (now Ingrid Hanne—South African flag)	7,245	**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181	**Newgrove (now Cypriot flag)			
Marigo	7,147	**Free Trader (previous trips to Cuba under Lebanese flag)	7,067	Nationalist Chinese:			
**Maroudio (now Thalie—Panamanian flag)	7,369	**Kallithea (trips to Cuba under ex-name, Swift River—British flag)	5,172	**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag)			
**Mastro-Stelios II (now Wendy H.—South African flag)	7,282	**Ledra (previous trips to Cuba under ex-name, San John—Lebanese flag)	7,172	Panamanian:			
**Nicolao F. (previous trip to Cuba under ex-name, Nicolao Frangistas—Greek flag)	7,199	**Newgrove (previous trips to Cuba under British and Haitian flags)	7,172	**Djatingaleh (trips to Cuba under ex-name (Suva Breeze—British flag)			
**Nicolao Frangistas (now Nicolao F.—Greek flag)		**Newmeadow (previous trips to Cuba under British flag)	5,654	**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked)			
Pamit	3,929	**Sunrise (previous trip to Cuba under ex-name, Anatoli—Greek flag)	7,187	**Ricardo (trips to Cuba under ex-name, Dagmar—Swedish flag)			
Pantanassa	7,131	Yugoslav (9 ships)					
Paxoi	7,144	Bar	7,233	**Thalie (trip to Cuba under ex-name, Maroudio—Greek flag)			
**Penelope (now Andromachi—Greek flag)		**Cavtat (now Sheik Boutros—Lebanese flag)	7,266	South African:			
**Presvia (broken up)	10,820	Cetinje	7,200	**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek flag)			
Redestos	5,911	Dugi Otok	6,997	**Ingrid Hanne (trip to Cuba under ex-name, Maria Theresa—Greek flag)			
Roula Maria (Tanker)	10,608	Kolassin	7,217				
**Seirios (broken up)	7,239	Mojkovac	7,125				
Sophia	7,030	Plod	3,657				
**Stylianos N. Viassopoulos (now Antonia II—Cypriot flag)	7,303	*Added to Rept. No. 65, appearing in the FEDERAL REGISTER issue of Dec. 8, 1965.					
**Timios Stavros (formerly British flag—now Maltese flag)							

**Ships appearing on the list that have been scrapped or have had changes in name, and/or flag of registry.

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, NAME OF SHIP

- a. Since last report: None.
b. Previous reports:

Flag of registry (total)	Number of ships
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwait	1
Lebanese	2
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 December 13, 1965:

Flag of registry	Number of trips									Total
	1963	1964	1965						Total	
			Jan.-June	July	Aug.	Sept.	Oct.	Nov.		
British	133	180	64	11	11	7	10	16		432
Lebanese	64	91	31	8	2	3	3	3		205
Greek	99	27	11	3	2		1	1	1	145
Italian	16	20	14	2	2		1	2		59
Yugoslav	12	11	5	2	2					35
Spanish	8	17								25
Norwegian	14	10								24
Moroccan	9	13				1				23
French	8	9	3		2			1		24
Cypriot		1	3				1	2		15
Finnish	1	4	2	1	1	2		5	2	15
Maltese		2	3				1	1		9
Netherlands		4	1	1						6
Swedish	3	3								6
Kuwait		2	1							3
Israeli			2							2
Danish	1									1
German (West)	1									1
Haitian			1							1
Japanese	1									1
Subtotal	370	394	141	28	23	17	22	28	1	1,024
Polish	18	16	6	1	1	1		1		44
Grand total	388	410	147	29	24	18	22	29	1	1,068

NOTE: Trip totals in this section exceed ship totals in sec. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

By Order of the Deputy Maritime Administrator.

Dated: December 15, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[P.R. Doc. 65-13873; Filed, Dec. 28, 1965; 8:47 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has filed application dated December 7, 1965, to modify a waiver previously granted under section 804 of the Merchant Marine Act, 1936, as amended, by changing Clause 1 and Clause 2 of Federal Maritime Commission Agreement No. 9182, under which Delta performs husbanding agency services, excluding the solicitation or booking of cargo or passengers, at U.S. Gulf Coast ports for the foreign flag vessels of Compagnie Maritime Belge, S.A., and

its affiliates Armement Deppe, S.A., and Compagnie Maritime Congolaise, S.C.R.L. The proposed change to Clause 1 of FMC Agreement No. 9182 provides that Delta will operate one vessel every twenty days and the Belgian Line one vessel every 28 days to the Republic of the Congo and Portuguese Angola. The proposed change to Clause 2 deletes the provision which limited the Belgian Line to the operation of vessels eastbound only from the U.S. Gulf to the Republic of the Congo and Portuguese Angola.

Any person, firm, or corporation having an interest in this application who desires to offer views and comments

thereon for consideration by the Maritime Administrator, should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by the close of business on January 10, 1966. The Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

By Order of the Maritime Administrator.

Dated: December 23, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[P.R. Doc. 65-13932; Filed, Dec. 28, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HOSPITAL AND MEDICAL CARE AND TREATMENT

Recovery of Cost; Delegations of Authority

The Statement of Organization and Delegations of Authority of the Office of the Secretary published in 22 F.R. 1045 is hereby amended to raise from \$2,500 to \$5,000 the amounts for which the General Counsel may settle claims for the recovery from tortiously liable third parties of the cost of hospital and medical care furnished by the Department so that the section will read as follows:

SEC. 2-300.50 Delegation by the Secretary of authority relating to recovery of the cost of hospital and medical care and treatment under Public Law 87-693. (a) Pursuant to the authority granted by P.L. 87-693 (76 Stat. 593, 42 U.S.C. 2651 et seq.) and in accordance with the regulations of the Attorney General (28 CFR Part 43), the General Counsel is authorized, in connection with any claim for the recovery of the reasonable value of hospital and medical care and treatment furnished by this Department to (1) accept the full amount of a claim and execute a release therefor, (2) compromise or settle and execute a release of any claim not in excess of \$5,000 which the United States has for the reasonable value of such care or treatment, or (3) waive and in this connection release any claim, not in excess of \$5,000, in whole or in part, either for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease for which the care and treatment were furnished, and (4) with the prior approval of the Department of Justice, compromise, settle or waive any claim in excess of \$5,000 and execute a release therefor.

(b) The General Counsel may redelegate to other attorneys of the Office of the General Counsel any of the authority delegated to him by paragraph (a).

SEC. 2-300.50-1 Redelegations by the General Counsel. The General Counsel

has redelegated to the Assistant General Counsel and the Assistant Chief of the Public Health Division, Office of the General Counsel, and the attorney in that Division designated as legal advisor to the Bureau of Medical Services, Public Health Service, the authorities delegated to the General Counsel by section 2-300.50 above.

Dated: December 20, 1965.

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

[P.R. Doc. 65-13884; Filed, Dec. 28, 1965;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 54]

WEST INDIES FREIGHT SERVICE, INC.

Suspension of License

Whereas, by Order to Show Cause served November 29, 1965, the Federal Maritime Commission ordered that West Indies Freight Service, Inc., 345 East 99th Street, New York 29, N.Y., on or before December 10, 1965, either (1) submit a valid bond effective on or before December 17, 1965, or (2) show cause in writing or request a hearing to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916;

Whereas, West Indies Freight Service, Inc. advised the Commission that it is unable within the time prescribed to secure an effective surety bond;

It is ordered, Pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 1245), that the Independent Ocean Freight Forwarder License of West Indies Freight Service, Inc. be and is hereby suspended effective 12:01 a.m., December 22, 1965, until February 28, 1966, or such time as an effective surety bond is filed, whichever is sooner;

It is further ordered, That said license be revoked effective 12:01 a.m., March 1, 1966, unless an effective surety bond which meets the requirements of section 44(c), Shipping Act, 1916, and § 510.5(g) (3) of Federal Maritime Commission General Order 4 (46 CFR 510.5(g) (3)) is submitted before that date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

THOMAS LIST,
Secretary.

[P.R. Doc. 65-13853; Filed, Dec. 28, 1965;
8:45 a.m.]

BUREAU OF THE BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY U.S.

Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of

September 25, 1962 (Public Law 87-693; 76 Stat. 593) and delegated to the Director of the Bureau of the Budget by section 1 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), the following rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Reg-

ulations), and have been determined to represent the reasonable value of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, with the exception of Freedmen's Hospital, Washington, D.C., and Canal Zone Government hospitals—

	Effective Jan. 1, 1966, to June 30, 1966	Effective July 1, 1966, and thereafter
<i>Hospital care per inpatient day</i>		
Federal general and tuberculosis hospitals.....	\$44.00	\$45.00
Federal mental hospitals.....	16.00	16.50
Veterans Administration nursing home units.....	16.50	16.00
<i>Outpatient medical and dental treatment</i>		
Per facility visit.....	9.00	9.00

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment;

(c) For such care and treatment at Freedmen's Hospital, Washington, D.C., the rates shall be those charged full-pay private patients by the hospital at the time the care and treatment is furnished by the United States; and

(d) For such care and treatment at Canal Zone Government Hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other U.S. Government agencies.

The rates prescribed herein supersede those established by the Director of the Bureau of the Budget on September 1, 1964 (29 F.R. 12482).

CHARLES L. SCHULTZE,
Director,
Bureau of the Budget.

DECEMBER 20, 1965.

[P.R. Doc. 65-13878; Filed, Dec. 28, 1965;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16367; FCC 65-1122]

B&K BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of B&K Broadcasting Co., Selinsgrove, Pa., Docket No. 16367, File No. BP-16,183; requests: 1240 kc, 250 w, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) a petition to deny the application, filed August 17, 1965, by PAL Broadcasters, Inc., licensee of Station WBAX,

Wilkes-Barre, Pa.; and (c) pleadings in opposition and reply thereto.

2. The B&K application was accepted for filing notwithstanding the fact that it involved prohibited overlap of contours with co-channel WBAX (0.025 and 0.5 mv/m, respectively) as defined by § 73.37 (a) of the Commission's rules. By Memorandum Opinion and Order adopted March 31, 1965 (FCC 65-263, released April 7, 1965, 4 RR 2d 861), the Commission, in order to permit acceptance of the application for filing, waived the provisions of §§ 73.24(b) and 73.37 of the rules. In taking this action, the Commission found that B&K had presented unique and compelling circumstances warranting a waiver; namely, that Selinsgrove was the largest community in Snyder County and that neither the town nor the county had a local AM station; that the nighttime operation would serve a 100 percent "white area;" that the area of prohibited overlap was already subject to prohibited overlap from an existing station; and that it did not appear feasible to assign an FM channel to the town.

3. In its petition to deny, PAL Broadcasters raises essentially the same arguments it used in opposing acceptance of the application for filing, asserting that the proposed overlap would result in a loss of listeners, since the area of overlap is not presently subject to interference; that, although Selinsgrove has no local AM facility, the needs of the town are adequately served by Station WKOK Sunbury, Pa., 7 miles away in adjacent Northumberland County;¹ that, since Selinsgrove lies within the 1 mv/m contour of two FM stations, its lack of primary AM nighttime service should be afforded little weight; and that FM channels 237A and 265A presently assigned to Shamokin and Milton, Pa., respectively, could be allocated to Selinsgrove under the provisions of the "25 mile rule".² Finally, petitioner requests denial or designation of the application for hearing and the conditioning of any future

¹ This station places a primary signal over Selinsgrove only during daylight hours.

² Section 73.203(b).

grant so as to bar B&K from increasing power to 1 kilowatt.

4. In opposition, B&K contends that PAL Broadcasters lacks standing and that the petition is, in effect, an untimely petition for reconsideration of the Commission's action accepting the application, since it merely repeats the same contentions previously rejected. B&K denies that the overlap would create new interference; that Station WKOK adequately meets the needs of Selinsgrove; or that the significance of the fact that the proposal would serve a 100 percent "white area" is materially diminished by nighttime FM service from two distant stations. In addition, B&K argues that petitioner's contention with respect to the allocation of two unused FM channels to Selinsgrove is highly speculative because the rules require a 70 dbu signal over the town and no showing has been made as to the availability of a suitable transmitter site.

5. The question of PAL Broadcasters' standing to oppose the acceptance of B&K's application was met in the previous Memorandum Opinion and Order (supra, paragraph 2). There the Commission found that petitioner was entitled to standing as a "party aggrieved" by virtue of the fact that the Report and Order² revising the AM standards did not make an exception for overlap occurring in areas already subject to overlap from existing stations. Since petitioner was held to be a "party aggrieved" when B&K was a potential applicant, it is, a fortiori, entitled to standing now that the B&K application has been accepted for filing. Furthermore, the Commission disagrees with B&K's contention that the petition is essentially an untimely petition for reconsideration and therefore procedurally defective. While petitioner does repeat its original objections to the B&K application, it has every right to do so even though the 30-day period for the filing of a petition for reconsideration has expired. The purpose of the original objections was to prevent the acceptance of B&K's application for filing. Now that the application has been accepted, the same objections may once again be raised within the context of a pregrant petition seeking denial or designation of the application for hearing.

6. The most important single question here involves a determination as to what effect the proposed B&K 0.25 mv/m signal would have on the population within WBAX's 0.5 mv/m service area—there being no disagreement as to where the B&K contour would fall. Both parties have submitted conflicting exhibits by competent engineers; B&K contends that the overlap area is already subject to interference. On the other hand, petitioner claims that the WBAX service area is free from interference. After careful examination of both sets of engineering data, the Commission finds that petitioner has raised a substantial and material question of fact concern-

ing the potential modification of its license and, for this reason, is entitled to a hearing.

7. We have previously determined that the prohibited overlap standards contained in §§ 73.24(b) (1) and 73.37 of the rules would be waived to permit acceptance of this application. Our action constituted a finding that the unusual circumstances of this case warranted a departure from generally applicable AM allocation policy. In the hearing to be held now, therefore, it will be necessary to make an ad hoc determination regarding interference to station WBAX. For this purpose, the most appropriate guidelines to employ are the interference standards contained in section 73.182(v) of the rules. We wish to stress, however, that this type of ad hoc interference determination is appropriate only in a case such as this one—i.e., a case in which general AM allocation standards have previously been waived, owing to a unique combination of factual circumstances.

8. At this time, it will not be necessary for the Commission to make findings with respect to the arguments regarding the feasibility of assigning an FM channel to Selinsgrove and the availability of other daytime AM service to the area. Instead, these points will be considered after evidence with respect thereto has been introduced under the areas and populations issue. Petitioner's attempt to foreclose the possibility of B&K subsequently increasing power to one kilowatt is likewise anticipatory. Thus, we will defer consideration of the matter until such time as an application for an increase in power is properly before the Commission.

9. Except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station WBAX, Wilkes-Barre, Pa., and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Pal Broadcasters, Inc., licensee of Station WBAX, is made a party to the proceeding.

It is further ordered, That the petition to deny by Pal Broadcasters, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

Adopted: December 15, 1965.

Released: December 20, 1965.

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

[F.R. Doc. 65-13846; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket No. 16367; FCC 65M-1632]

B&K BROADCASTING CO.

Order Scheduling Hearing

In re application of B&K Broadcasting Co., Selinsgrove, Pa., Docket No. 16367, File No. BP-16,183; for construction permit.

It is ordered, This 21st day of December 1965, that Walther W. Guenther shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 20, 1966, commencing at 9 a.m.; And, it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: December 21, 1965.

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

[F.R. Doc. 65-13847; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket Nos. 16368, 16369; FCC 65M-1633]

CENTRAL BROADCASTING CORP. AND SECOND THURSDAY CORP.

Order Scheduling Hearing

In re applications of Central Broadcasting Corp., Madison, Tenn., Docket No. 16368, File No. BPH-3773; Second Thursday Corp., Nashville, Tenn., Docket No. 16369, File No. BPH-3778; for construction permits.

It is ordered, This 21st day of December 1965, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 15, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 31, 1966, commencing at 9 a.m.; And, it is further ordered, That all proceedings

² In re Amendment of Part 73 of the Commission's rules, FCC 64-609, released July 7, 1964, 2 RR 2d 1653.

shall be held in the Offices of the Commission, Washington, D.C.

Released: December 21, 1965.

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

[P.R. Doc. 65-13848; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket No. 14650; FCC 65M-1615]

DOMESTIC TELEGRAPH SERVICE

Order Regarding Procedural Dates

The Examiner having under consideration the hearing conference held on December 16, 1965, and the agreements reached therein:

It is ordered, This 16th day of December 1965, that the following provisions shall be applicable to the further proceedings herein:

(a) It is stipulated that A.T. & T. Exhibits 81 through 88 may be received in evidence at the further hearings provided herein, without the attendance at the hearing of the respective sponsoring witnesses.

(b) Any participant who desires the attendance of a sponsoring witness as to such A.T. & T. Exhibits 81 through 88 shall give notification thereof to all other participants and the Examiner, on or before January 4, 1966, together with a statement of the reasons therefor and the questions proposed to be asked of such witness. Commission counsel will notify all participants of the joint disposition of the Examiner and Commission counsel to endorse or to disallow such requests. Notification of the disposition of such requests shall be delivered orally, or in writing, to A.T. & T. and to any party filing such request, on or before January 7. Notification to all other participants may be provided by notification deposited in the mail on that date.

(c) The sponsors of A.T. & T. Exhibits 90 and 91 shall be present at the further hearings provided herein and shall be available for cross-examination in the manner heretofore provided in this proceeding.

(d) The further hearings herein shall be held at the Commission's offices in Washington, D.C., commencing on January 13, 1966, at 10 a.m.

(e) Absent a demonstration of compelling necessity for further proceedings herein, it is contemplated that the record in this case will be closed following the completion of the presentation of the evidence referred to above.

Released: December 17, 1965.

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

[P.R. Doc. 65-13849; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket No. 16275; FCC 65M-1630]

VIRGIN ISLANDS TELEPHONE CORP.

Order Following Prehearing Conference

In re applications of Virgin Islands Telephone Corp., Docket No. 16275, File No. 5174-C2-P-64; for construction permit to establish new two-way land mobile communication services on St. Thomas, V.I. At a prehearing conference held on November 29, 1965, these actions were taken:

1. Without objection from any party a motion by the Government of the Virgin Islands to Intervene in the proceedings was granted.¹

2. By agreement of all parties, these procedural steps are to be effected: on January 3, 1966, the applicants will exchange with other parties their direct engineering presentations in writing; on January 11, 1966, the applicants will similarly exchange their direct nonengineering, or lay, presentations; hearing scheduled for December 21, 1965, is continued to January 19, 1966.

3. It was agreed that the Common Carrier Bureau will review the engineering presentations submitted by the parties subsequent to their exchange, and prior to hearing, and make such comment on them as it deems appropriate; it was also agreed that in connection with the Bureau's comments the Bureau may engage in such ex parte communications with the other parties as it deems appropriate.

4. In the event the Bureau finds the direct engineering presentations of the applicants unobjectionable, additional issues are not added, or developments at hearing are not of such a nature as to present new or novel problems upon which the Bureau would wish to take a stand, it is not the intention of the Bureau to further participate in the proceedings.

To the extent that order of the Examiner is required to effectuate the agreements and understandings outlined above: *It is ordered*, This 20th day of December 1965.

Released: December 21, 1965.

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

[P.R. Doc. 65-13850; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket No. 16318; FCC 65M-1634]

NEW SOUTH BROADCASTING CORP.

Order Continuing Prehearing Conference

In re application of New South Broadcasting Corp., Meridian, Miss., Docket No. 16318, File No. BPH-4818; for construction permit.

¹ A separate order covering this ruling was issued December 17, 1965.

Upon oral request of counsel for the Broadcast Bureau, and with the informal consent of counsel for the applicant thereto: *It is ordered*, This 21st day of December 1965, that the prehearing conference heretofore scheduled for December 28, 1965, is hereby rescheduled for January 5, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: December 21, 1965.

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

[P.R. Doc. 65-13851; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket Nos. 16110-16115; FCC 65M-1640]

CIRCLE L, INC. ET AL.

Order Scheduling Prehearing Conference

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; The Benay Corp. (KTEE), Idaho Falls, Idaho, Docket No. 16112, File No. BP-16216; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Meyer (Mike) Gold (KLUC), Las Vegas, Nev., Docket No. 16114, File No. BP-16401; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

Applicant 780, Inc. filed a request on December 20 to extend the procedural dates in this proceeding. Good cause has been demonstrated; the request can be accommodated. *Accordingly, it is ordered*, This 23d day of December 1965, that the dates for the exchange of engineering material, for the engineering conference, and for further prehearing conference are revised as follows: Preliminary engineering exchange—December 28, 1965; conference of engineers—January 28, 1966; further prehearing conference—February 4, 1966.

Released: December 22, 1965.

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

[P.R. Doc. 65-13852; Filed, Dec. 28, 1965;
8:45 a.m.]

[Docket No. 16258; FCC 65-1143]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Co., Docket No. 16258; charges for interstate and foreign communication service.

1. The Commission has under consideration the procedures to be followed in this investigation in order to determine

the issues specified in our Memorandum Opinion and Order of October 27, 1965, in the most expeditious and orderly fashion. The proceeding is one involving several complex and very important questions. It is desirable for the Commission and the parties to focus sharply upon these questions. It is important, from the standpoint of the Commission processes and the interests of the parties, to resolve the questions as quickly as practicable. Finally, it would serve the public interest to effect any rate adjustments as may be necessary as promptly as possible, even if on an interim basis. For all these reasons, we have decided that the investigation shall proceed in two stages, described hereafter. We believe that the questions fairly lend themselves to such two-stage treatment and that the division will make our consideration of these complex matters more expeditious and efficient. Furthermore, in view of the importance of this proceeding, we are, as hereinafter ordered, designating the members of the Telephone Committee to serve as a panel of commissioners who will preside at the hearings. The panel will, of course, initiate such requests and entertain such motions as are appropriate to expedite the proceeding.

2. Phase 1: In Phase 1, we shall consider the substantial questions raised by the seven-way cost study, which we found to warrant "a thorough examination by the Commission of the interstate rate structure of the Bell System to determine the lawfulness of the rate levels and rate relationships within that structure." (October 27 Order, par. 1; Issues Nos. 3, 4, and 5.)¹ These questions are of fundamental importance, clearly call for the sharp focus referred to in the above paragraph, and should be resolved as promptly as possible.

3. Accordingly, in Phase 1 of this proceeding, the Commission will consider respondents' total revenue requirements applicable to their interstate and foreign communication services, and the relevant rate-making principles and factors that shall control in the distribution of such revenue requirements among respondents' principal rate classifications. It is desirable that such structural adjustments as may be necessary be achieved on an interim basis within the framework of as sound and reasonable a base of total revenue requirements as it is possible to determine pending resolution of all of the issues raised by this proceeding. Therefore, respondents shall present for examination their total interstate and foreign operating results based on the most recent 12 months for which data are available, adjusted for

¹ These issues are also involved in Phase 2. Our two-step procedure is designed to specify the questions and evidence to be considered in each Phase (see paragraphs 2 and 3 above) and to permit an interim resolution of the pertinent issues in the light of the evidence adduced. We stress therefore that that resolution may well be of an interim nature, calling for further refinement or revision on these issues in the light of the evidence adduced in Phase 2.

all known factors affecting revenues, investment, reserves, expenses and taxes which have occurred during that period, and which may be reasonably anticipated to occur in the foreseeable future. Respondents shall also make an appropriate showing, with full justification, as to the rate of return they require with respect to their total interstate and foreign operations. In connection with respondents' presentations as to the appropriate rate-making principles and factors which should govern the proper relationships among the rate levels for each of their principal services, respondents shall take into consideration the wide variations in level of earnings revealed by the aforementioned seven-way cost study. Respondents shall indicate the specific rate adjustments, if any, which they consider should be made on an interim basis in the light of such study results and the rate-making principles and factors advocated by them.

4. After opportunity for cross-examination and presentation of evidence by the parties and the Commission's staff, pertinent to the foregoing matters, the Commission will consider what interim actions, if any, may be warranted in light of the record as it then stands; i.e., accepting for this purpose respondents' claimed net investment and expenses as derived from their books without adjustment, and, if the circumstances require, issuing such orders as it finds appropriate.

5. Phase 2: Upon completion of Phase 1, further proceedings will be held upon the issues in the October 27 Order, to deal with all other matters relating to a just and reasonable level of earnings for respondents' interstate operations and major classes thereof (e.g., see paragraphs 4 (b), (c), and (d) of Memorandum Opinion and Order denying reconsideration, FCC 65-1144). It is anticipated that the investigation in this second Phase can progress following the closing of the record on Phase 1 and pending a decision on that Phase.

6. We believe that the two-phase procedure will serve to expedite an overall final determination. It will permit the Commission to resolve these fundamental questions more efficiently, as well as permit interim action where the need for such action has been established. In our judgment, therefore, the procedure will "best conduce to the proper dispatch of the Commission's business and to the ends of justice." (Section 4(j) of the Communications Act.)

7. As noted above, we are designating the members of the Telephone Committee as a panel of Commissioners to preside over this proceeding with the assistance of an Examiner to be named who will sit with them and preside in their absence. As hereinafter provided, this panel will issue the recommended decision or decisions in this proceeding. Thus, such recommended decision will reflect the views of three members of the Commission. We believe that in this way the policy issues and considerations will be sharpened and that this procedure will aid the parties in making their argu-

ments to the Commission at the time of final decision.²

8. Since these procedures are the subject of dissent with respect to the matter of separation of functions, we shall set out briefly our views concerning the pertinent legal and policy considerations. The separation of functions procedures which we follow here are not novel. They are long established, having been consistently employed by the Commission since the inception of its rate-making functions. They have been used in several recent important Commission rate-making proceedings. See e.g., Private Line case, 34 FCC 217; WADS case, 35 FCC 149. Most important, the lawfulness of the procedures is also well established. The applicable statutory provisions, their legislative history and a recent judicial decision are directly in point.

9. Section 5(c) of the Administrative Procedure Act (APA) sets forth the separation of functions requirement applicable generally to adjudicatory hearings. But the section, by its terms, is

² The legislative history conclusively establishes the stated intent of Congress not to make the separation of functions requirement applicable to rule-making (including rule-making to prescribe rates):

(i) "[Rule-making], of course, is not subject to any provision of section 5" (Senate Committee Report, S. Doc. No. 248, 79th Cong., 2d Sess., pp. 204-5).

(ii) "Section 5(c) * * * has no application whatever to rule-making, as defined in section 2(c)" (Attorney General's Interpretation, id. at p. 227).

(iii) "Various agencies objected to any provision for the separation of functions in rule-making, a suggestion which the present bill expressly carries even further because section 5 which contains the segregation provision does not apply to rule-making * * *" (House Committee Report, id. at p. 248).

(iv) "[Subsection 5(c)] does not apply in cases concerning the validity or application of rates, facilities, or practices of public utilities or carriers because these types of cases are customarily consolidated with rule-making proceedings where the separation of functions is not required so that, unless excepted from this provision, either rule-making would be restricted beyond the intent of the bill or consolidated proceedings would be impossible * * *" (House proceedings, id. at p. 361).

(v) "Rule-making, of course, is not subject to section (5)" (Attorney General's Manual on the Administrative Procedure Act (1947), p. 50).

The quotation from the House Judiciary Committee Report, relied upon by the dissent (pp. 4-5), contains a similar statement ("[Rule-making], of course, is not subject to any provision of section 5"—id. at pp. 262-63). The "either kind of case," referred to in the quotation, which in some instances "tend to be accusatory in form and involve sharply controverted factual issues," are adjudicatory cases involving initial licenses or the reasonableness of rates in the past. In any event, the rate-making proceeding here instituted is not "accusatory in form. * * *" It is a broad rate-making investigation for the future, designed simply to ascertain the facts and make policy judgments based upon those facts. If this proceeding does not come within "the intent of the bill" to exempt rule-making from 5(c) (id. at p. 361), the exemption would be largely meaningless in the rate-making field.

not applicable to rule-making (including rule-making to prescribe rates). The legislative history is also explicit in this regard. Administrative Procedure Act—Legislative History, S. Doc. No. 248, 79th Cong., 2d Sess. 229 (1947).¹ And, the Act in section 2(c) establishes that the term "rule" includes "the approval or prescription for the future of rates * * *". The Attorney General's Manual recognizes that "the entire Act is based upon dichotomy between rule-making and adjudication," and sets forth in detail the reasons which led Congress to establish this dichotomy.² Congress clearly showed its intent to exclude rate-making for the future from the separation of functions requirement by specifying that even adjudicatory proceedings involving the validity of past rates are similarly exempt, because they are so often combined with the future rate-making proceeding. Section (5) (c), S. Doc. No. 248, at p. 361.

10. In 1952, the Congress considered the separation of functions question and decision-making procedures in the specific context of Commission practice. It specified that all cases of adjudication, including initial licensing and cases involving past rates, should be subject to separation of function requirements, and that generally the initial decision in all such cases should be prepared by the presiding officers.³ But at the same time Congress considered and expressly rejected the concept that separation of function procedures must be utilized by the Commission in rate-making proceedings.⁴

11. In 1961, the Congress for a third time considered the separation of functions question, when it again amended the separation of functions provisions contained in section 409 of the Communications Act.⁵ On this further reappraisal Congress did not extend the separation of function provisions to rate-making.

12. Congress has thus on several occasions considered this precise question. It has acted with full knowledge of the Commission's rate-making procedures. Its determination has been not to extend the separation of functions requirement to Commission rate-making proceedings.

13. The judicial precedent reflects the above and also establishes the constitutionality of such procedures. The most recent decision, and the one which directly involved Commission rate-making procedures, is *Wilson & Co. v. U.S.*, 335 F. 2d 788 (C.A. 7). The question of the Common Carrier Bureau's role in rate-

making proceedings, and the meaning of the second Morgan case were raised and extensively argued both in the Court of Appeals and on petition for certiorari to the Supreme Court. The Court of Appeals, after considering the arguments and the provisions of the APA (particularly section 2(c) specifying that rate-making is rule-making), stated (335 F. 2d at 796):

We hold that it was proper for members of the Common Carrier Bureau who were counsel of record in the hearing before the Commission to participate in the decisional process that led to the orders under review; and that the conduct did not violate section 3(a) of the Administrative Procedure Act, 5 U.S.C. 1002(a), sections 409(c) and 205(a) of the Communications Act of 1934, 47 U.S.C. 409(c), 205(a), the Commission's own rules, as well as constitutional due process.

Wilson sought certiorari on this specific point; the Commission opposed certiorari, and the petition was denied. 380 U.S. 950, 951 (1965).⁶

14. There remains the question of whether the procedures which we have been following in rate-making cases, and which we propose to follow in this proceeding, are sound as a matter of policy. Initially, we point out that the above-described Congressional actions—particularly that of 1952—are in point with respect to this policy question, since they reflect Congressional recognition of the soundness of the policies underlying the Commission's long established separation of functions procedure in the rate-making field. After review of these procedures, as well as of the various alternatives which have been suggested, we are convinced that these procedures are best calculated to serve the public interest—for the very reasons that led Congress to establish and maintain the dichotomy between rate-making and adjudication.

15. The nature of the ratemaking process is of primary importance. That process is inherently legislative rather than judicial.⁷ It requires, particularly in a proceeding such as the present one, a detailed, continuing and current knowledge of all facets of the industry in order to resolve a myriad of complex and highly technical issues. The Commission, therefore, expects its Common Carrier Bureau to provide such expert

¹ *Sangamon Valley Television Corp. v. U.S.*, 269 F. 2d 221, is not applicable to the present situation. That case concerned *ex parte* presentations by interested parties in a rule-making proceeding involving "resolution of conflicting private claims to a valuable privilege." The *Sangamon* decision did not hold or imply that the Commission could not consult with its staff in such rule-making proceedings.

² The object of the (ratemaking) proceeding is the implementation or prescription of law or policy for the future, rather than the evaluation of respondent's past conduct. Typically the issues relate not to the evidentiary facts, as to which the veracity and demeanor of witnesses would often be important, but rather to the policymaking conclusions to be drawn from the facts * * * Attorney General's Manual on the Administrative Procedure Act, August 27, 1947, at p. 14.

assistance, as it may require, both in the many ratemaking problems handled informally and in those matters which the Commission determines to require resolution in a formal investigation. In the latter event the function of the Common Carrier Bureau is not to be an advocate of a preconceived position or to take a conventional adversary position. Rather it is to insure the development of a full and complete record which presents the facts and other ratemaking considerations relevant to a fair and meaningful legislative determination by the Commission of the complex issues involved.

16. As stated, expert advice and assistance will be particularly vital to the Commission in the preparation of its decisions in this complex legislative proceeding. Further, to deprive the Commission of access to its expert staff would, we believe, jeopardize the important public interest goal of concluding this proceeding within an appropriate time period.

17. The recent recommendation of the administrative conference recognizes the importance of not separating the agency members from their expert staff. The conference report rejected such an approach as

* * * unrealistic and [resulting] in uninformed decisions. Instead of providing protection to the various interests involved, it magnifies the danger that extraneous considerations will govern the decision if the agency heads are not free to fully inform themselves of the facts and issues. (Pages 109-110, Selected Reports of the Administrative Conference of the United States, 88th Congress, 1st Session, Senate Document No. 24.)

The committee concluded that "a balance must be struck" and sought to achieve that balance by the recommendation that "consultation with the lawyers and technical personnel who worked on the case should be limited," with the agency heads particularly free "to consult with the bureau chiefs * * * and their top assistant * * *" (Id. at p. 110). See recommendation 19 of the administrative conference. We have considered the compromise suggestion but find that, in any event, it would be impractical in the circumstances (i.e., the Commission's relatively limited staff of common carrier experts who will be called upon to participate substantially in a proceeding of this magnitude and importance). In view of the foregoing discussion, we believe strongly that any balance of the policy considerations involved should be resolved in this proceeding in favor of continuing the Commission's established procedures, formulated in line with both the provisions of the APA and the Communications Act and their legislative history.

18. We conclude, therefore, that, in view of the legislative nature of these proceedings and the nonadversary role of the bureau, the procedures we propose to follow are legally sound and are best calculated to serve the public interest by assisting us to carry out our rate-making functions efficiently, expeditiously, and fairly.

¹ Attorney General's Manual on the Administrative Procedure Act, Aug. 27, 1947, at pp. 14-15.

² Section 16, Public Law 554, 82d Cong., 2d Sess., July 16, 1952, amending section 409 of the Communications Act.

³ S. Rept. No. 44, 82d Cong., 1st Sess., January 1951; Hearings Before the House Committee on Interstate and Foreign Commerce, 82d Cong., 1st Sess., on S. 658, at p. 66 (1951); H.R. Rept. No. 1750, 82d Cong., 2d Sess., Apr. 8, 1952, at pp. 18-20.

⁴ Public Law 87-192, 87th Cong., 1st Sess., August 31, 1961.

ORDER

It is ordered, That the telephone committee is, pursuant to sections 4(j) and 5(d)(1) of the Communications Act of 1934, as amended, and sections 7(a) and 8(a) of the Administrative Procedure Act, designated as a panel of Commissioners to preside at the hearing with the assistance of an Examiner to be named who shall sit with them and preside in their absence, and our memorandum opinion and order of October 27, 1965, herein is modified accordingly;

It is further ordered, That upon completion of the receipt of evidence relating to phase 1, consideration will be given to what action, if any, may be taken by the Commission to effect interim rate adjustments as may be warranted on the basis of the record thus far made, and such further order or orders will issue as may be appropriate to this end;

It is further ordered, That upon completion of the record with respect to phase 1, the proceeding as to phase 2 shall proceed pursuant to such further order or orders of the panel governing procedures as then appear appropriate;

It is further ordered, That upon completion of the receipt of the evidence relating to phase 2, the panel of Commissioners shall, after consideration of proposed findings and conclusions with supporting reasons as provided by 47 CFR 1.263 and 1.264, prepare and issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided by 47 CFR 1.276 and 1.277 after which the Commission shall issue its decision as provided by 47 CFR 1.282; and

It is further ordered, That respondents, on or before April 4, 1966, shall submit to the panel of Commissioners and shall serve upon all parties herein, in writing, all testimony and exhibits of respondents specifically and completely responsive to the questions and matters relating to phase 1 of the proceeding as described above.

Adopted: December 22, 1965.

Released: December 23, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13885; Filed, Dec. 28, 1965;
8:48 a.m.]

[FCC 65-1164]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

DECEMBER 23, 1965.

Notice is hereby given that the application listed below is accepted for filing and that on February 9, 1966, the appli-

* Commissioner Cox concurring and issuing a statement; Commissioner Loevinger dissenting and issuing a statement. Both filed as part of original document.

cation will be considered as ready and available for processing.

WCHS, Charleston, W. Va.
WCHS-AM-TV Corp.
Has: 580 kc, 5 kw, DA-N, U.
Req: Major change in antenna pattern at new site.

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on February 8, 1966, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on February 8, 1966, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above-listed application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements related to such pleadings.

Adopted: December 22, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13886; Filed, Dec. 28, 1965;
8:48 a.m.]

[Docket Nos. 14321-14328; FCC 76-1161]

BLACK HILLS VIDEO CORP.

Order Extending Stay of Effective Date

In re applications of Black Hills Video Corp., Docket No. 14321, File No. 223-C1-R-61; for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Mo.; Docket No. 14322, File No. 361-C1-ML-61; for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Mo.; Docket No. 14323, File No. 338-C1-R-61; for renewal of the license for Station KCU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Tex.; Docket No. 14324, File No. 752-C1-R-61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colo.; Docket No. 14325, File No. 753-C1-R-61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebr.; Docket No. 14326, File

¹ Commissioner Wadsworth absent.

No. 754-C1-R-61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebr.; Docket No. 14327, File No. 755-C1-R-61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyo.; Docket No. 14328, File No. 756-C1-R-61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, S. Dak.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

The Commission having under consideration its: (1) Memorandum Opinion and Order, FCC 65-986, released October 29, 1965, (2) a request filed December 22, 1965, by Black Hills Video Corp. for a further stay of the effective date of our orders herein, together with the engineering report attached thereto, and (3) the opposition of Turner-Farrar Association, licensee of Station KPOB-TV, Poplar Bluff, Mo.;

It appearing, that by our Memorandum Opinion and Order, FCC 65-986, released October 29, 1965, we stayed to January 1, 1966, the effectiveness of the carriage provisions with respect to the CATV system at Rapid City, S. Dak., imposed upon the grants of the applications of Black Hills Video Corp. for renewal of licenses and for modification of license in order to afford the applicant an opportunity to submit an engineering report concerning the feasibility of using channel 4 at Rapid City; and that said stay was granted on condition that the aforementioned CATV system provide local television stations with simultaneous nonduplication protection, such nonduplication protection to commence not later than 12:01 a.m., November 15, 1965;

It further appearing, that the aforesaid November 15, 1965, effective date was extended by our Memorandum Opinion and Order, FCC 65-1006, released November 12, 1965, for a period ending 3 days after entry by the Court of Appeals for the District of Columbia Circuit of an order denying the applicant's then pending motion for a stay of the Commission's orders pending completion of judicial review;

It further appearing, that on December 17, 1965, the Court denied the applicant's motion for stay;

It further appearing, that the engineering report required by our Memorandum Opinion and Order released October 29, 1965, has now been submitted;

It further appearing, that the local television stations and other interested parties should be afforded an opportunity to comment on the said engineering report and to furnish additional information;

It further appearing, that the effectiveness of the carriage provisions with respect to the CATV system at Rapid City should be stayed for an additional period in order to afford the Commission an op-

portunity to study the engineering report submitted by Black Hills and any comments which may be submitted by other interested parties:

It is ordered. That the stay of the effective date of the carriage provisions with respect to the CATV system at Rapid City, S. Dak., authorized by our Memorandum Opinion and Order, FCC 65-986, released October 29, 1965, is extended to 12:01 a.m., January 15, 1966, subject to all of the conditions for simultaneous nonduplication protection for the local television stations specified therein:

It is further ordered. That the period within which the local television stations or other interested parties may submit further information concerning the feasibility of using cable Channel 4 at Rapid City is extended to December 30, 1965; and

It is further ordered. That the request of Black Hills Video Corp. for a stay of the effectiveness of the Commission's orders in all other respects is denied.¹

Released: December 23, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-13887; Filed, Dec. 28, 1965;
8:48 a.m.]

[Docket Nos. 16060, 16061; FCC 65M-1643]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROAD- CASTING CO.

Order Scheduling Conference

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith, doing business as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH-4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH-4655; for construction permits.

This case was heard on October 1, 1965, and November 8, 1965. The record closed on the latter date. On November 26, 1965, the Commission's review board by Memorandum Opinion and Order (FCC 65R-419) added the following issues to the proceeding:

"To determine whether John E. White or any other partner in Clay County Broadcasting Co., at any time after public notice was given of the filing of a conflicting application, solicited Gov. Edward T. Breathitt, of Kentucky, or Father Walter O'Donnell to make an ex parte presentation to the Commission in behalf of their application.

"To determine, in light of evidence adduced pursuant to the foregoing issue,

¹ Accordingly, full compliance with the carriage and nonduplication conditions heretofore imposed upon the grants of the applications of Black Hills Video Corp. for renewal of licenses and for modification of license with respect to the CATV systems at Ellsworth Air Force Base, S. Dak., and Poplar Bluff, Mo., is required.

² Commissioners Bartley and Cox not participating.

whether Clay County Broadcasting Co. possesses the requisite character qualifications to be a licensee of the Commission."

Accordingly, it is ordered. This 22d day of December 1965, that the record in this proceeding is reopened and that a conference will be held in the offices of the Commission at 10 a.m., January 4, 1966, to discuss trial of the added issues.

Released: December 22, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-13888; Filed Dec. 28, 1965;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2497]

BROWN & SHARPE MANUFACTURING CO.

Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

DECEMBER 22, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security. The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Brown & Sharpe Manufacturing Co., File 7-2497.

Upon receipt of the request, on or before January 6, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 65-13859; Filed, Dec. 28, 1965;
8:46 a.m.]

[File No. I-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 22, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered. Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 23, 1965, through January 1, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 65-13880; Filed, Dec. 28, 1965;
8:46 a.m.]

TARIFF COMMISSION

[1332-47]

CERTAIN PRODUCTS SUBJECT TO DUTY

Notice of Investigation of Provisions of Tariff Schedules on American Selling Price Basis of Valuation

Notice is hereby given that the U.S. Tariff Commission, on the basis of a request made by the Special Representative for Trade Negotiations at the direction of the President, has instituted, pursuant to section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), an investigation with respect to the following products which for duty purposes are subject to the American selling price basis of valuation:

1. Canned clams: Schedule 1, part 3E, headnote 1; item 114.05.
2. Chemical products: Schedule 4, part 1, headnotes 4 and 5; all items in subparts B and C.
3. Footwear: Schedule 7, part 1A, headnote 3(b); item 700.60.
4. Knit gloves: Schedule 7, part 1C, headnote 4, item 704.55.

This investigation is being made for the purpose of determining those rates of duty for the aforementioned products

which, in the absence of headnote provisions cited above, would in the judgment of the Commission have provided an amount of collected duty on imports of such products during a recent period substantially equivalent to that amount provided under such headnote provisions (or predecessor provisions) in such period. The Commission is asked to determine these rates of duty in accordance with sound standards of tariff nomenclature and to indicate its assessment of the degree of equivalency of protection achieved.

No hearing is being ordered at this time. However, the Commission expects to publish in due course a list of converted rates of duty for the aforementioned products, and to order a public hearing in connection therewith.

The Commission urges all interested parties to submit, in writing, at the earliest practicable date but no later than January 24, 1966, written suggestions and views with respect to the subject matter of the investigation, to assist the Commission in the formulation of the tentative list of converted rates.

The letter received by the Commission from the Special Representative for Trade Negotiations requesting this investigation is published herewith.

Issued: December 23, 1965.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

OFFICE OF THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Washington, D.C.
December 22, 1965

DEAR MR. BENT: The American selling price basis of valuation, which affects the tariff treatment of certain chemical products and several other products, has been subject to growing criticism, particularly with regard to its alleged additional protective effect.

The involved products and provisions of the Tariff Schedules of the United States are as follows:

1. Canned clams: Schedule 1, part 3E, headnote 1; item 114.05.
2. Chemical products: Schedule 4, part 1, headnotes 4 and 5; all items in subparts B and C.
3. Footwear: Schedule 7, part 1A, headnote 3(b); item 700.00.
4. Knit gloves: Schedule 7, part 1C, headnote 4; item 704.55.

In order to provide a sound basis for United States policy in this field, I am requesting, at the direction of the President, that the Tariff Commission undertake an investigation, through a public hearing and other appropriate means, to determine those rates of duty for the products mentioned above which, in the absence of the headnote provisions, would in its judgment have provided an amount of collected duty on imports of such products during a recent period substantially equivalent to that amount provided under such headnote provisions (or predecessor provisions) in such period. The Tariff Commission should determine these rates of duty in accordance with sound standards of tariff nomenclature, indicating its assessment of the degree of equivalency of protection achieved.

I would appreciate receiving the report of the Tariff Commission's investigation with respect to the chemical and other products concerned as soon as practicable.

I am also requesting the Bureau of Customs to give the Tariff Commission all possible assistance in carrying out this investigation.

Most sincerely yours,

CHRISTIAN A. HERTER,
Special Representative.

MR. DONN N. BENT,
Secretary,
U.S. Tariff Commission,
Washington, D.C., 20436.

[F.R. Doc. 65-13867; Filed, Dec. 28, 1965;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 861]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

DECEMBER 23, 1965.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

¹ Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 151 (Sub-No. 31), filed December 10, 1965. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and those injurious or contaminating to other lading), between Paris, Ill., and junction Illinois Highway 133 and U.S. Highway 36, over Illinois Highway 133, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 906 (Sub-No. 52), filed December 9, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite of Spencer Packing Co. at Schuyler, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1641 (Sub-No. 67), filed December 13, 1965. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from the plantsite of Consumer Cooperative Association at, or near Council Bluffs, Iowa, and (2) *fungicides, insecticides and herbicides*, from Council Bluffs, Iowa, to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1872 (Sub-No. 61), filed December 8, 1965. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah, 84104. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah, 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *Such commodities as require special equipment and handling by reason of their unusual weight, bulk, or length, and in connection therewith, materials and supplies not of unusual weight, bulk, or length, used or to be used in con-*

struction, road building, mining, telephone, or demolition projects, in truckloads of not less than 4,000 pounds, between points in Montana, Nevada, Utah, and Wyoming, points in Arizona north and west of the Colorado River, points in Colorado on and west of U.S. Highway 85, and points in that part of Idaho south of, but not including, Idaho County, Idaho.

(2) *Commodities* which do not require the use of special equipment or handling, other than such "materials and supplies" set forth in paragraph 1 hereof, when moving in the same shipment or in the same vehicle with commodities which, because of size or weight, require the use of special equipment, and *rejected shipments*, on return. **NOTE:** Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above. (B) (1) Such *commodities* as require special handling or special equipment by reason of weight or size, in truckloads, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona. Such service authorized above is subject to the following restrictions: (a) Service is not authorized between points served by railroad, where both origin and destination are located on a railroad line; (b) service is not authorized to or from points in Nye, Esmeralda, and Mineral Counties, Nev.; (c) service is not authorized to or from rail heads in Nevada where origin or destination is a point in Nevada; and (d) service is not authorized between points in Nevada, on the one hand, and, on the other, points in Arizona and Idaho. (2) *Commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, and *rejected shipments*, on return. **NOTE:** Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above.

(C) (1) Such *commodities* as require special handling or special equipment by reason of weight or size, *explosives, lumber, building materials, and mining equipment and supplies*, between Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, on the one hand, and, on the other, points in Teton, Lincoln, Sublette, and Uinta Counties, Wyo., points in Nevada, and points in Idaho, except points north of the Salmon River. (2) *Commodities* which do not require special handling or the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require special handling or the use of special equipment, and *rejected shipments*, on return. **NOTE:** Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above. (D) (1)

Commodities, the transportation of which, because of size or weight, require the use of special equipment, and *materials, supplies, and equipment*, used in telephone and power pole lines, between points in Utah, on the one hand, and, on the other, points in New Mexico. (2) *Commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, and *rejected shipments*, on return. **NOTE:** Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that it is seeking only an extension of authority in (2) above.

(E) (1) *Commodities*, used or to be used in construction, road building or mining projects, telephone and power pole lines, or demolition jobs (except road oils, asphalt, bitumals, petroleum or petroleum products, in bulk), when their transportation because of size or weight requires the use of special equipment, and *related equipment, materials and supplies*, when the transportation thereof is incidental to the transportation by said carrier of such commodities, between points in Utah, Montana, Idaho, Nevada, Arizona, Colorado, and Wyoming. (2) *Commodities* which do not require the use of special equipment, other than related equipment, materials and supplies, when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment, and *rejected shipments*, on return. **NOTE:** Applicant states that it presently holds the authority in (1) above and is not requesting any extension of territory. Applicant states that the purpose of this application is to permit the applicant to give a complete service to its customers. Applicant states that its present size and weight authorities have no restrictions against tacking and it intends to continue to tack its various authorities if granted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 2900 (Sub-No. 129), filed December 2, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. Applicant's representative: Francis W. McInery, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Norfolk, Va., and points within fifteen (15) miles thereof, to points in Connecticut and Rhode Island. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3379 (Sub-No. 49), filed December 7, 1965. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's representative: John C. Bradley, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as

a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Cleveland, Ohio and Breezewood, Pa., from Cleveland over U.S. Highway 21 to Brecksville, Ohio, thence over Ohio Highway 82 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to Breezewood, and return over the same route, serving Cleveland without restriction and serving Breezewood for purposes of joinder only with carrier's authorized regular route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 21170 (Sub-No. 124) (Amendment), filed October 29, 1965, published in FEDERAL REGISTER issue of November 11, 1965, amended December 15, 1965, and republished as amended this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Minnesota, Nebraska, and Wisconsin. **NOTE:** The purpose of this republication is by adding the destination State of Indiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 134), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Blue Earth, Glencoe, LeSueur, and Montgomery, Minn., to points in Nebraska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 21170 (Sub-No. 135), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Detroit, Mich., to points in Illinois, Indiana, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 21170 (Sub-No. 136), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and points in New York, N.Y., commercial zone and Union County, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and

Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant does not specify location.

No. MC 21179 (Sub-No. 137), filed December 9, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Robbinsville, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 21170 (Sub-No. 138), filed December 10, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Salina, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 139), filed December 10, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 140), filed December 13, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, from Duryea, Pa., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 21170 (Sub-No. 141), filed December 13, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Colorado, California, Washington, Oregon, Arizona, Idaho, Utah, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 21170 (Sub-No. 142), filed December 13, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plants and warehouse of Pet Milk Co. at or near Allentown and Chambersburg, Pa., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, and St. Louis, Mo. **NOTE:** If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 22195 (Sub-No. 116), filed December 8, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota, to points in North Dakota and Minnesota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 30844 (Sub-No. 204), filed December 8, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sterling, Colo., and points within five (5) miles thereof, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Mas-

sachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 36832 (Sub-No. 17), filed December 9, 1965. Applicant: AMERICAN TRANSIT LINES, INCORPORATED, 221 North La Salle Street, Chicago, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 44494 (Sub-No. 2), filed December 9, 1965. Applicant: COMMANDER HORSE TRANSPORT CO., INC., Warrenton Lanes Building, Warrenton, Va., 22186. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses and ponies*, other than ordinary, and, in connection therewith, *personal effects of attendants, supplies, equipment, and mascots* used in the care and exhibition of such animals, (1) between points in North Carolina, on the one hand, and, on the other, points in South Carolina, and (2) between points in Kentucky, on the one hand, and, on the other, points in Ohio, Maryland, Delaware, Pennsylvania, North Carolina, South Carolina, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52458 (Sub-No. 204), filed December 6, 1965. Applicant: T. I. McCORMACK TRUCKING COMPANY, a corporation, U.S. Route 9, at Green Street, Woodbridge, N.J., 07095. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Bradford, Emlenton, and Farmers Valley, Pa., to points in Connecticut, Maine (except points in Aroostook County), Massachusetts, New Hampshire, Rhode Island, Vermont, points in New York on and east of U.S. Highway 11 commencing at the New York-Pennsylvania State line to Syracuse, N.Y., thence along New York Highway 57 on Lake Ontario at Oswego, and points in New Jersey on and north of New Jersey Highway 33 commencing at the Atlantic Ocean, thence westerly along New Jersey Highway 33 to Hightstown, N.J., thence westerly along a line extending from Hightstown, N.J., to an intersection of U.S. Highway 202 at Lambertville, N.J., on the New Jersey Pennsylvania State line (except Carteret and Lyndhurst, N.J.). **NOTE:** If a hear-

ing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 52751 (Sub-No. 53), filed December 9, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, fittings, and materials and supplies used in the installation thereof (except oilfield pipe and articles described in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment)*, from Savage, Minn., to points in Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 53965 (Sub-No. 47), filed December 8, 1965. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, Kans., 67402. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Belleville, Kans., and Columbus, Nebr., over U.S. Highway 81, serving all intermediate points between York, Nebr. (including York), and Belleville, Kans. **NOTE:** Applicant states that its intention is to tack at Belleville, Kans., and Columbus, Nebr., for the purpose of joinder with present regular route operations. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 55236 (Sub-No. 120), filed December 8, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends and mixtures thereof, products of corn, viz.: corn starch, corn gluten feed, and corn gluten meal, from Elk Grove Village, Ill., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57315 (Sub-No. 8), filed December 7, 1965. Applicant: TRI-STATE TRANSPORT, INC., 40 B Street, Boston, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Braintree, Mass., 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: *Frozen foods*, from Southboro, Mass., to points in Connecticut. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61396 (Sub-No. 149), filed December 10, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station), Omaha, Nebr., 68101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Louisiana, restricted to the transportation of traffic having a prior movement by rail or water from the St. Louis, Mo., or Jefferson County, Mo., facilities of River Cement Company. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61592 (Sub-No. 61), filed December 9, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sisal products, bailing wire, twine, barbed wire, nails, fence posts, field fence, reinforcement bars and reinforcement mesh*, from Houston and Freeport, Tex., and New Orleans, La., to points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, Wisconsin, North Dakota, and Montana. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 64732 (Sub-No. 6), filed December 6, 1965. Applicant: AGNES H. RUDE, ARLEN W. RUDE AND FREEMAN B. RUDE, JR. (a minor), AGNES H. RUDE, GUARDIAN, a partnership, doing business as RUDE TRANSPORTATION COMPANY, 416 East Second Street, Redfield, S. Dak. Applicant's representative: Robert E. Swanson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Redfield, S. Dak., and Huron, S. Dak.: from Huron over U.S. Highway 14 to junction U.S. Highway 14 and U.S. Highway 281 near Wolsey, S. Dak., thence over U.S. Highway 281 to Redfield, and return over the same route, serving all intermediate points and the off-route points of Broadland and Hitchcock, S. Dak.; and (2) between Huron, S. Dak. and Redfield, S. Dak.: from Huron over South Dakota Highway 37 to junction U.S. Highway 212, thence over U.S. Highway 212 to Redfield, and return over the same route serving no intermediate points as an alternate route for operating convenience only. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Huron, S. Dak.

No. MC 77649 (Sub-No. 6), filed December 6, 1965. Applicant: TIMOTHY J. SHANAHAN, III, doing business as SHANAHAN TRANSPORTATION CO., Southwest Corner Delaware and Oregon Avenues, Philadelphia, Pa. Applicant's representative: Morris J. Winokur, Suite

1820, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials, supplies and equipment, used or useful in the installation, manufacture and shipping of floor coverings*, from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, and Virginia, and returned shipments, of the commodities specified above, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 84511 (Sub-No. 31), filed December 9, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)*, between Wichita, and Arkansas City, Kans., and Kansas City, Mo.-Kansas City, Kans., commercial zone. **NOTE:** Applicant states it seeks to tack this authority with presently existing authority from Kansas City, Mo., Kansas City, Kans., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87820 (Sub-No. 1), filed December 9, 1965. Applicant: THEDE BROS., INC., 307 East Randolph Street, Havana, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and those injurious or contaminating to other lading)*, between points in Peoria, Mason, Menard, Sangamon, Fulton, Logan, and Tazewell Counties, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 89611 (Sub-No. 8), filed December 6, 1965. Applicant: ERNEST ULRICH AND RUTH ULRICH, a partnership, doing business as ULRICH FREIGHT LINES, R.F.D. 4 Olney, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beer*, from Evansville, Ind., to Lawrenceville, Ill., and *empty containers*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 92983 (Sub-No. 483), filed December 10, 1965. Applicant: ELDON MILLER, Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: *Acids and chemicals*, in bulk, from points in Colorado and Kansas to points in Arizona and California. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 103191 (Sub-No. 18), filed December 6, 1965. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Post Office Box 2095, Station A, Charleston, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C., 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt plants and component parts* thereof, (1) from points in Georgia to points in North Carolina and South Carolina; (2) from points in North Carolina to points in South Carolina and Georgia; and (3) from points in South Carolina to points in North Carolina and Georgia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103880 (Sub-No. 352), filed December 6, 1964. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio, 44306. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Janesville, Wis., and points within 10 miles thereof, to points in Illinois and Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106051 (Sub-No. 36), filed December 7, 1965. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons and corrugated sheets*, from Fall River, Mass., to points in New Hampshire on and south of U.S. Highway 2 and those points in that part of Maine that are located on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine, and thence along Maine Highway 9 to Calais, Maine. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 107002 (Sub-No. 280), filed December 7, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers, synthetic plastic*, in bulk, from points in Lowndes County, Miss., to points in Alabama, Arkansas, Florida, Georgia,

Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 281), filed December 9, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office 1123 (Highway 80 West), Jackson, Miss., 39205. Applicant's representative: Harry C. Ames, 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, and (2) *fertilizer and urea*, dry, in bags, from Helena, Ark., and points within ten (10) miles thereof, to points in Alabama, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107500 (Sub-No. 99), filed December 13, 1965. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Cooper-Jarrett, Inc. Terminal to be constructed on property located on Frontage Road (formerly old U.S. Highway 66) and now parallel to new U.S. Highway 66 and Interstate Highway 55, approximately one-half mile west of County Line Road, in an unincorporated portion of Du Page County, Ill., as an off-route point in connection with applicant's regular-route operations, for the purpose of interchanging traffic at said terminal site. **NOTE:** Applicant is a wholly owned subsidiary of the Chicago, Burlington & Quincy Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 535), filed December 6, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Unfrozen meats, meat products and meat byproducts*, as defined by the Commission, and, (b) *frozen meats, meat products and meat byproducts* in mixed loads with unfrozen meats, meat products and meat byproducts, from Abilene, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis, Tenn., and points within the Memphis commercial zone), Virginia, Massachusetts, New Jersey, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 107515 (Sub-No. 536), filed December 10, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Texas (except Dallas), Little Rock and Texarkana, Ark., Oklahoma City, Okla., and Springfield, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 99), filed December 9, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's representative: Edward T. Lyons, Jr., Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled dairy products, chilled dairy product substitutes* manufactured from vegetable fats, and *chilled syrups and toppings*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to Dallas, Tex., and Pueblo, Colorado Springs, and Denver, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 108207 (Sub-No. 174), filed December 8, 1965. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Lindale, Tex., to points in Arkansas, Kansas, Oklahoma, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 217), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the Cordova Industrial Park, located in Rock Island County, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 218), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Wood River, Ill., and points within five (5) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, New Jersey, Ohio, Nebraska, Minnesota, Wisconsin, and

Pennsylvania. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 219), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gary Slag*, in bulk, from Duluth, Minn., to Ironwood, Mich. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 220), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the warehouse site of Consumers Cooperative Association at Council Bluffs, Iowa, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108449 (Sub-No. 221), filed December 10, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, in dump vehicles, from Chicago, Ill., to points in Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 222), filed December 15, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite of Mid-South Chemical Co., located at or near Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 294), filed December 8, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Belles Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Metropolis, Ill., to points in New Jersey. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 103), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma

Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and pipe and pipe fittings* (except those items the transportation of which requires special equipment), restricted to the use of flatbed trailers, between points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee State line, and points in Alabama, Arkansas, Georgia, Florida, Mississippi, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 104), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Miss., to points in Indiana, Michigan, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant does not specify location.

No. MC 111231 (Sub-No. 105), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves, or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, accessories*, used in the installation of such products, and *damaged and rejected shipments*, between points in Oklahoma County, Okla., on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, points in Kansas on and south of U.S. Highway 40, and points in Texas on and north of U.S. Highway 80. **NOTE:** If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 111231 (Sub-No. 106), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board, and laminated flake-board*, finished or not finished, with or without decorative or protective coating, and *accessories and supplies*, used in the installation thereof, from Wright City, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 111231 (Sub-No. 107), filed December 8, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site of American Home Foods, Inc., located at or near LaPorte, Ind., to points in Colorado, Illinois, Iowa, Kansas, Min-

nesota, Missouri, Nebraska, Oklahoma, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 112049 (Sub-No. 12), filed December 10, 1965. Applicant: McBRIDE'S EXPRESS, INC., 1901 Wabash Avenue, Mattoon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat, meat products, meat byproducts, carnivorous animal food*, all fit for animal consumption only, between the plant site of Campbell & Co., at or near Mattoon, Ill., and points in Indiana, Iowa, Michigan, Minnesota, and Wisconsin, and *damaged and rejected shipments* on return. **NOTE:** If a hearing is deemed necessary, applicant requests that it be held at Springfield, Ill., or Terre Haute, Ind.

No. MC 112617 (Sub-No. 215), filed December 10, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and blends, mixtures and products*, thereof, from Louisville, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, Virginia, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 58), filed December 9, 1965. Applicant: EARL BRAY, INC., Linwood and North Streets, Post Office Box 1191, Cushing, Okla. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compound, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, (1) from points in Oklahoma County, Okla., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin, and (2) from Ponce City, Okla., to points in Kansas and those in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camden, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line; and *damaged and rejected shipments*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 112893 (Sub-No. 33), filed December 8, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Duluth, Minn., to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 112893 (Sub-No. 34), filed December 8, 1965. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 South Calumet, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to U.S. Highway 24 at El Paso, Ill., thence along U.S. Highway 24 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line, to the western shore of Lake Michigan to the Wisconsin-Illinois State line, and thence along the Wisconsin-Illinois State line to point of beginning, including points on the indicated portions of the highways specified (except Chicago and its commercial zone, Lemont, Lockport, and South Beloit, Ill.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 65), filed December 8, 1965. Applicant: S L A Y TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, from Montpelier, Iowa, and points within 5 miles thereof, to points in Arkansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113336 (Sub-No. 81), filed December 6, 1965. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Albany and Alma, Ga., to points in Florida, Alabama, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 113362 (Sub-No. 99), filed December 8, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Indiana, Ohio, Kentucky, and Illinois.

NOTE: Applicant states that the proposed operation shall be restricted against interlining and tacking with the authority presently held. If a hearing is deemed necessary, applicant does not specify location.

No. MC 113678 (Sub-No. 203), filed December 9, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with foodstuffs, from points in California and Arizona, to points in Idaho, Washington, and Oregon. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114045 (Sub-No. 201) (Amendment), filed October 29, 1965, published FEDERAL REGISTER issue of November 11, 1965, amended December 10, 1965, and republished as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from points in Logan and Morgan Counties, Colo., to points in Colorado, Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: The purpose of this republication is to broaden the origin points. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114364 (Sub-No. 110), filed December 6, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, 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: *Gypsum, and gypsum products, and materials and supplies* used in the installation and distribution thereof, from Florence, Colo., and points within five (5) miles thereof, to points in Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Wyoming, and Kansas City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114364 (Sub-No. 111), filed December 10, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm

Streets, Rocky Ford, 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: *Plastic pipe, tubing, conduit, valves and fittings; compound, joint sealer; bonding cement; primer; coating, thinner, and accessories* used in the installation of such products, (1) from points in Oklahoma County, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) from Ponca City, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (3) from Compton, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 115311 (Sub-No. 52), filed December 9, 1965. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, from Americus, Atlanta, and Columbus, Ga., and Birmingham and Montgomery, Ala., to points in Alabama, Florida, Georgia, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 168), filed December 8, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper-type vehicles, from Utica, Ill., to points in Minnesota and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115491 (Sub-No. 85), filed December 9, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla., 33823. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the production and storage facilities of American Home Foods located at Milton, Pa., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 96) (Amendment), September 20, 1965, published FEDERAL REGISTER issue of October 7, 1965, amended December 13, 1965, and republished as amended, this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Sterling, Colo., and points within five (5) miles thereof, and points in Morgan County, Colo., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: The purpose of this republication is to add points in Morgan County, Colo., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115840 (Sub-No. 18), filed November 29, 1965. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bituminous fiber pipe and fiber pipe fittings and accessories*, from Birmingham, Ala., and points in its commercial zone, thereof, to points in Texas, (2) *scrap paper*, from points in Texas, Oklahoma, Tennessee, and Arkansas to Birmingham, Ala., and points in its commercial zone, thereof, and (3) *iron and steel, and iron and steel articles*, from Birmingham and Gadsden, Ala., and points in their respective commercial zones, to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 261), filed December 8, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 1269, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Dayton, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 116014 (Sub-No. 22), filed December 8, 1965. Applicant: OLIVER TRUCKING COMPANY, INC., North Bloomfield Road, Winchester, Ky. Applicant's representative: Robert M. Pearce, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooperage stock*, from Kittanning, Pa., and points within five (5) miles thereof, to

Louisville, Ky., and *rejected and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116763 (Sub-No. 71), filed December 6, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products, frozen fruits and frozen fruit products, frozen vegetables, and frozen vegetable products*, from Detroit, Mich., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the said storage and warehouse facilities of Ore-Ida Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116967 (Sub-No. 9), filed December 9, 1965. Applicant: MARTIN WONDAAL, doing business as MARTIN WONDAAL AND SONS, 2857 Ridge Road, Lansing, Ill. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed cement, slag blocks, and related articles and materials* used in the manufacture thereof, from Chicago, Ill., to points in Ohio. NOTE: Applicant states the proposed operation will be performed under a continuing contract or contracts with Structural Glazed Masonry, Inc., of Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 301), filed December 8, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117574 (Sub-No. 137), filed December 10, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Such commodities*, as by reason of their size or weight require the use of special equipment, and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment; between Harrisburg, Pa., on the one hand, and, on the other, the District of Columbia and points in New York, New Jersey, Maryland, Virginia, Ohio, Delaware, and West Virginia; (2) (a) *such commodities*, as by reason of their size or weight, re-

quire the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines); between Harrisburg, Pa., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Georgia, Florida, Michigan, Minnesota, and Wisconsin; (3) (a) *such commodities*, as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines); and (b) *commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with commodities which because of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, and except boilers, heaters and castings); between Harrisburg, Pa., on the one hand, and, on the other, points in Connecticut and Massachusetts. Restriction: (1) This application will be restricted against tacking with any present rights held as of October 29, 1963; (2) limited to traffic moving in interchange service; and (3) limited against traffic originated by this carrier at Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117578 (Sub-No. 9), filed December 6, 1965. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Lumberton, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and liquid asphalt products*, from Roanoke, Va., to points in North Carolina, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 78), filed December 3, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa, 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk,*

in tank vehicles), from the plant site of Rath Packing Co. at Waterloo and Columbus Junction, Iowa, to points in Illinois. **NOTE:** The applicant states that the proposed operation is to be restricted to traffic originating at the plant sites of Rath Packing Co. at Waterloo and Columbus Junction, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 118130 (Sub-No. 39), filed December 17, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Dallas, Tex.

No. MC 119399 (Sub-No. 15), filed December 6, 1965. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Insecticides and fungicides* from Perry, Iowa and Wichita, Kans., to Atlas and Trenton, Mo., and Tulsa, Okla.; (2) *insecticides and fungicides* in mixed shipments with dry manufactured fertilizer from Atlas, Mo., to points in Colorado, Kansas, and Oklahoma. **NOTE:** Applicant states it holds authority to transport fertilizer from Atlas, Mo. to points in Colorado, Kansas, and Oklahoma, and (3) *returned shipments* of insecticides and fungicides from Atlas and Trenton, Mo., Tulsa, Okla., and Wichita, Kans., to Perry, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119422 (Sub-No. 36), filed December 8, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Mount Vernon, Ind., to Millstadt, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119493 (Sub-No. 21), filed December 3, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insecticides and fungicides*, from Perry, Iowa and Wichita, Kans., to Atlas and Trenton, Mo., and Tulsa, Okla.; (2) *insecticides and fungicides* in mixed shipments with dry manufactured fertilizer from Atlas, Mo., to points in Arkansas, Kansas, Iowa,

Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota. **NOTE:** Applicant states it holds authority to transport fertilizer to the States listed above, and (3) *returned shipments* of insecticides and fungicides from Atlas and Trenton, Mo., Tulsa, Okla. and Wichita, Kans., to Perry, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119917 (Sub-No. 17), filed December 6, 1965. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE, Atlanta, Ga., 30316. Applicant's representative: R. J. Reynolds, III, Suite 403-111 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potato chips, potato sticks, corn chips, and popped corn*, from Atlanta, Ga., to points in Lincoln County, Tenn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119918 (Sub-No. 4), filed December 7, 1965. Applicant: CAGLE BROS., INC., 402 West Watkins Road, Post Office Box 12176-Southeast Station, Phoenix, Ariz., 85034. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz., 85018. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Heavy and cumbersome commodities*, which, because of size or weight, require the use of special equipment, and (2) *heavy and cumbersome commodities* which do not require the use of special equipment when moving in the same shipment or in the same vehicle with heavy and cumbersome commodities which, because of size or weight, require the use of special equipment, between points in Arizona, on the one hand, and, on the other, points in California, Colorado, Nevada, New Mexico, and Utah. **NOTE:** Applicant states that he presently holds authority in (1) above in Certificate No. MC 119918, and is seeking no extension of territory. Applicant is seeking only an extension of authority in (2) above. If a hearing is deemed necessary, applicant does not specify location.

No. MC 119934 (Sub-No. 107), filed December 2, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and terminal facilities of Olin Mathieson Chemical Corporation at or near Joliet, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Wisconsin, Kentucky, and Ohio, and *damaged and rejected shipments* on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 108), filed December 6, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois

Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, from Columbus and Lewisburg (Preble County), Ohio, to points in Pennsylvania on and east of U.S. Highway 219, Michigan, and West Virginia, and *damaged or rejected shipments*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 121361 (Sub-No. 2), filed December 8, 1965. Applicant: DIXIE VAN LINES, INC., doing business as COLUMBUS WAREHOUSE & STORAGE COMPANY, 803 Ninth Street South, Columbus, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between Columbus, Miss., on the one hand, and, on the other, points in Lowndes, Clay, Monroe, Lee, Chickasaw, Calhoun, Choctaw, Oktibbeha, Winston and Noxubee Counties, Miss., on traffic having a prior or subsequent out-of-state movement, and (2) between Columbus, Miss., on the one hand, and, on the other, points in Lamar, Fayette, Tuscaloosa, Pickens, and Green Counties, Ala. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123393 (Sub-No. 106), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, and Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 123393 (Sub-No. 107), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Schuyler, Nebr., and points within 5 miles thereof to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123393 (Sub-No. 108), filed December 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from LaPorte, Ind. and points within five (5) miles thereof to points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, and Colorado. **NOTE:**

If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123393 (Sub-No. 110), filed December 13, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo., 65803. Applicant's representative: Herman H. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from points in Morgan County, Colo., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124324 (Sub-No. 7) (Correction), filed December 3, 1965, published FEDERAL REGISTER issue of December 23, 1965, and republished as corrected this issue. Applicant: MURPHY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from Kewanee, Ind., to points in the lower peninsula of Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. The purpose of this republication is to correct the docket number as shown above, in lieu of No. MC 114324 (Sub-No. 7), which was in error. The correct docket number assigned is No. MC 124324 (Sub-No. 7).

No. MC 124774 (Sub-No. 34), filed December 6, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Spencer Packing Co. located at Schuyler, Nebr., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Illinois, Indiana, Ohio, Michigan, Minnesota, Wisconsin, Kentucky, Kansas, Missouri, Colorado, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C. **NOTE:** Applicant states the proposed service to be restricted to traffic originating at the plant site of Spencer Packing

Co. at Schuyler, Nebr. If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 124802 (Sub-No. 4), filed December 10, 1965. Applicant: CURTIS WOMELDORF, doing business as ACE MOTOR FREIGHT, Post Office Box 331, Summerville, Pa. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Summerville, Pa., to points in Connecticut and Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124964 (Sub-No. 2) (Amendment), filed October 26, 1965, published FEDERAL REGISTER issue of November 11, 1965, amended December 20, 1965, and republished, this issue. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices and drinks*, not frozen, in plastic containers in cartons, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with juices and drinks, from Umatilla, Fla., to points in North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, under a continuing contract with Doric Foods Corp. of Umatilla, Fla. **NOTE:** The purpose of this republication is to clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 125417 (Sub-No. 8), filed December 9, 1965. Applicant: BULK FREIGHTWAYS, a Corporation, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West 7th Street, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from Long Beach, Calif., to Gallup, N. Mex. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125924 (Sub-No. 4), filed December 9, 1965. Applicant: MARIS TRANSPORT LIMITED, a corporation, 1090 South Service Road, Oakville, Ontario, Canada. Applicant's representative: Walter N. Bleneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in driveway

and truckaway service, and parts and accessories thereof, moving at the same time and with the vehicles of which they are a part and on which they are to be installed, between the port of entry on the United States-Canada boundary line at Detroit, Mich., on the one hand, and, on the other, Dearborn and Wayne, Mich. (but not including the commercial zones thereof). Restriction: The authority sought herein shall be restricted to traffic originating at or destined to points in Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 125978 (Sub-No. 5), filed December 8, 1965. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., Hotel National, Suite 201, 592 Seventh Avenue, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, station wagons and small trucks*, under $\frac{3}{4}$ -ton capacity, in a driveway service, with or without baggage, personal effects and pets, between points in Florida, on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 126885 (Sub-No. 2), filed December 6, 1965. Applicant: VETERI TRUCKING CO., INC., 48 Harding Avenue, Totowa Borough, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Face brick*, (a) from New Brighton, Kittinging, New Castle, and Clearfield, Pa.; Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio; Somerset, and Manassas, Va.; and Brazil, Ind., to points in New Jersey, New York, and Connecticut; (b) from Waynesburg, Cleveland, Sugar Creek, Morral, Caledonia, and Canton, Ohio; Somerset, and Manassas, Va., and Brazil, Ind., to points in Pennsylvania, and (c) from Belle Mead, N.J., to points in Pennsylvania, New York, and Connecticut; (2) *fire brick*, (a) from Altoona, Pa., to points in New Jersey, New York, and Connecticut; and (b) from Mt. Savage, Md., to points in New Jersey, New York, Connecticut, and Pennsylvania; (3) *waterproofing cement mixes, codings, and cement paints*, other than in bulk, in tank vehicles, (a) from New Eagle, Pa., to points in New Jersey, New York, and Connecticut; (4) *wheel barrows, mortar pans, and mortar boxes*, from Harrisburg, Pa., to points in New Jersey, New York, and Connecticut, and (5) *welded steel wall ties, and reinforcement bars*, from Baltimore, Md., to points in New York, New Jersey, Connecticut, and Pennsylvania. **NOTE:** Applicant states that the proposed service will be under continuing contract with Tompkins Bros. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127033 (Sub-No. 6), filed December 6, 1965. Applicant: C & B TRUCKING CO., INC., Post Office Box 192, Chester, S.C. Applicant's representative: Henry P. Willmon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry byproducts* from points in York County, S.C., to points in North Carolina and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127135 (Sub-No. 3), filed December 20, 1965. Applicant: HERBERT O. KINDRICK, doing business as KINDRICK TRUCKING COMPANY, R.F.D. No. 1, Harriman, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silico manganese-foundry metal*, between Rockwood, Tenn., and Middletown, Ohio; from Rockwood over U.S. Highway 27 to Lexington, Ky., thence over U.S. Highway 25 to junction Interstate Highway 75 near Georgetown, Ky., thence over Interstate Highway 75 to Middletown, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 127317 (Sub-No. 1), filed November 29, 1965. Applicant: R. J. GILMORE, doing business as RED'S DRIVE-AWAY, 832 Northwest 49th Street, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 100 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles*, in drive-away service, and (2) *Automobiles*, by tow-bar service, between points in the United States (except in Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 127328 (Sub-No. 1), filed December 7, 1965. Applicant: JACOB KINTNER, Washington Street, Meshoppen, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Luzerne County, Pa., to Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 127403 (Sub-No. 1), filed December 7, 1965. Applicant: EARL P. KRUEGER, doing business as EARL KRUEGAR TRUCKING, Durand, Wis. Applicant's representative: James A. Drill, New Richmond, Wis., 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, including *lumber, ties, wood chips, and slabs*, from Mondovi and Durand, Wis., to points in Minnesota, Illinois, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127442 (Amendment), filed July 16, 1965, published in FEDERAL REGISTER issue of August 11, 1965, amended December 12, 1965, and repub-

lished as amended this issue. Applicant: JOHN PIZER, doing business as JOHN PIZER TAXI, 224½ South Broad Street, Grove City, Pa. Applicant's representative: David W. Ketter, Grove City National Bank Building, Grove City, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parcels not exceeding 1,000 pounds in weight including machinery parts, tools, and light manufactured items*, (1) between points in the Borough of Grove City, Pa., and the Greater Pittsburgh Airport, Allegheny County, Pa., the Franklin Airport, Venango County, Pa., the Cleveland Hopkins Airport, Cuyahoga County, Ohio, the Youngstown Airport, Trumbull County, Ohio, for shipment by air-freight; and (2) between the Cooper-Bessemer Corp. plant, Grove City, Pa., and Youngstown, Cleveland, and Akron, Ohio. NOTE: Applicant states that the above described commodities will be such as may be transported by station wagon. The purpose of this republication is to change the proposed authority from common to contract and to show the proposed service will be under contract with the Cooper-Bessemer Corp. located in the Borough of Grove City, Pa. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127757 (Sub-No. 1), filed December 1, 1965. Applicant: P. ROSS GUARINO, INC., 3815 40th Street, Tampa 10, Fla. Applicant's representative: Donald Murchison, Suite 211, Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cloth and fabrics*, in bales, bundles and packages, from points in North Carolina, South Carolina, and Georgia, to El Paso, Tex., and Los Angeles, Calif., and (2) *clothing and wearing apparel*, folded flat in bales and cartons, and *component parts* used in the manufacture thereof, as described in appendix X, Ex Parte No. MC-45, from points in Georgia and El Paso, Tex., to Los Angeles, Calif. NOTE: Applicant states the proposed service to be under a continuing contract or contracts with Brooks-Weisberg Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127762 (Sub-No. 1), filed December 8, 1965. Applicant: CONTRACT CARRIERS, INC., Post Office Box 444, Ellensburg, Wash. Applicant's representative: Glenn W. Toomey, 15th Floor, Hoge Building, Seattle, Wash., 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pazzolan*, in bulk, in pneumatic equipment, from Buxton, Oreg., to Mossyrock Dam site, Washington, as follows: (1) From Buxton, over U.S. Highway 26 to Portland, Oreg., thence over U.S. Highway 99 to Mary's Corner, Wash., thence east on Washington Highway 5, approximately 28 miles, to the Mossyrock Dam site; and (2) from Buxton, over Oregon Highway 47 to Clatskanie, Oreg., thence over U.S. Highway 30 to Ranier, Oreg., and

Longview, Wash., thence over U.S. Highway 99 to Mary's Corner, Wash., thence east on Washington Highway 5, approximately 28 miles, to the Mossyrock Dam site, serving no intermediate points in routes (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127773, filed December 1, 1965. Applicant: NATIONAL MOLASSES COMPANY, a corporation, Willow Grove, Pa. Applicant's representative: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, from points in Imperial County, Calif., to San Diego, Calif., and Los Angeles Harbor commercial zone. NOTE: Applicant states that the service to be performed under continuing contract for Batley-Janss Enterprises. If a hearing is deemed necessary applicant requests it be held at Los Angeles, Calif.

No. MC 127774 filed November 29, 1965. Applicant: HAINES TRANSPORT, INC., Greenfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, from Creston, Iowa, and points within ten (10) miles thereof, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127775 filed November 29, 1965. Applicant: J. D. BECKER, a proprietorship, doing business as WILD WEST XPRESS, Rural Route No. 2, Columbus, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and component parts thereof* (except those which, because of size or weight, require the use of special equipment), from points in Missouri, to points in Nebraska (except Omaha). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, or Omaha, Nebr.

No. MC 127777 filed November 30, 1965. Applicant: MOBILE HOME EXPRESS, INC., 199th and Torrence Avenue, Lansing, Ill. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes designated to be drawn by passenger automobiles*, in driveway and truckaway methods, in initial movements, from Auburndale, Wis., to points in the United States (excluding points in Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127778, filed December 6, 1965. Applicant: JOSEPH KURKOWSKI, % FORSYTH-ASHLAND STAGE, Box 801, Forsyth, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Freight, baggage, and express*, be-

tween Forsyth and Ashland, Mont., from Forsyth over Montana Highway 10 to Rosebud, Mont., thence over Rosebud Road and Montana Highway 315 to Lame Deer, Mont., thence over Montana Highway 8 to Ashland, thence return over Tongue River, Greenleaf and Rosebud Roads, to Montana Highway 10, and thence over Montana Highway 10 to Forsyth, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Forsyth, Mont.

No. MC 127779, filed December 9, 1965. Applicant: LLOYD THORSGARD, AND KENNETH THORSGARD, a partnership, doing business as NORTH CENTRAL TRANSPORTATION, Northwood, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Duluth, Minn., and Superior, Wis., to points in North Dakota, and Rosholt, New Effington, and Veblen, S. Dak. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 127780, filed December 6, 1965. Applicant: EMIL DIUBALDO, doing business as DIUBALDO TRUCKING CO., Beryl, W. Va. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, bark, wood chips and wood shavings*, from Oakland, Mountain Lake Park, and Shaft, Md., and New Creek, W. Va., to Beryl, W. Va., restricted to traffic moving under a continuing contract or contracts with Cumberland Charcoal Corporation. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Charleston or Elkins, W. Va.

No. MC 127784, filed December 7, 1965. Applicant: ROBERT VAN WHY AND GLORIA VAN WHY, a partnership, doing business as ROBERT AND GLORIA VAN WHY AND SON, Rural Delivery No. 4, Allentown, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, and household goods as defined by the Commission), having a prior or subsequent movement by air, between the Philadelphia International Airport in the city and county of Philadelphia, Pa.; the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa.; the Newark Airport, Newark, N.J.; the John F. Kennedy International Airport, New York, N.Y., and the La Guardia Airport, New York, N.Y., on the one hand, and, on the other, points in Lehigh, Northampton, Monroe, Schuylkill, and Carbon Counties, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 127786, filed December 9, 1965. Applicant: CONTRACT CARRIER, INC., 1147 West Oakland Avenue, Rock Hill, S.C. Applicant's representative: H. Overton Kemp, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, fiberboard, corrugated or not corrugated, knocked down flat*, (a) from the plantsite of Owens-Illinois, Inc., Forest Products Division, near Newberry, S.C., to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; (b) from Salisbury, N.C., to above named plantsite near Newberry, S.C.; (2) *materials and supplies*, used or useful in the manufacture of boxes, corrugated or not corrugated, knocked down flat or in rolls from points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia, to above named plantsite near Newberry, S.C.; and (3) *rejected, damaged or refused shipments* on return. **NOTE:** Applicant is affiliated with Lowther Trucking Co., Inc., which operates as a common carrier under Certificate MC 114098 and subs, therefore common control or dual operations may be involved. Applicant states that proposed operation will be under a continuing contract with Owens-Illinois, Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 108378 (Sub-No. 6), filed December 7, 1965. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson Street, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between points in Arizona, New Mexico, California, Nevada, Utah, Texas, Colorado, Louisiana, Oklahoma, Washington, and Oregon. **NOTE:** Applicant states that the proposed service will be restricted to migratory workers and Indians for Indian agencies. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 119919 (Sub-No. 3), filed December 9, 1965. Applicant: BLAINE ALBERT WILLETTS, doing business as WILLETTS' CHARTER SERVICE, Route 1, Box 29, Frostburg, Md. Applicant's representative: Miller Bowen, First National Bank Building, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, from Frostburg, Md., to Charlestown, W. Va., from Frostburg over U.S. Highway 40 to Cumberland, Md., thence over Maryland Highway 28 to Maryland-West Virginia State line, thence over West Virginia Highway 28 to Romney, W. Va., thence over U.S. Highway 50 to Winchester, Va., thence over Virginia Highway 7 to Berryville, thence over U.S. Highway 340 to the site of Charlestown and Shenandoah race tracks at Charlestown, W. Va., and return over the same routes, serving all intermediate points between Frostburg, Md., and Romney, W. Va. **NOTE:** If a hearing

is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124233 (Sub-No. 3), filed December 6, 1965. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in special operations, in round-trip sightseeing tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Alaska, on the one hand, and, on the other, points in Alaska, and (2) in one-way or round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada in Alaska, on the one hand, and, on the other, points in Alaska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127776, filed December 3, 1965. Applicant: JOSEPH NOZZOLILLO, JOSEPH F. PASQUALE, LOUIS D. MANGIATORDI, JOSEPH MORELLO, RALPH E. GIGLIOTTI AND VITO A. GIGLIOTTI, a partnership, doing business as WORCESTER LIMOUSINE OPERATORS, 12 Vine Street, Worcester, Mass. Applicant's representative: Ronald R. Popeo, 100 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special and charter operations, beginning and ending at Worcester, Mass., and extending to (1) Narragansett, R.I., (2) Lincoln Downs, R.I., (3) Salem, N.H., and (4) Hinsdale, N.H. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12613 (Sub-No. 4), filed December 5, 1965. Applicant: MRS. ANN L. McCARTNEY, doing business as ANN'S TRAVEL SERVICE, Rural Delivery No. 1, Fredonia, Pa. For a license (BMC 5) to engage in operations as a *broker* at Greenville, Pa., in arranging transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Clarion, Clearfield, Crawford, Jefferson, Lawrence, and Mercer Counties, Pa., and extending to points in the United States, including Hawaii and Alaska. **NOTE:** Applicant holds authority as a broker in MC 12613 Sub 2 in the above specified operations at Fredonia, Mercer, and Sharon, Pa. The purpose of the instant application is to allow applicant to continue operations in the same manner as granted under MC 12613 Sub 2 and also to maintain an office at Greenville, Pa., in addition to the present locations.

WATER CARRIER APPLICATION
WATER CARRIER OF PROPERTY

No. W-1225 GULF-PUERTO RICO LINES, INC.—COMMON CARRIER APPLICATION, filed December 10, 1965. Applicant: GULF-PUERTO RICO LINES, INC., Post Office Box 3620, San Juan, P.R. Applicant's representative: Warren Price, Jr., Suite 708, 1000 Vermont Avenue NW., Washington, D.C. Application filed December 10, 1965, for certificate authorizing operation as a common carrier by water, covering a new operation in interstate or foreign commerce under Part III of the Interstate Commerce Act, in year round operation, in the transportation of *general commodities*, as follows: One (1) trip per week between the ports of Houston, Tex., New Orleans, La., Mobile, Ala., and Tampa and Miami, Fla.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PROPERTY

No. MC 504 (Sub-No. 85), filed December 10, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Post Office Box 781, Elberton, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with carrier's presently authorized regular-route operations.

No. MC 2900 (Sub-No. 130), filed December 10, 1965. Applicant: RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Percale, Ga., as an off-route point in connection with applicant's regular route operations.

No. MC 16634 (Sub-No. 14), filed December 8, 1965. Applicant: STRANG TRANSPORTATION, INC., Center and Elmer Streets, Elmer, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seed*, in mixed shipments with animal and poultry feed and animal and poultry feed ingredients, from Bordentown, N.J., to points in Delaware, Maryland, and that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to Harrisburg, Pa., and

thence along U.S. Highway 11 to the Maryland-Pennsylvania State line (except points in Monroe, Wayne, Northampton, and Lackawanna Counties, Pa., and except animal and poultry feed ingredients and additives, dry, in bulk, from Bordentown to Philadelphia, Pa.).

No. MC 22229 (Sub-No. 40), filed December 10, 1965. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with applicant's regular-route operations. Note: Common control may be involved.

No. MC 30887 (Sub-No. 140), filed December 8, 1965. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Box 55, Reisterstown, Md., 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Tampa, Fla., West Point, Miss., and Dallas, Tex.

No. MC 48958 (Sub-No. 85), filed December 10, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities injurious or contaminating to other lading and commodities in bulk), between Willard, N. Mex., and El Paso, Tex.: From Willard, over New Mexico Highway 42 to Corona, N. Mex., thence over U.S. Highway 54 to El Paso, and return over the same route, serving the intermediate points of Corona and Carrizozo, N. Mex. Note: Applicant states no duplicating authority is sought.

No. MC 56679 (Sub-No. 15), filed December 10, 1965. Applicant: BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga., 30315. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Atlanta and Macon, Ga., over Georgia Highways 42 and 87, with closed doors at all points on Georgia Highway 42 except Atlanta and Macon, and with closed doors at Juliette, Ga., on Georgia Highway 87, serving the intermediate point of Percale, Ga.

No. MC 61628 (Sub-No. 33), filed December 10, 1965. Applicant: TAMIAMI FREIGHTWAYS, INC., 4305 21st Ave-

nue, Tampa, Fla. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Jackson and Macon, Ga., over Georgia Highway 87, serving all intermediate points, and (2) between Jackson and Macon, Ga., over Georgia Highway 87, serving Percale, Ga., as an intermediate or off-route point in connection with applicant's proposed operation in (1) above.

No. MC 72442 (Sub-No. 18), filed December 10, 1965. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Percale, Ga., as an off-route point in connection with carrier's presently authorized regular-route operations.

No. MC 89684 (Sub-No. 54), filed December 8, 1965. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 2nd, West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, Suite 600, El Paso Natural Gas Building, 315 East Second, South, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in express service, between points in Utah and points in Idaho south of Idaho County, Utah. Note: Applicant states the proposed service shall be restricted to service providing for the transportation of packages or articles weighing more than 250 pounds and no more than 500 pounds in aggregate shall be carried from one consignor at one location to one consignee at one location during a single day.

No. MC 107475 (Sub-No. 59), filed December 10, 1965. Applicant: DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati, Ohio. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Percale, Ga., as an off-route point in connection with applicant's regular route operations.

No. MC 124078 (Sub-No. 173), filed December 6, 1965. Applicant: SCHWERTMAN TRUCKING CO., a corporation,

611 South 28 Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Lake, McHenry, Boone, Cook, Du Page, and Kane Counties, Ill.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-13877, Filed, Dec. 28, 1965;
8:45 a.m.]

[No. 34661¹]

MIDDLEWEST MOTOR FREIGHT BUREAU CARRIERS

Sorting or Segregating of Shipments

In the matter of the assignment for hearing and directing special procedure.

It appearing, that in the original order in No. 34661 dated November 5, 1965, the Commission entered upon an investigation of the rules, regulations, and practices affecting rates and charges, applicable on interstate or foreign commerce, in sorting or segregation of truckload and less-than-truckload traffic moving under class or commodity rates from, to, or within Middle West Territory;

It further appearing, that by orders dated November 8, 9, 17, and 19, 1965, in Sub-Nos. 1, 2, 3, and 4 in this proceeding the Commission broadened the investigation to include additional territories with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

And it further appearing, that upon consideration of the record in these proceedings and having determined that they are of such a nature as to require the adoption of special procedure, including a formal hearing before a hearing examiner, and for good cause appearing therefor:

It is ordered, That:

(a) These proceedings be, and they are hereby, referred to Hearing Examiner George A. Dahan for hearing at the time and place to be hereafter designated and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(b) The respondents and any interested party in support thereof shall file with the Commission on or before January 10, 1966, their prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties to the proceedings;

(c) The protestants and any interested party in support thereof shall file with the Commission on or before January 31,

¹ This order also embraces Nos. 34661 (Sub-No. 1), Sorting or Segregation of Shipments, Northeastern States; 34661 (Sub-No. 2), Sorting or Segregation of Shipments, Eastern and Central States; and 34661 (Sub-Nos. 3 and 4), Sorting or Segregation of Shipments, Various States.

1966, their prepared testimony, in writing, including all exhibits thereto and at the same time serve a copy of such prepared testimony and exhibits upon all parties to the proceedings;

(d) Parties desiring to cross-examine witnesses who have submitted prepared statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before February 7, 1966, a copy of such notice to be filed simultaneously with the Commission;

(e) A hearing will be held at the offices of the Interstate Commerce Commission, Washington, D.C., on February 15, 1966, commencing at 9:30 o'clock a.m., U.S. standard time for the purpose of cross-examining all witnesses so requested and for the introduction of the rebuttal evidence of the respective parties;

(f) An original with the affidavit and signature in ink together with two copies of all prepared testimony shall be filed with the Commission;

(g) Evidence presented which fails to conform to the above-outlined procedure will be grounds for its rejection from the record in these proceedings.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of December A.D. 1965.

By the Commission, Commissioner
Freas.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-13855; Filed, Dec. 28, 1965;
8:45 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order No.
170-A]

GEORGIA & FLORIDA RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Pfahler's ICC Order No. 170 (Georgia & Florida Railway Company) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 170, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., December 22, 1965.

It is further ordered, That this order shall be served upon the Association of

American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 22, 1965.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 65-13856; Filed, Dec. 28, 1965;
8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 23, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40205—Corn to points in Maine, New Hampshire, and Vermont.—Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2815), for interested carriers. Rates on corn, air dried or otherwise dried, in bulk, in carloads, from points in Illinois, also west bank Lake Michigan ports of Kewaunee, Manitowoc, Marinette, Milwaukee, Wis., and Menominee, Mich., to points in Maine, New Hampshire, and Vermont.

Grounds for relief—Market competition with shippers east of the Illinois-Indiana State line.

Tariff—Supplement 8 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-513.

FSA 40206—Class and commodity rates from and to Singleton, Tenn.—Filed by O. W. South, Jr., agent (No. A4818), for and on behalf of carriers parties to Uniform Classification Committee, agent, tariff ICC 1. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Singleton, Tenn., on the one hand, to or from points in the United States and Canada, on the other.

Grounds for relief—grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-13857; Filed, Dec. 28, 1965;
8:46 a.m.]

[Notice 860]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 23, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as

filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING
MOTOR CARRIERS OF PROPERTY

No. MC 108228 (Sub-No. 21), filed December 21, 1965. Applicant: MILES TRUCKING CO., INC., Post Office Box 728, Plant City, Fla. Applicant's representative: William G. Sprull, 1815 H Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Alabama, Georgia, Mississippi, Louisiana, Kentucky, Tennessee, North Carolina, and South Carolina.

HEARING: January 12, 1966, at the U.S. Courtrooms, Tampa, Fla., before Examiner William A. Royall.

No. MC 10761 (Sub-No. 188), filed December 10, 1965. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209. Applicant's representative: Howell Ellis, 616-618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from points in New York on and west of a line beginning at Cape Vincent, N.Y., thence along New York Highway 12E to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in Illinois, Indiana, Michigan, Missouri, and Ohio, and *refused and rejected shipments*, on return.

HEARING: January 10, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

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-9301. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga., of a portion of the operating rights of ROY L. JONES, INC., Post Office Box 24128, Houston, Tex., and for acquisition by JIMMIE H. AYER, also of Marietta, Ga., of control of such rights through the purchase. Applicants' attorneys: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303, and Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex., 78701. Operating rights sought to be

transferred: *Heavy machinery, contractors' equipment, and parts and accessories thereof*, as a *common carrier*, over irregular routes, between points in Alabama, Louisiana, and Mississippi, between points in Alabama, and Louisiana, and points in that part of Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Arkansas and Tennessee (applicant proposes restriction against transporting any shipment moving between points in Louisiana or moving between points in Louisiana on the one hand, and, on the other, points in Mississippi and Arkansas); and *road, levee, and dam building-equipment and machinery*, between points in Georgia, on the one hand, and, on the other, points in Alabama and Mississippi (applicant proposes all authorities to be acquired to be restricted against transporting "Mercer" description commodities and against transporting shipments moving from or to pipeline right-of-ways). Vendee is authorized to operate as a *common carrier* in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Illinois, West Virginia, Michigan, Delaware, Missouri, Oklahoma, Nebraska, Iowa, Indiana, Kentucky, Ohio, Massachusetts, Florida, Louisiana, Mississippi, Arkansas, Pennsylvania, Texas, Virginia, Kansas, New Jersey, New York, Wisconsin, Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9302. Authority sought for control by LANG TRANSIT COMPANY, 38th Street and Quirt Avenue, Lubbock, Tex., of K & B TRUCK LINES, INC., 600 North Houston Street, Amarillo, Tex., and for acquisition by C. M. LANG, also of Lubbock, Tex., of control of K & B TRUCK LINES, INC., through the acquisition by LANG TRANSIT COMPANY. Applicant's attorney: W. D. Benson, Jr., 9th Floor, Citizens Tower, Lubbock, Tex. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-120287 Sub No. 1, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of Texas. LANG TRANSIT COMPANY is authorized to operate as a *common carrier* in Texas and New Mexico. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120287 Sub No. 2 is a matter directly related. NOTE: If a hearing is deemed necessary, applicants request it to be held at Lubbock, Tex.

No. MC-F-9303. Authority sought for purchase by JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722, of the operating rights and certain property of DENNY MOTOR FREIGHT, INC., New Albany, Ind., and for acquisition by ROBERT L. JENKINS, also of Bettendorf, Iowa, of control of such rights and property through the purchase. Applicants' attorneys: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402, and Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *Farm machinery and farm implements* when

transported in special equipment, as a *contract carrier*, over irregular routes, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restriction: The operations described above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a)(1) of the Interstate Commerce Act), who operate manufacturing plants, the business of which is the manufacture and distribution of farm machinery and farm implements, for the transportation of the commodities indicated and in the manner specified above; *prefabricated buildings*, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof, and *equipment and materials* incidental to the erection and completion of such buildings, from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois.

Flavoring syrup, liquid sugar, and invert sugar, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; *farm machinery and farm implements* when transported in special equipment, from Louisville, Ky., to points in Colorado, Connecticut, Delaware, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Vermont, and Wisconsin; *agricultural machinery, and implements and parts* as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Louisville, Ky., to points in West Virginia. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-61592 (Sub-No. 62) is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-9299. Authority sought for control by BEN D. KRAMER, 2914 West Pratt Street, Chicago, Ill., of PEORIA-ROCKFORD BUS COMPANY, 1034 Seminary Street, Rockford, Ill., 61110. Applicant's attorney: LOUIS R. GENTILI, 38 South Dearborn Street, Chicago, Ill., 60603. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Wenona, Ill., and Bloomington, Ill., serving all intermediate points, between Metamora, Ill., and junction U.S. Highway 51, and Illinois Highway 116 (near Woodford, Ill.), serving the intermediate points of Roanoke and Benson, Ill., between Carbondale, Ill., and Evans-

ville, Ind., between Decatur, Ill., and Carmi, Ill., between Carbondale, Ill., and Springfield, Ill., serving all intermediate points. Restriction: Service to and from points between Springfield and junction U.S. Highway 66 and Illinois Highway 48, including said junction, is restricted to traffic moving to or from points south of said junction; between Pinckneyville, Ill., and St. Louis, Mo., serving the intermediate points of St. Liberty, and Fayetteville, Ill., between Rockford, Ill., and Beloit, Wis., between Milwaukee, Wis., and Beloit, Wis., between Peoria, Ill., and Streator, Ill., between Ottawa, Ill., and junction Illinois Highways 89 and 17, at or near Varna, Ill., between Joliet, Ill., and Ottawa, Ill., serving all intermediate points; passengers and their baggage, and express, in the same vehicle with passengers, between Metamora, Ill., and Peoria, Ill., between Rockford, Ill., and Wenona, Ill., serving all intermediate points; passengers and their baggage, in the same vehicle with passengers and express and newspapers, between Morris, Ill., and Chicago, Ill., serving the intermediate point of Joliet, Ill., between Rockford, Ill., and Dixon, Ill., serving the intermediate points of Byron, Oregon, and Grand Detour, Ill. BEN D. KRAMER holds no authority from this Commission. However, he is affiliated with (1) I & S TRAILWAYS, INC., doing business as INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, 1318 North Capitol Avenue, Indianapolis, Ind., (2) DE LUXE TRAILWAYS, INC., 23 West 16th Street, Chicago 16, Ill., (3) WESSON COMPANY, 250 West Ohio Street, Indianapolis Ind., which are authorized to operate as *common carriers* in (1) Indiana, Illinois, Ohio, and Kentucky; (2) Illinois and Missouri; and (3) Indiana and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9300. Authority sought for control by EDWARD STELMASZEK AND SOPHIE STELMASZEK, Route 35, South Amboy, N.J., of RHODE ISLAND BUS CORP., Post Office Box 666, Providence, R.I., 02901. Applicants' attorney: John R. Sims, Jr., 1750 Pennsylvania Avenue NW., Washington, D.C., 20006. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Boston, Mass., and Providence, R.I., between Providence, R.I. and Wallum Lake, R.I., between Pascoag, R.I., and Woonsocket, R.I., serving all intermediate points; passengers and their baggage, during the season extending from April 12 to November 30, inclusive of each year, between Pawtucket, R.I., and the Lincoln Race Track at Lincoln, R.I., serving no intermediate points; passengers and their baggage, restricted to traffic originating at the point indicated in charter operations, over irregular routes, from Pawtucket, R.I., to points in Massachusetts, and return. EDWARD STELMASZEK and SOPHIE STELMASZEK hold no authority from this Commission. However, they are

affiliated with (1) SUPER SERVICE BUS CO., Route 35, South Amboy, N.J., and (2) PROVIDENCE ARROW LINE, INC., 625 8th Avenue, New York, N.Y., which are authorized to operate as *common carriers* in (1) New Jersey, New York, Connecticut, Maryland, Massachusetts, Ohio, Pennsylvania, and the District of Columbia; and (2) Connecticut, New York, Rhode Island, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13874; Filed, Dec. 28, 1965;
8:47 a.m.]

[Notice 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 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 99798 (Sub-No. 8 TA), filed December 20, 1965. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission; commodities in bulk and those requiring special equipment), between the warehouse facility of Eagle-Picher Co. at or near Buick, Mo., on the one hand, and, on the other, Kansas City, St. Louis, West Plains, Springfield, and Joplin, Mo., for the purpose of interlining interstate freight at Kansas City, St. Louis, West Plains, Springfield, and Joplin, Mo., for 180 days. Supporting shipper: The Eagle-Picher Co., Post Office Box 47, Joplin, Mo., 64802.

Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 102616 (Sub-No. 777 TA), filed December 21, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, from Bayonne, N.J., to Evendale, Ohio, for 180 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, Tex., 77052. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa., 17101.

No. MC 112372 (Sub-No. 8 TA), filed December 21, 1965. Applicant: CLARENCE G. JEWELL, Post Office Box 703, Leesburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts* (section A, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from Purcellville, Va., to the plantsite of Hahn, Inc., Westminster, Md., and return with *refused or rejected shipments*, for 150 days. Supporting shipper: Hahn's Inc., Westminster, Md., Attention: Joseph H. Hahn, Jr. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C., 20423.

No. MC 113678 (Sub-No. 207 TA), filed December 20, 1965. Applicant: CURTIS, INC., Post Office Box 16004, Stockyard Station, Denver, Colo. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pool tables and accessories*, from Point of Rocks, Md., to Denver, Colorado Springs, and Pueblo, Colo., Albuquerque, N. Mex., Dallas and Fort Worth, Tex., Phoenix, Ariz., and Los Angeles and San Francisco, Calif., for 150 days. Supporting shipper: Potomac Industries, Inc., Point of Rocks, Md., 21777. Send protests to: James E. Henry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 113828 (Sub-No. 102 TA), filed December 21, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue., Washington, D.C., 20014. Applicant's representative: G. M. Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Baltimore, Md., to Williamson, Pa., for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 375 Park Ave., New York, N.Y., 10022, Attn: W. T. Patterson. Send pro-

tests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue, Washington, D.C., 20423.

No. MC 115669 (Sub-No. 57 TA), filed December 20, 1965. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. Applicant's representative: C. A. Ross, 714 South 45th, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer*, from Plattsmouth, Nebr., to points in Iowa, for 180 days. Supporting shipper: Spencer Chemical Division, Gulf Oil Corp., Dwight Building, Kansas City, Mo., 64105. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 115826 (Sub-No. 121 TA), filed December 20, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, 1960 31st Street, Denver, Colo., 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Frozen foods, fresh and cured meats, bakery goods, cheese, and margarine*, (2) *canned goods, frozen poultry, frozen fish, salad dressing, sugar packs, paper boxes, paper bags, paper napkins, paper drinking cups, paperboard dishes, plastic articles, drinking straws and printed matter*, when moving in the same vehicle with any of the commodities named in (1) above, from points in the Denver, Colo. commercial zone to El Cajon, Los Angeles, Oakland, San Diego, San Francisco, and San Rafael, Calif., Seattle, Wash., and Salt Lake City, Utah, including all points in the commercial zones of named points, for 180 days. Supporting shipper: Colorado Cibo House Corp., 3517 South Huron, Englewood, Colo. Send protests to: James E. Henry, 2022 Federal Building, Denver, Colo., 80202.

No. MC 123435 (Sub-No. 7 TA), filed December 20, 1965. Applicant: PACIFIC MOLASSES TRANSPORT COMPANY, doing business as P/M TRANSPORT COMPANY, 215 Market Street, San Francisco, Calif., 94105. Applicant's representative: P. N. Deckard (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Animal or poultry feed supplements or additives, liquid, in tank vehicles, and molasses*, when transported in part lots with animal or poultry feed supplements or additives, liquid, in tank vehicles, from Imperial, Calif., to Yuma, Phoenix, Arlington, Casa Grande and Tucson, Ariz., and points within a radius of 20 miles of each, for 150 days. Supporting shipper: California Cattle Supply Co., Inc., Post Office Box 788, Dellflower, Calif. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate

Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

No. MC 124111 (Sub-No. 9 TA), filed December 21, 1965. Applicant: SANDUSKY TRUCK AND TRAILER COMPANY, Post Office Box 2297, 302 West Perkins Avenue, Sandusky, Ohio. Applicant's representative: Earl J. Thomas, Post Office Box 70, 5844-5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined in paragraph A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cleveland and Sandusky, Ohio, to Tampa, Fla., for 180 days. Supporting shipper: The Selected Meat Co., Box 1489, Sandusky, Ohio, 44870. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio, 43604.

No. MC 125440 (Sub-No. 3 TA), filed December 20, 1965. Applicant: JULES TISCHLER AND PAUL JOHNSON, a Partnership, doing business as RARITAN MOTOR EXPRESS, 985 Route 202, Somerville, N.J., 08876. Office: 3 Van Dyke Road, Branchburg, N.J. Applicant's representative: LeRoy Danziger, 334 King Road, North Brunswick, N.J., 08902. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Precast concrete panels and materials, supplies and equipment used for the erection, manufacture, and attachment of such commodity, between Bound Brook, N.J. and Brandywine, Md., on the one hand, and, on the other, Roanoke, Va., for 180 days.* Supporting shipper: Eastern Schokcrete Corp., Post Office Box 270, Bound Brook, N.J., 08805. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 127768 (Sub-No. 1 TA), filed December 20, 1965. Applicant: JOINER'S TRANSIT COMPANY, INC., 123 East Alabama Street, Florence, Ala. Applicant's representative: Aaron Joiner (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers, express, newspapers, mail and/or baggage* in the same vehicle with passengers, between Pulaski, Tenn., and Florence, Ala., from Pulaski over Tennessee Highway 11, Alabama Highway 207 to Bethel, Ala., thence over Alabama Highway 64 to Lexington, Ala., Highway 101 to Elgin, Ala., thence over U.S. Highway 72 to Florence, Ala., and return over the same route, serving all intermediate points and no off-route points, and charter rights from all points on said route, for 180 days. Supporting shippers: Pulaski Auto Supply Co., 201 East Jefferson Street, Pulaski, Tenn.; Hathcoat Garage, Minor Hill, Tenn.; S. B. S. Electric Sup-

ply Co., 123-125 South Royal Avenue, Florence, Ala.; Davis Repair Shop, Goodsprings, Tenn.; M. S. Church Auto Parts Co., Inc., 322 North Second Street, Pulaski, Tenn.; Goode's Radio & T. V. Service, Minor Hill, Tenn., 38473; Jack's Cookie Corp., Pulaski, Tenn.; Baker-Hill, 121 South Wood Avenue, Florence, Ala.; and Bill's Garage, Minor Hill, Tenn. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212 South Twentieth Building, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 127789 (Sub-No. 1 TA), filed December 21, 1965. Applicant: BENNETTI TRUCKING CORP., 24 West 20th Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Phonograph records*, loose, in cartons, from Roselle, North Plainfield, Ancora, and Runnemede, N.J., to New York, N.Y., under continuing contract with R. T. V. Sales, Inc., for 150 days. Supporting shipper: R. T. V. Sales, Inc., 420 Lexington Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127790 TA, filed December 20, 1965. Applicant: CODY BUS LINE, Deaver, Wyo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and mail*, in the same vehicle, between Cody, Wyo., and Deaver, Wyo., serving all intermediate points, from Cody, over U.S. Alternate Highway 14 to Garland, Wyo., thence over Wyoming Highway 114 to Deaver (also from Cody, Wyo., over U.S. Alternate Highway 14 to Lovell, Wyo., thence over U.S. Highway 310 to Deaver, Wyo.), and return over the same route. Restrictions against tacking or interline service to be waived, for 180 days. Supporting shippers: Thomas E. Roberts, D. V. M., Box 1157, South of Cody, Cody, Wyo.; Continental-Emsco Co., Cody, Wyo.; Soll Ford-Mercury Sales, 922 North 12th Street, Cody, Wyo.; Webster Chevrolet-Buick Co., Post Office Box 1019, Cody, Wyo.; The Buffalo Bill, Highways 14, 20 and 120, Cody, Wyo.; P & S Motor Company, 1018 13th Street, Cody, Wyo.; W. R. Coe Memorial Hospital, Cody, Wyo.; Cody Drug, Cody, Wyo.; The Cody Theatre Park Drive-In Theatre, 1719 Bleistein Avenue, Cody, Wyo.; Big Horn Coca-Cola Bottling Co., Post Office Box 1019, Cody, Wyo.; War Memorial Hospital, Powell, Wyo.; Johnson-Bolmeier, Post Office Box 838, Powell, Wyo.; Dr. W. R. Lee, Route 1, one mile east of Powell, Powell, Wyo.; and, Yellowstone Amusement Co., Box 271, Powell, Wyo. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S

Building, 255 North Center Street, Casper, Wyo., 82601.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13875; Filed, Dec. 28, 1965;
8:47 a.m.]

[Notice 1277]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 23, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68348. By order of December 22, 1965, the Transfer Board ap-

proved the transfer to K & K Transportation Co., Chelsea, Mass., of the certificate of registration, issued January 21, 1964, to Clic Construction Co., Inc., West Medford, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to Irregular Route Common Carrier Certificate No. 1061 dated August 19, 1959, issued by the Massachusetts Department of Public Utilities. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., 02110, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-13876; Filed, Dec. 28, 1965;
8:48 a.m.]

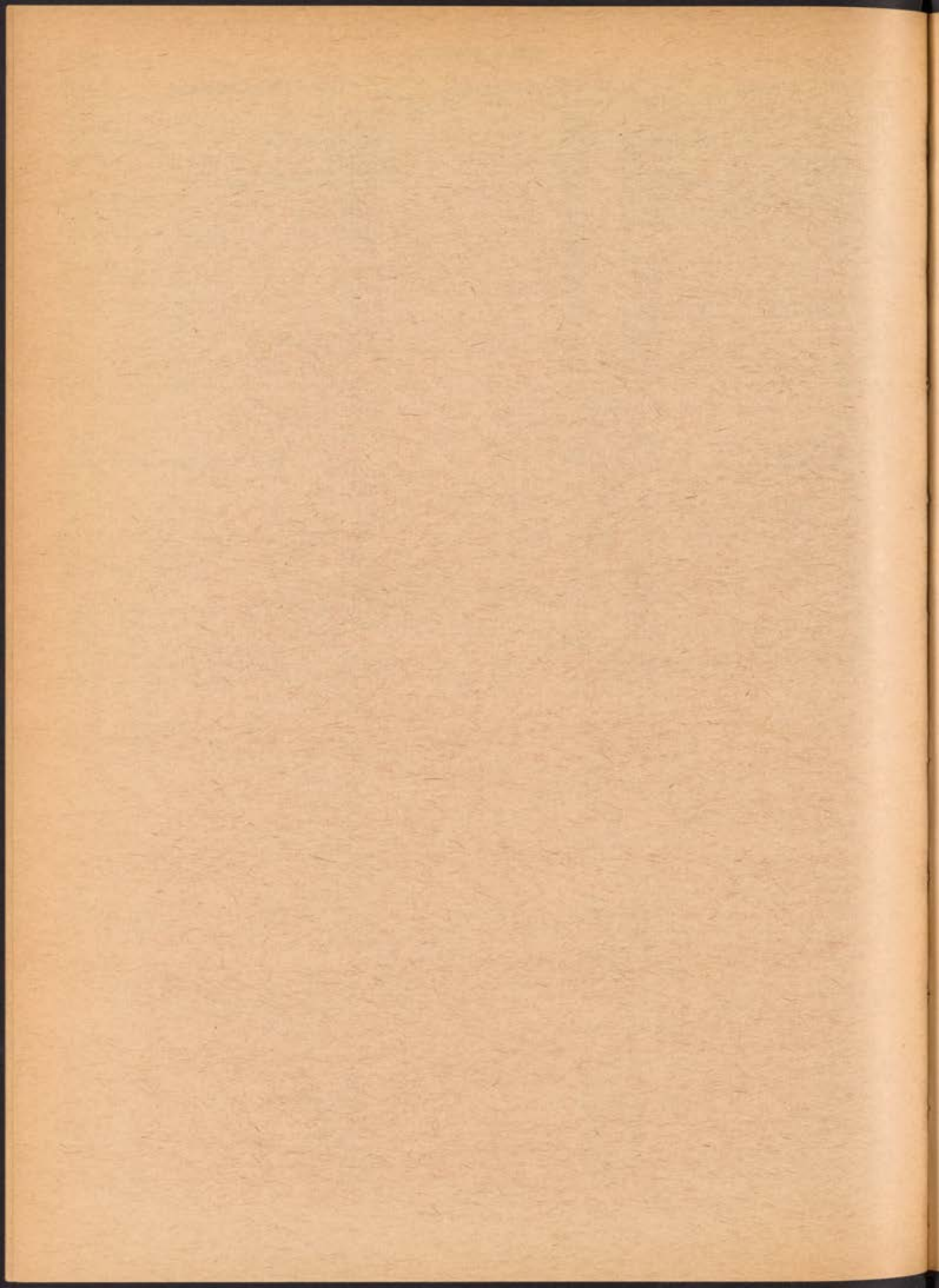
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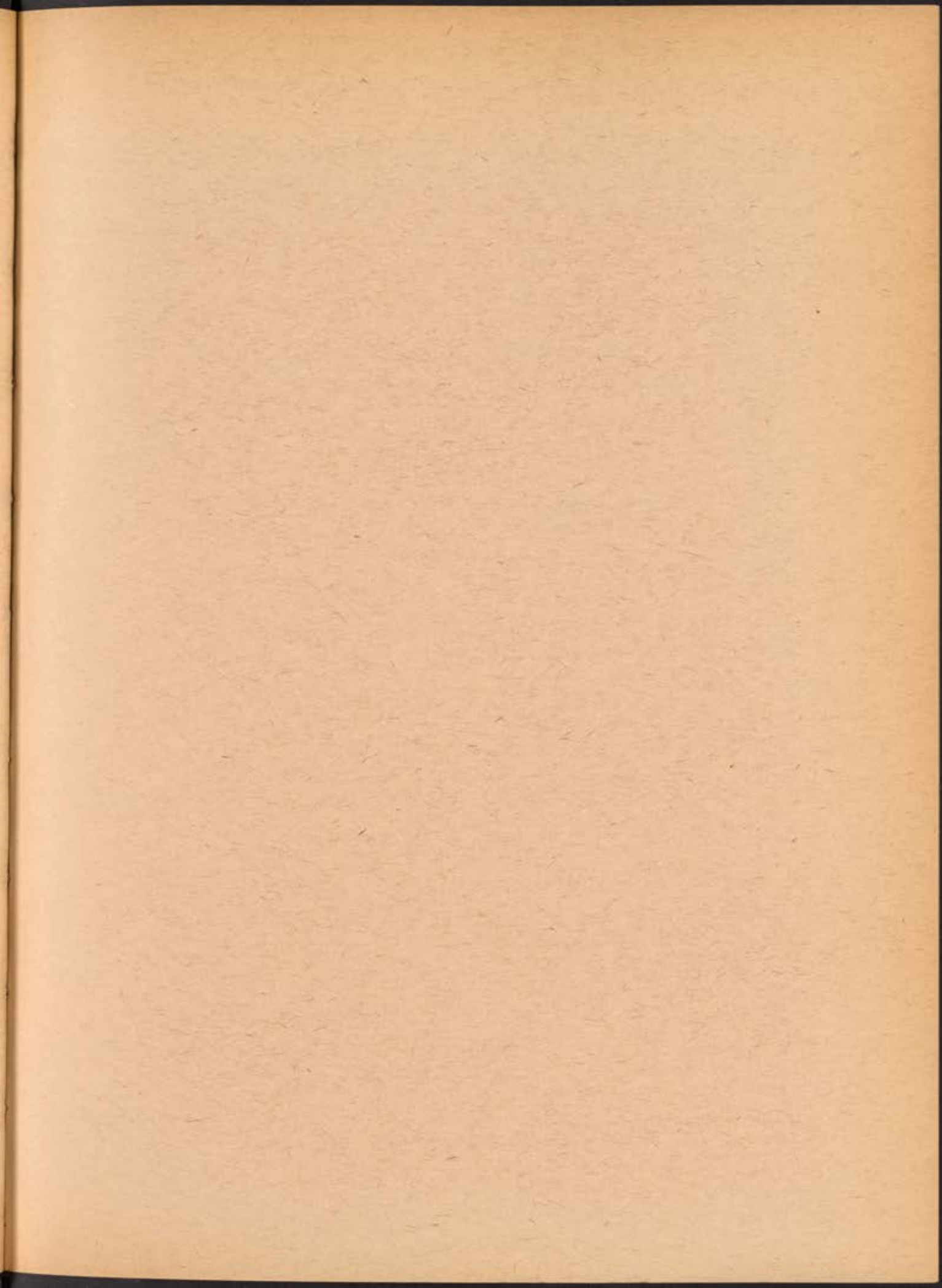
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

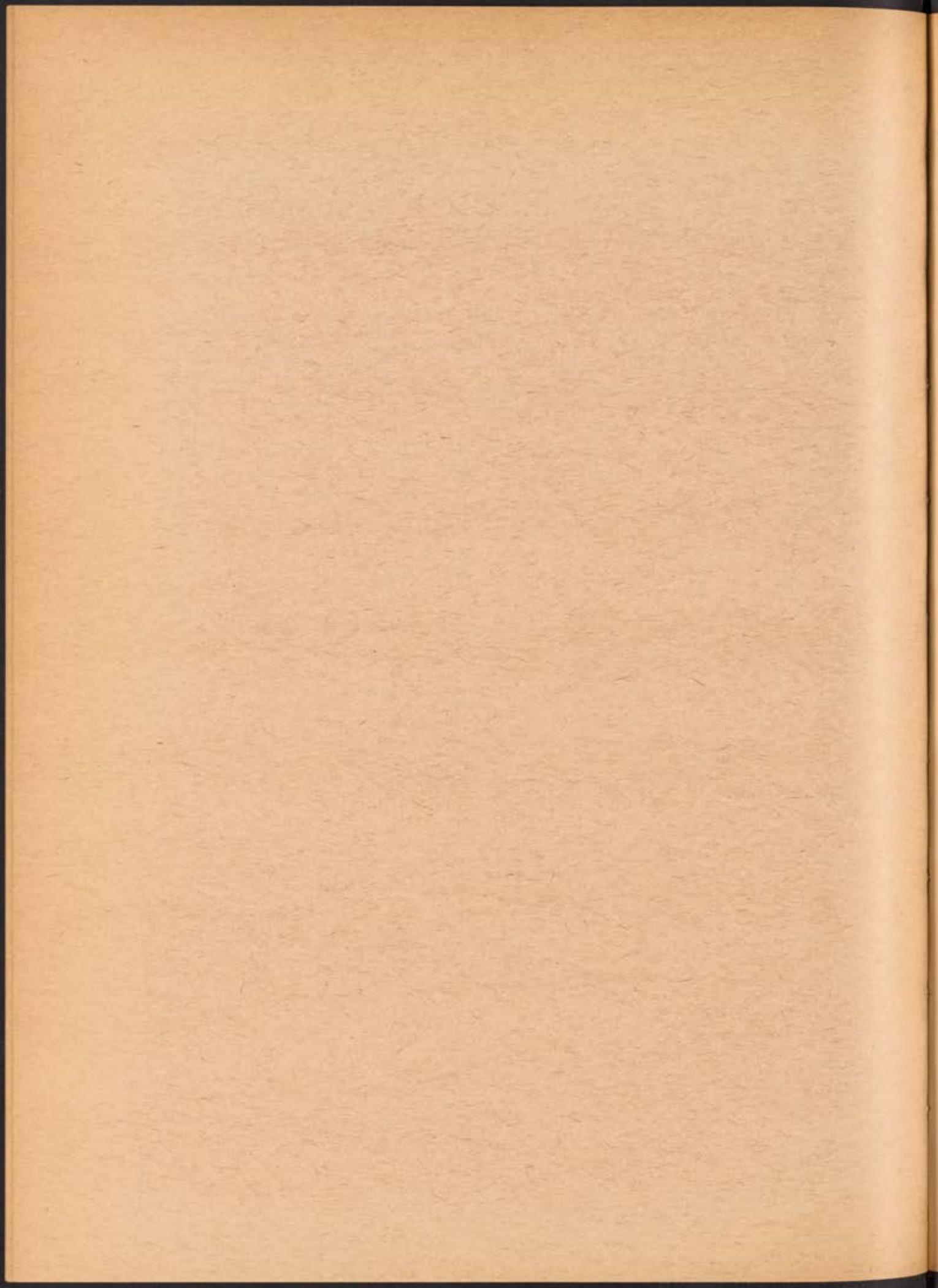
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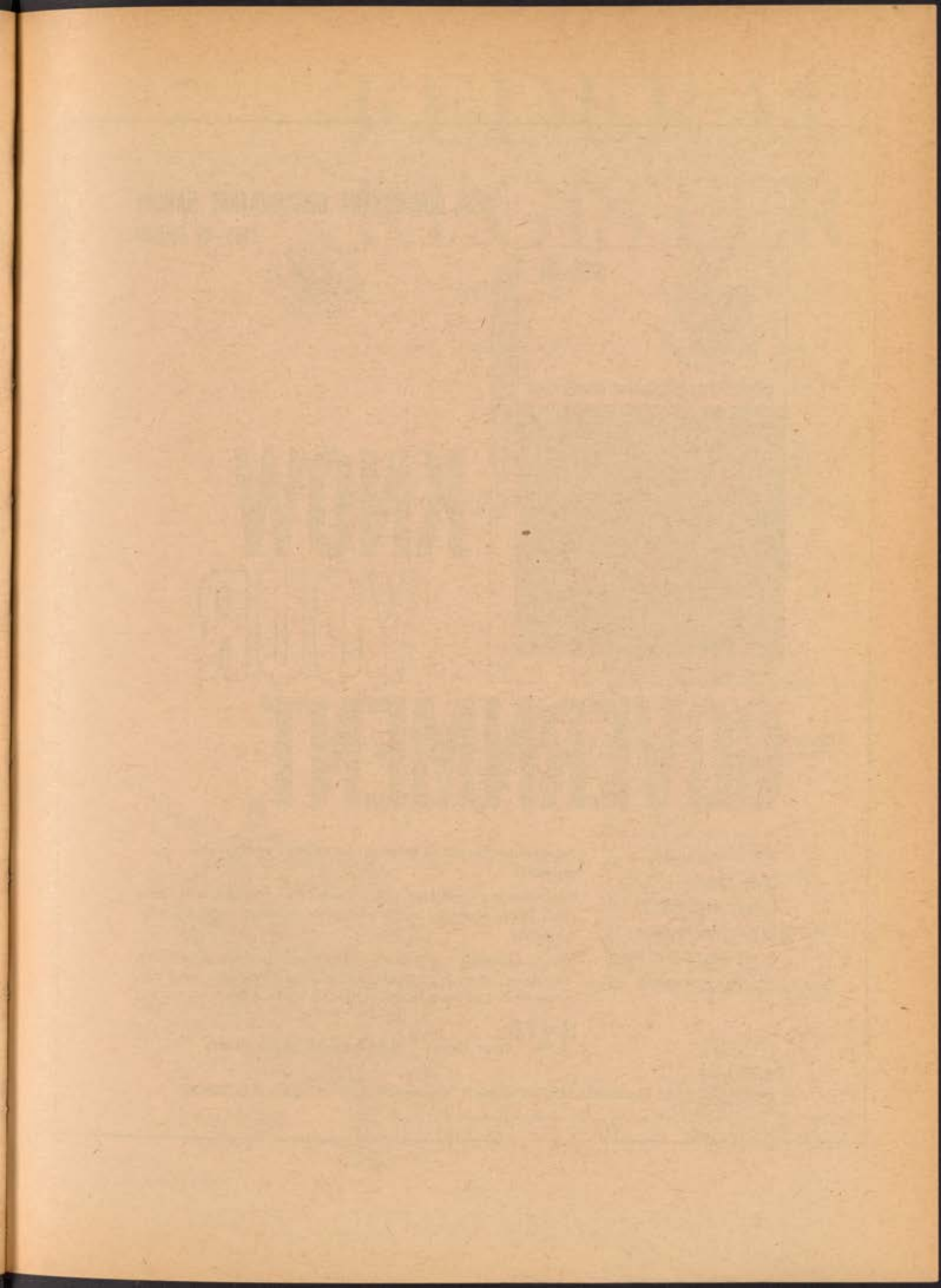
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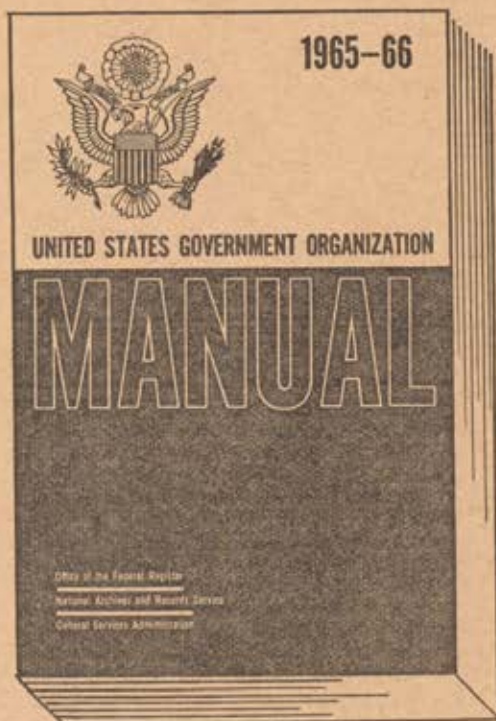






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