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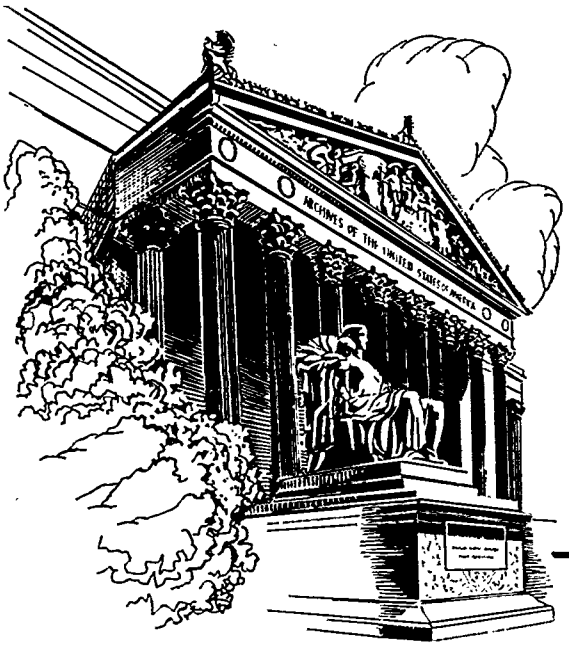

How To Find U.S. Statutes and U.S. Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 444.4]

PART 322—RURAL HOUSING LOANS AND GRANTS

Subpart C—Farm Labor Housing Loan Policies, Procedures, and Delegations of Authority

Part 322, Subchapter III, Title 6, Code of Federal Regulations is revised to include a new Subpart C to read as follows:

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322.61 General.
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322.77 Complaints regarding discrimination in use and occupancy of housing projects of more than two rental units.

AUTHORITY: The provisions of this Subpart C issued under sections 502, 510, 514, 517, 63 Stat. 433 as amended, 437, 75 Stat. 186 as amended, 79 Stat. 498; 42 U.S.C. 1472, 1480, 1484, 1487; Orders of Secretary of Agriculture, 29 F.R. 16210, 16840, 30 F.R. 14049.

§ 322.61 General.

This subpart sets forth the policies and procedure and delegates authority for making initial and subsequent insured loans under sections 514 and 517 of the Housing Act of 1949, to provide housing and related facilities for domestic farm labor (LH loans).

§ 322.62 Objective.

The basic objective of the Farmers Home Administration (FHA) in making and insuring LH loans is to provide decent, safe, and sanitary housing and related facilities for domestic farm labor.

§ 322.63 Definitions.

As used in this subpart—

(a) "Domestic farm labor" means persons who receive a substantial portion of their income as laborers on farms in the United States and either are citizens of the United States, or reside in the United States after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Laborers on farms do not include workers on "oyster farms" or "fish farms."

(b) "Housing" means existing structures or new structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor. "Housing" may include "related facilities" where appropriate.

(c) "Related facilities" include community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities, assembly halls, and other essential service facilities, such as central heating, sewerage, lighting systems, bathing facilities, and a safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for the domestic farm labor occupants.

(d) "Individual farmowner" means the "owner" of a "farm" as those terms are defined in Subpart A of this part.

(e) "Organization" means an association of farmers, a State or political subdivision, or a public or private nonprofit organization.

(f) "Association of farmers" means a group of farmers acting as a single legal entity, of whose members each is an individual devoting a substantial part of his time to personal participation in the conduct of farming operations. Though an association of farmers is not required to be a nonprofit organization, its operation of the housing must be on a nonprofit basis.

(g) "Nonprofit organization" means an organization which is organized and operated on a nonprofit basis, and is legally precluded from distributing any profits or dividends to its members before dissolution.

(h) "Construct or repair" means to construct new structures or facilities, or to acquire, relocate, or improve existing structures or facilities, but does not include the acquisition of land.

(i) "Members" and "membership" include stockholders and stock where appropriate.

(j) "Board" and "directors" include the governing body and members of the governing body of an organization.

(k) "Note" may include bond or other form of obligation.

(l) "Mortgage" may include any appropriate form of security instrument.

(m) "County Supervisor" and "State Director" mean the authorized officials of the Farmers Home Administration for the area in which the housing site is located.

§ 322.64 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an LH loan, the applicant must meet the following requirements:

(1) The applicant must be either:

(i) An individual farmowner who meets the eligibility requirements of Subpart A of this part; or

(ii) An organization which will own the housing and related facilities, including the site, and operate them on a nonprofit basis.

(2) If the housing is for labor to be used elsewhere than in farming operations on land owned or operated by an individual applicant, or by an organization applicant or any of its members, or by a corporation wholly owned by any of the applicant's members, the applicant must comply with subparagraph (1) of this paragraph and—

(i) Be an individual who is an established resident of the community and will personally operate or supervise operation of the housing, or be an organization a majority of whose members and directors are established residents of the community;

(ii) Have had extensive and successful experience in providing farm labor in the area;

(iii) Have had the approval of appropriate State officials of the applicant's operations, and be likely to continue to have such approval; and

(iv) Be financially responsible and likely to succeed in the labor contracting business.

(3) Be unable to provide the necessary housing from the applicant's own resources, including any power to levy taxes, assessments, or charges, and unable to obtain the necessary credit from other sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have initial operating capital and other assets needed for a sound loan, and have, after the loan is made, income sufficient to meet the applicant's operating expenses, necessary capital replacements, payments on the loan and any other authorized debts, other reasonable and necessary expenses, and the accumulation of reasonable reserves as required. Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums in case of an organization, utility hookup charges, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses.

(5) Possess the legal capacity and the character, ability, and experience to carry out the undertakings and obligations required for the loan, including the obligation to maintain and operate the housing and related facilities for the purpose for which the loan is made.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or its bona fide representative and technical advisers. The authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of land for the housing site.

§ 322.65 Loan purposes.

LH loans may be made only to—

(a) Construct or repair housing as defined in § 322.63, which may include single family units, apartments, dormitory-type units, or multiuse housing.

(b) Improve the necessary land on which the housing will be located, such as landscaping, foundation plantings, seeding and sodding lawns, and constructing walks, yard fences, parking areas, and driveways.

(c) Develop and install related facilities as defined in § 322.63(c), and other related facilities, subject to the limitations of § 322.63(c)(1), for the use of the occupants of the housing, such as:

(1) Recreation area or center;

(2) Central cooking and dining facilities;

(3) Small infirmary for emergency care only;

(4) Laundry facilities;

(5) Fallout shelters or similar protective structures;

(6) Essential equipment, which upon installation, legally becomes part of the real estate. The applicant must provide movable-type furnishings and equipment from his own funds.

(d) Pay related costs such as fees and charges for legal, architectural, and other appropriate technical services.

(e) Pay interest which will accrue on the loan from the date of loan closing to the estimated completion date of construction which the applicant cannot pay from other resources.

§ 322.66 Limitations.

(a) *Docket development.* No docket for a loan or loans which would result in the applicant's LH indebtedness exceeding $500,000 will be developed without the prior consent of the National Office. For the purpose of this paragraph, two organizations will be considered one if a majority of the members or directors are the same persons. Any requests for such consent must include detailed, accurate, complete, and current information concerning:

(1) Name and address of applicant;

(2) Applicant's assets;

(3) A listing of any debts owed;

(4) Status of each debt;

(5) Information on any interlocking memberships or boards of directors;

(6) Applicant's experience in operating farm labor housing;

(7) Applicant's financial contribution to the project;

(8) A realistic estimate of future need for the housing;

(9) A general description of the housing planned;

(10) Evidence of need submitted by the applicant, and the County Supervisor's evaluation; and

(11) Any other factors having a bearing on the need for and financial soundness of the proposed housing.

(b) *Loan limits to an individual.* A loan to an individual may not exceed the normal value of the farm improved with the loan, as determined by the loan approval official, less the unpaid principal balance plus past-due interest of any prior or junior liens that will or are likely to exist against the property after the loan is closed, or the actual cost to the applicant of approved items eligible under § 322.65.

(c) *Loan limits to an organization.* The amount of a loan to an organization may not exceed the estimated depreciated replacement value of the completed housing and related facilities financed with the loan, or the actual cost to the applicant of approved items eligible under § 322.65, whichever is less. Also, the amount of the loan added to unpaid principal plus past-due interest of any other liens that will or are likely to exist against the security may not exceed its present market value.

(d) *Limitations on use of loan funds.* Loan funds may only be used for the purposes stated in § 322.65. Among the purposes for which loan funds will not be used are the following:

(1) Housing or related facilities which are elaborate or extravagant in design or material.

(2) Refinancing debts of the applicant.

(3) Land purchase.

(4) Movable-type furnishings or equipment.

(5) Payment of any fees, charges, or commissions to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of the loan.

(6) Payment of any fee, salary, commission, profit, or compensation to an applicant, or any officer, director, trustee, stockholder, member, or agent of the applicant, except as provided in § 322.65(d).

(e) *Obligations incurred before loan closing.* When the applicant files an application for a loan, the County Supervisor will advise the applicant that construction must not be started and obligations for work or materials must not be incurred before the loan is closed, and that it is the policy of the FHA not to permit loan funds to be used to pay such obligations. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, we State Director may authorize the use of loan funds to pay such debts, but only when he finds that all the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or from credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts and construction work meet Farmers Home Administration standards.

§ 322.67 Rates and terms.

(a) *Amortization period.* Each loan will be scheduled for payment in installments within a period, not to exceed 33 years, as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

(b) *Interest rate.* The interest rate payable by individuals and by organizations which are not public bodies will be 5 percent per year on unpaid principal. The interest rate payable by organizations which are public bodies will not exceed 5 percent, and will be determined as provided in Part 310 of this chapter.

(c) *Yield to lender, annual charge, and repurchase period.* The rate of return to the lender, the annual charge retained by the Government, and the period of initial repurchase agreement will be determined as provided in Part 310 of this chapter.

§ 322.68 Special conditions.

(a) *Group service loans.* When it is more feasible for a group of individual farmowners not constituting an association to provide housing for domestic farm labor through joint ownership and operation of the housing, an individual LH loan may be made to any member of the group subject to the provisions of this subpart regarding LH loans to individual farmowners. The jointly owned housing site will be considered part of each individual farm.

(b) *Refinancing LH loans.* Each borrower will be required to agree to refinance the unpaid balance of his LH loan at the request of the FHA, whenever it appears to the FHA that he is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(c) *Loan resolution or loan agreement.* An organization applicant will have its Board of Directors adopt a loan resolution and furnish a certified copy for the loan docket before loan approval. The resolution will be in form prescribed or approved by the National Office of the FHA. An individual farmowner applicant, in any case where required by the State Director or the National Office, will execute a loan agreement in form prescribed or approved by the National Office. The provisions of the resolution or agreement should be read and fully understood by the applicant. They will be binding on the applicant as a part of the loan contract.

(d) *Restrictions on conditions of occupancy.* No organization borrower, unless it is composed of individual farmowners, will be permitted to require as a condition of occupancy of the housing that an occupant work on any particular farm or for any particular owner or interest.

(e) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and protect the interest of the Government.

(f) *Deferred principal payments.* When necessary because of deficiency in the applicant's income or other resources, smaller than regular payments of principal or no payments of principal may be provided for the first, or first

and second, installment dates after loan closing. However, the first installment may not be less than interest accruing to February 1 of the next year after the calendar year in which the loan is closed, and the second installment may not be less than the interest accruing for 1 year.

(g) *Multiple advances.* (1) The entire loan will be disbursed at the time of loan closing in only one advance when the loan is made from the Insurance Fund or with funds provided by a national lender.

(2) The loan may be disbursed in not more than three advances over a period not to exceed 2 years from the date of the first advance, when a local lender provides the funds for the loan and agrees in writing to the multiple advances.

§ 322.69 Security requirements.

(a) *General.* Each loan will be secured so as to adequately protect the financial interest of the Government in the loan during its payment period.

(b) *Loan to an individual farmowner.* For every loan to an individual farmowner, a real estate mortgage will be taken on the farm, subject to Part 307 of this chapter and § 322.10(b), excluding the provisions permitting $2,500 to be not secured by real estate of good title.

(c) *Loan to an organization.* (1) A loan to an organization which can give a real estate mortgage will be secured by a mortgage on good and marketable title to the real estate including the housing, the related facilities, and the site, subject to any exceptions that may be waived as provided in § 307.2(d) of this chapter.

(2) If a first mortgage cannot be obtained, a junior mortgage may be taken provided:

(i) The prior mortgage as affected by the State law does not contain such provisions for future advances, payment schedules, forfeiture or cancellation, foreclosure without adequate notice to junior lienholders, or other matters as may jeopardize FHA's security position or the borrower's ability to pay the loan; or

(ii) Such provisions are satisfactorily limited, modified, waived, or subordinated.

(3) When necessary or advisable for pursuing the objectives of the loan or protecting the Government's financial interest in the loan, a mortgage or other security interest may be taken in other real property or in personal property owned by the borrower.

(4) When necessary or advisable, additional or other security may be taken in such forms as a pledge, assignment, mortgage, or other security interest in income from the housing, or promissory notes, endorsements, personal liability agreements, membership subscription agreements, or liens on property of individual members of the borrower.

(5) As a general policy, personal liability will be required of the members of an organization applicant which does not have a numerous, broadly based membership.

§ 322.70 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals, in accordance with the applicable appraisal instructions.

(b) *Title clearance and legal services.* For a loan to a public body, title clearance and legal services will be obtained in accordance with special instructions from the Office of the General Counsel, observing the provisions of Part 307 of this chapter insofar as feasibly applicable. For loans to other applicants, the provisions of Part 307 of this chapter regarding title clearance and legal services will apply.

(c) *Contracts for legal services.* In cases requiring extensive legal services for which loan funds will be used, the applicant will be required to have a written contract for such services. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA, and therefore, insofar as feasible, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed, the amount of the fees to be paid, and payment of the fee in lump sum on the completion of all services, or in installments as services are performed. The amount of the fees payable from loan funds will be based primarily on the nature and extent of the legal service needed to be furnished the applicant in connection with housing planning and development, and the rate of compensation for such services in the community. The State Director may request the advice of the Office of the General Counsel before approving the contract as to its provisions, including the amount of fees to be paid.

(d) *Contracts for architectural services.* The applicant will provide the necessary architectural services. Architectural services will be required on all projects whose estimated construction cost is in excess of $50,000 unless prior consent is given by the National Office to proceed without complete architectural services. Any requests for such consent should state (1) the size of the development, (2) the design and type of construction, and (3) how the architectural services will be provided. Architectural services should be required where the nature and characteristics of the project are such that architectural services are needed. A written contract will be required when loan funds will be used for architectural services. All such contracts, including the amount of fees to be paid, will be subject to review and approval by the FHA, and should therefore be submitted to the FHA before execution by the applicant. Contracts will provide for the type of services to be performed, such as: Preliminary and final planning; furnishing of sketches, drawings, specifications, and cost estimates; assisting in preparing and soliciting construction bids; analyzing bids; preparing and awarding construction contracts; preparing change orders; exercising supervision during construction; certification of all payments for work performed; and the amount of fees to be paid and payment of the fees in lump sum upon completion of all services, or in installments as services are performed. The amount of fees payable will be based on the nature and extent of the services needed by the applicant in connection with the planning and development of the housing.

(e) *Construction and development policies.* (1) Contract construction by qualified builders will be used whenever possible. In no case may the applicant, or an officer or director in the case of an organization applicant, or a member of an applicant which is a closely held corporation, bid on the job.

(2) Borrower construction may be necessary or desirable in some cases. In a case of this type when a borrower or its members, directors, or officers will serve, directly or indirectly, as the builder of the project, or as a supplier of labor or materials, the work will be performed by the borrower method as described in Part 304, with the following modifications:

(i) In order to conserve the County Supervisor's time, the number of payments for materials and labor should be kept at a minimum.

(ii) All invoices will be signed by the borrower as correct and received; Form FHA 424–11, "Statement of Labor Performed," will be signed by the borrower in the usual manner.

(iii) Loan funds will not be used to pay the borrower or its members, directors, or officers, directly or indirectly, any profits from the construction or from supplying materials or any compensation for their own labor: *Provided, however,* In case of a broadly based organization, members who are not officers or directors may contract for certain trades or materials.

(iv) Discounts and rebates given in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account.

(3) Form FHA 424–13, "Certificate of Actual Cost of Construction," will be furnished by the borrower upon completion of the work on any project whose estimated or actual cost is $20,000 or more.

(f) *Compliance with local codes and regulations.* Planning, construction, zoning, and operating of housing financed with the LH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health and sanitation.

(g) *Use of and accountability for loan funds.* LH loan funds and any funds furnished by the borrower will be handled in accordance with Part 303 of this chapter. Collateral for deposits of funds will be required in accordance with Administration Letter 802(402). Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the housing should not be deposited in the supervised bank account with loan funds.

Withdrawal of funds from the supervised bank account may be made only for legally eligible loan purposes.

(h) *Insurance.* The State Director will determine the minimum amount and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 306 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be informed of the possibility of incurring liability and encouraged, or required when appropriate, to obtain liability insurance.

(i) *Bonding.* (1) The provisions of Part 304 of this chapter pertaining to surety bonds are applicable to LH loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of $20,000.

(2) An applicant which is an organization will provide fidelity bond coverage for the official entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named as co-obligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 322.71 Processing applications—preliminary dockets.

(a) *Application from an individual farmowner.* An application from an individual farmowner will be taken on Form FHA 410–1, "Application for FHA Services." The plan of operation for the farm will be shown on Form FHA 431–2, "Farm and Home Plan." When the loan will finance housing for labor to be employed on land not owned or operated by the applicant, preliminary information on the probable demand for labor housing in the area should also be obtained.

(b) *Application from an organization.* For a loan to an organization, the application will be in the form of a letter to the local County Supervisor. The letter should include a full statement of the purpose for which the loan is requested, the estimated amount of the loan needed, the proposed manner of securing and repaying the loan, and any previous experience of the applicant in operating labor housing. The applicant will attach to the letter of application as exhibits the following, which will be included in the preliminary docket with the application:

(1) A dated financial statement signed by an authorized official of the organization showing as of a current date the amount and nature of assets and liabilities together with information on the repayment schedule and status of each debt.

(2) Evidence of inability to obtain credit from other sources.

(3) Proposed method of operation and management practices.

(4) A proposed operating budget showing anticipated income and expenses for a typical year of operation.

(5) Plot plan, and preliminary plans and specifications for the proposed housing and related facilities including:

(i) Building layout;

(ii) Type of construction;

(iii) Number and type of rental units;

(iv) Estimate of cost, including the basis for the estimate; and

(v) Evidence of compliance with the State and local health and other regulations as required by § 322.70(f).

(6) Preliminary survey of the area to determine the need and probable demand for labor housing.

(7) Information on neighborhood and existing facilities, such as distance to shopping area, schools, neighborhood churches, available transportation, and other essential services.

(8) Information on topography, drainage, sanitation, and water supply, and a reference to any known problems related to these items.

(9) A statement on the amount, purpose, and method of providing capital to cover preliminary expenses and initial operating expenses.

(10) An accurate citation to the specific provisions of State law under which the applicant is organized; a copy of the applicant's existing or proposed charter or articles of incorporation, bylaws, and other basic organization documents; the names and addresses of the applicant's principal members and of its directors, and officers; and, if a member is another organization, its name, address, and principal business.

(c) *County Supervisor's review.* (1) The preliminary docket will be reviewed by the County Supervisor. If it appears that the applicant is probably eligible and a sound loan likely can be made, the preliminary docket, including the comments and recommendations of the County Supervisor and any additional material, will be forwarded to the State Director. If the applicant is a closely held corporation, a current financial statement will be required from each director, and from each member who holds a substantial interest in the corporation.

(d) *State Office action.* (1) The State Director will review the preliminary docket and in case of an organization submit the docket to the Office of the General Counsel for its preliminary opinion as to whether the applicant and the proposed loan met or can meet the requirements of State law and this instruction.

(2) The State Director will make a study of the preliminary plans and specifications to determine compliance with Supplement No. 1 of the "Guide for the Construction of Farm Buildings" or with applicable State codes for the construction of buildings for labor housing. The State Director's comments pointing out any deficiencies in the plans and suggestions for improvements will be attached to the plan for the applicant's consideration. After completing his review and determining whether the applicant is eligible, the State Director will return the preliminary docket to the County Supervisor with further instructions.

§ 322.72 Final preparation and processing of loan docket.

(a) *Information needed.* If the State Director authorized further processing of the application, the County Supervisor will inform the applicant of the additional information needed, including:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with Supplement No. 1 of the "Guide for the Construction of Farm Buildings." Final plans and specifications should include those for such items as the sewer and water systems, land clearing, grading, filling, roads, walks, parking areas, drainage, and plantings.

(2) A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

(3) Satisfactory evidence of review and approval of the proposed housing by officials whose approval is required by State or local laws, ordinances, or regulations.

(4) A detailed survey which shows the need for domestic farm labor housing on the individual farm or in the area. The area survey will show, in addition to information that may be needed by the applicant, the following:

(i) Names of farmers using farm labor.

(ii) Number of laborers used per month by each.

(iii) Estimated number of laborers who will likely use the housing.

(iv) Rental levels in the area for comparable housing, if available, and rents currently being charged farm laborers for housing.

(5) Any additional evidence which may be required of efforts made and inability to obtain credit from other sources, which must include lenders engaged in long-term mortgage lending.

(6) A description and justification of any related facilities.

(7) A statement giving location of other essential facilities that will be available in the community, such as doctors, dentists, hospitals, churches, shopping center, barber shops, beauty shops, and recreational facilities.

(8) A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

(9) Proposed, detailed operating budgets for (i) the first year of operation, and (ii) a typical year's operation, showing the operating cost of the labor housing, the debt structure of the applicant, and how the debts will be paid. If the applicant has previously operated a labor housing or similar business, a copy of the

applicant's operating budget for the past 5 years will also be included.

(10) A statement in narrative form outlining the plan for management of the proposed housing, such as indicating whether it will be managed by an owner-manager or hired manager, and showing age, experience, duties, and responsibilities of manager.

(11) A statement of policy regarding occupancy, including a copy of any proposed form of lease to be offered tenants and a copy of any rules or regulations governing administration and occupancy.

(12) If the loan is secured by a junior real estate mortgage, agreements with prior lienholders and information concerning prior mortgages will be obtained as provided in Subpart A of this part.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will—

(1) Work closely with the applicant and review the information furnished for adequacy and completeness.

(2) Observe the proposed site and consider its desirability.

(3) Evaluate the manner in which the applicant plans to conduct its business and financial affairs, and include his comments on the adequacy of the management.

(4) Prepare a statement explaining and supporting the basis for expecting a continued effective demand for labor housing, commenting specifically on the rate of mechanization of the farming operations, the likelihood of shifts to crops requiring less labor, and other factors tending to displace farm laborers.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440–2, "County Committee Certification." Before executing Form FHA 440–2, the County Committee will consider all pertinent information concerning the applicant and the proposed housing, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Submission of docket to State Office.* After submission of the loan docket to the State Office, the State Director will prepare, with the advice of the Office of the General Counsel, a memorandum to the County Supervisor which will either require additional information or set forth the conditions of loan approval. If the consent of the National Office is not required and the State Director determines that the loan should be approved, he will approve the loan and sign the memorandum. If the docket is to be submitted to the National Office, it will include evidence of approval or additional requirements by the Office of the General Counsel.

(e) *Submission of docket to National Office.* (1) When the State Director determines that the loan should be approved and the consent of the National Office is required, he will submit to the National Office the complete docket with his recommendation.

(2) If in any case before the loan docket has been completed the State Director, with the advice of the Office of the General Counsel, is unable to determine whether the proposed loan meets the requirements of this subpart, he may submit the incomplete docket to the National Office for special review. The incomplete docket will contain in every case a memorandum from the Office of the General Counsel setting forth the results of its review. Such submission to the National Office will include the State Director's comments and recommendations and sufficient information concerning the applicant and the proposed loan to enable the National Office to reach an informed conclusion. When appropriate, the National Office may authorize loan approval without further reference to the National Office.

§ 322.73 Loan approval.

(a) *Delegation of authority.* The State Director is authorized to approve or disapprove loans in accordance with this subpart. The State Director may redelegate loan approval in writing to State Office employees other than the Area Supervisor. Without the prior consent of the National Office, no LH loan may be approved by the State Director if—

(1) The loan is to an organization; or

(2) The amount of the loan plus unpaid principal and past-due interest of any other lien(s) on real estate of the applicant would exceed $50,000; or

(3) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed $50,000.

(b) *Loan approval official's responsibility.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with all pertinent regulations, instructions, and directives. In making this review, the loan approval official will determine that—

(1) The Committee certification has been properly completed and signed by at least two Committeemen.

(2) The applicant is eligible.

(3) The funds are requested for authorized purposes.

(4) The proposed loan is sound.

(5) The security is adequate.

(6) All other pertinent requirements are met.

(c) *Approval or disapproval of a loan.* (1) When a loan is approved, the approval official will indicate on Form FHA 440–3, or attachments if more space is needed, any conditions that must be met before the loan is closed, including the amount of surety and fiidelity bond coverage and other insurance, the security title evidence, and any other special requirements.

(2) If a loan is not approved after the docket has been developed, a statement disapproving the application and giving the reason will be written on the original of Form FHA 440–3 and signed and dated by the official. Thereupon the County Supervisor will notify the applicant of the disapproval and the reasons.

§ 322.74 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or just before the date set for loan closing.

(b) *Handling the loan check.* (1) The loan check will be deposited in the supervised bank account on the day of loan closing after it has been determined that the loan can be closed.

(2) When a private lender issues a loan check payable jointly to the borrower and the FHA, the County Supervisor is authorized to endorse the check on behalf of the FHA at the time of loan closing as follows:

Endorsed without recourse; Farmers Home Administration,
By ----------
Title ----------

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 362 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will take appropriate action in accordance with Part 303 of this chapter.

(4) Where the loan check is received from a private lender, and the loan can be closed but not on the date previously indicated to the lender, the lender will be notified immediately of the reasons for the delay. If it is determined that such a loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned to the lender and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Property insurance.* Buildings on the property which is to be taken as security for the loan will be insured in accordance with Part 306 of this chapter.

§ 322.75 Loan closing.

(a) *Applicable instructions.* LH loans will be closed in accordance with Part 307 of this chapter and any supplementary State instructions. The Office of the General Counsel may be requested to issue closing instructions in any case in which the State Director or the National Office considers it advisable.

(b) *Mortgage.* (1) Unless the Office of the General Counsel determines the form to be inappropriate in any case, real estate mortgage form FHA 427–1 (State), "Real Estate Mortgage for ----------," will be used for a loan to an organization or to an individual. For loans to an organization, Form FHA 427–1 will be modified as prescribed by, or with the advice of the Office of the General Counsel, with respect to name,

address, and other identification of the borrower, the style of execution, and the acknowledgment.

(2) When the loan is to finance housing of more than two rental units the mortgage will include the following provision:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(3) When a loan resolution or loan agreement is used, the mortgage will include the following provision:

This instrument also secures the obligations and agreements of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of _____, which is (Date) hereby incorporated herein by reference.

(4) In case of a loan to an individual where a loan agreement is not used, the mortgage will include the following provisions:

Occupancy of the housing and related facilities on the property will be limited to domestic farm labor occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing, and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which, in the discretion of the Government, are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note and insurance endorsement.* (1) For a loan to an individual, Form FHA 440–16, "Promissory Note (Insured Loan)," will be used.

(2) For a loan to an organization, Form FHA 440–22, "Promissory Note (Insured Loan to Association or Organization)," will be used, except that where provisions of State law or special circumstances make Form FHA 440–22 inappropriate, either the State Director with the advice of the Office of the General Counsel or the National Office will determine the form of obligation.

(3) The total amount to be shown in the note will be the amount of the loan appearing on Form FHA 440–3.

(4) Payments on LH loans will be scheduled with annual installments due January 1. If the first installment, or first two installments, are less than regular installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which the regular annual installment will be scheduled.

(5) When the loan is closed during December, the first installment will be collected at the time of loan closing, if it is a nominal amount or the borrower consents.

(6) If the funds are furnished by a private lender, and if the promissory note is not drawn in favor of the lender as the named payee, the note will be assigned to the lender simultaneously with loan closing, using the form of endorsement on the reverse of the note. Form FHA 440–5, "Insurance Endorsement (Insured Loans)," will also be completed and signed at loan closing. The note and Form FHA 440–5 will be delivered to the lender immediately thereafter.

(7) Each County Supervisor and each State Director is authorized to execute the endorsement on the reverse of the note and the issuance endorsement constitutes the Government's contract of insurance of the loan.

(d) *Date of closing.* An LH loan is considered closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

§ 322.76 Subsequent LH loans.

A subsequent loan is a loan made to a borrower indebted for an LH loan. Subsequent loans may be made for the same purposes and under the same condtions as initial loans.

§ 322.77 Complaints regarding discrimination in use and occupancy of housing projects of more than two rental units.

(a) With respect to housing of more than two rental units, any occupant or applicant for occupancy or use of the housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(b) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(c) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(d) Attached to the written complaint should be a statement from the County Supervisor or State Director as to whether the security instrument executed by the borrower contains the nondiscrimination covenant. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a comprehensive investigation of any complaint until requested to do so by the National Office.

(e) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(f) If it is found that the complaint is without substance, the parties concerned will be so notified.

(g) If it is found that the nondiscrimination covenant in the security instruments was violated, the FHA will inform the parties of such finding and advise the violator to take the action necessary to correct the violation and to give appropriate assurance of future compliance.

(h) If the borrower should fail to take such action and assure future compliance, the Administrator may take appropriate action to enforce Executive Order No. 11063 and any related Executive orders and Department regulations.

Dated: March 15, 1966.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 66–2906; Filed, Mar. 18, 1966; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 40—LICENSING OF SOURCE MATERIAL

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

PART 70—SPECIAL NUCLEAR MATERIAL

PART 100—REACTOR SITE CRITERIA

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Miscellaneous Amendments

Notice is hereby given of the amendment of 10 CFR Parts 20, 40, 50, 55, 70, 100, 115, 140, and 150 of the Atomic Energy Commission's regulations.

The amendments pertain to the addressing of communications, declara-

tions, requests, reports, and applications lating to the regulations in these parts. The amendments reflect changes which have occurred in the regulatory organization of the Commission and provide parallel sections relating to the addressing of communications to the Commission in each part.

Part 150 has also been amended to reflect new section numbers resulting from the recodification of Parts 30 and 31, which was published on June 26, 1965 (30 F.R. 8185), and became an effective rule on August 25, 1965.

Editorial changes have been made in § 40.31, Part 40; § 50.30, Part 50; and § 70.21, Part 70.

Because these amendments relate solely to agency organization, correction, and minor procedural matters, notice of proposed rule making and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of Parts 20, 40, 50, 55, 70, 100, 115, 140, and 150 of the Commission's regulations are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. Section 20.7 of 10 CFR Part 20 is amended to read as follows:

§ 20.7 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.;

§ 20.206 [Amended]

2. The note at the end of § 20.206(c) of 10 CFR Part 20 is amended to read as follows:

NOTE: Copies of Form AEC–3, "Notice to Employees," may be obtained by writing to the Director of the appropriate U.S. Atomic Energy Commission Regional Compliance Office listed in Appendix "D" or the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

§ 20.405 [Amended]

3. Section 20.405(a) of 10 CFR Part 20 is amended by changing "Director, Division of Licensing and Regulations, U.S. Atomic Energy Commission, Washington 25, D.C.," to read "Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545,".

4. Appendix D of 10 CFR Part 20 is amended by changing the address and telephone numbers of the Compliance Offices to read as follows:

Address	Telephone	
	Daytime	Nights and holidays
Region I, Division of Compliance, USAEC, 376 Hudson St., New York, N.Y., 10014	212-989-1000	212-989-1000
Region II, Division of Compliance, USAEC, 50 7th St. NE., Atlanta, Ga., 30323	404-526-5791	404-526-5791
Region III, Division of Compliance, USAEC, Suite 410, Oakbrook Professional Bldg., Oak Brook, Ill., 60523	312-654-1680	312-739-7711
Region IV, Division of Compliance, USAEC, 10395 West Colfax Ave., Denver, Colo., 80215	303-297-4211	303-237-5095
Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley, Calif., 94704	415-841-5620	415-841-5620

5. Section 40.5 of 10 CFR Part 40 is amended to read as follows:

§ 40.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 40.23 [Amended]

6. Paragraph 40.23(a) of 10 CFR Part 40 is amended by changing "Division of Licensing and Regulation of the U.S. Atomic Energy Commission, Washington 25, D.C." to read "Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545."

7. Section 40.31(a) of 10 CFR Part 40 is amended to read as follows and (e) is deleted.

§ 40.31 Applications for specific licenses.

(a) Applications for specific licenses should be filed in quadruplicate on Form AEC–2, "Application for Source Material License", or on Form AEC–7, "Application for License to Export Byproduct or Source Material," as appropriate, with the Director, Division of Materials Licensing (for Form AEC–2) or Director, Division of State and Licensee Relations (for Form AEC–7), U.S. Atomic Energy Commission, Washington, D.C., 20545. Applications may be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference, provided that such references are clear and specific.

* * * * *

8. A new § 50.4 is added to 10 CFR Part 50 to read as follows:

§ 50.4 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

9. Section 50.30(a) of 10 CFR Part 50 is amended to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

(a) *Place of filing.* Each application for a license, including whenever appropriate a construction permit, or amendment thereof, should be filed with the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545; except that applications for export licenses should be filed with the Director, Division of State and Licensee Relations. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

* * * * *

§ 50.59 [Amended]

10. Section 50.59(d) of 10 CFR Part 50 is amended by changing "Atomic Energy Commission, Attention: Director, Division of Licensing and Regulation." to read "Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545."

11. Section 55.5 of 10 CFR Part 55 is amended to read as follows:

§ 55.5 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

12. Section 55.10(a) of 10 CFR Part 55 is amended by deleting the words "Applications for licenses shall be filed in triplicate and shall contain the following information:" and substituting therefor the following words:

§ 55.10 Contents of applications.

(a) Applications for licenses should be filed in triplicate, except for the report of medical examination, with the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Wash-

ington, D.C., 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md. Each application for a license shall contain the following information:

* * * * *

13. Section 55.60(b) and the note at the end of the section of 10 CFR Part 55 are amended to read as follows:

§ 55.60 Examination form.

* * * * *

(b) The examining physician shall complete and sign Form AEC-396 and shall mail the completed form to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

NOTE: Copies of Form AEC-396 may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

14. Section 70.5 of 10 CFR Part 70 is amended to read as follows:

§ 70.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

15. Section 70.21(a) of 10 CFR Part 70 is amended to read as follows and (e) is deleted:

§ 70.21 Filing.

(a) Applications for licenses should be filed in sextuplicate with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545; except that applications for export licenses should be filed with the Director, Division of State and Licensee Relations. Applications may be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference, provided that such references are clear and specific.

* * * * *

§ 100.11 [Amended]

16. The note at the end of § 100.11 of 10 CFR Part 100 is amended by changing the last paragraph to read as follows:

Copies of Technical Information Document 14844 may be obtained from the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or by writing the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

17. A new § 115.6 is added to 10 CFR Part 115 to read as follows:

§ 115.6 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

18. Section 115.20(a) of 10 CFR Part 115 is amended to read as follows:

§ 115.20 Applications for authorizations.

(a) *Place of filing.* Each application for an authorization, including whenever appropriate a construction authorization, or amendment thereof, should be filed with the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Applications may be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

* * * * *

§ 115.47 [Amended]

19. Section 115.47(d) of 10 CFR Part 115 is amended by changing "Atomic Energy Commission, Attention: Director, Division of Licensing and Regulation." to read "Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545."

20. Section 140.5 of 10 CFR Part 140 is amended to read as follows:

§ 140.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

21. Section 150.4 of 10 CFR Part 150 is amended to read as follows:

§ 150.4 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications and reports may be delivered in person at the Commission's offices at 1717 H. Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

22. The first sentence of section 150.20 (b) is revised and paragraph (b) (1) and (2) are revised as follows:

§ 150.20 Recognition of State licenses.

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an agreement State to a person who engages in activities in a non-agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Part 20 and Subpart B of Part 34 of this chapter. * * *

(1) Shall file AEC Form No. 241, "Report of Proposed Activities in Nonagreement States" in quadruplicate with the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545, prior to engaging in any such activity;

(2) Shall not in any nonagreement State transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.14 of this chapter.

* * * * *

(Secs. 161 and 274; 68 Stat. 948 and 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 8th day of March 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66-2950; Filed, Mar. 18, 1966; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1]

PART 105—STANDARDS OF CONDUCT

Part 105 of Chapter I of Title 13 of the Code of Federal Regulations, as amended (26 F.R. 8447, 9745, 10723; 27 F.R. 4833, 5653, 12612; 28 F.R. 3021, 12311; 29 F.R. 4717), is hereby revised to read as follows:

AUTHORITY: The provisions of this Part 105 issued under Pub. Law 85–536, sec. 5, 72 Stat. 385; E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

§ 105.735–1 Purpose and scope.

This part prescribes standards of conduct for all employees and special Government employees of the Small Business Administration relating to possible conflicts between their official duties or the public interest and private interests and between their personal opinions and Government policy. Public office and public employment are public trusts. Strict observance by all employees and special Government employees of the following principles is essential for the functions of the Small Business Administration to be performed efficiently without bias or favoritism.

§ 105.735–2 Definitions.

As used in this part:

(a) "Administration" shall mean the Small Business Administration.

(b) "Administrator" shall mean the Administrator of the Small Business Administration.

(c) "Employee" shall mean an officer or employee of the Small Business Administration, regardless of his or her grade, status or place of employment, including employees on leave with pay or on leave without pay other than extended military leave.

(d) "Special Government employee" shall mean an officer or employee of the Small Business Administration, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. Members of Small Business Advisory Councils are not included in this definition.

(e) "Department" shall mean any department, agency, independent establishment, or wholly owned corporation of the U.S. Government.

(f) "Government" shall mean the Government of the United States; "United States" shall mean the Government of the United States.

§ 105.735–3 Conflicts of interests between private interests of third parties and the Government.

Although the function of the Administration is to aid, assist, counsel, and protect small business concerns, such aid and assistance is to be rendered only within the authorization granted by law. Under no circumstances shall employees, in cases of conflicts between their private interests or the private interests of third parties and the interests of the Government, derogate from their total and complete loyalty to the interests of the Government.

§ 105.735–3–1 Former employees.

(a) No employee, or special Government employee, shall, within 1 year after his employment has ceased with the Administration appear personally before any court or department as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, involving a specific party or parties, in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer, employee, or special Government employee of the Administration at any time within a period of 1 year prior to the termination of such responsibility. 18 U.S.C. 207 makes such an act a criminal offense.

(b) No employee or special Government employee shall ever after his employment has ceased, knowingly act as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling, or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, involving a specific party or parties, in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as officer, employee, or special Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed. 18 U.S.C. 207 makes such an act a criminal offense.

(c) A former employee or a former special Government employee, who has outstanding scientific or technological qualifications, may, paragraphs (a) and (b) of this section notwithstanding, act as attorney or agent or appear personally in connection with a particular matter within the Administration in a scientific or technological field provided the Administrator first certifies in writing, published in the FEDERAL REGISTER, that the national interest would be served by such action or appearance by the former employee.

(d) A former employee who occupied a position or engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended, is disqualified from accepting any employment with or being retained by any business concern which has been given assistance by the Administration, for a period of 2 years following the date of such assistance if such date falls within the period of his employment with the Administration or within a year after such employment has ceased. All clerical positions in the Administration and all nonclerical positions in the Office of Assistant Administrator for Administration and in offices thereunder, are determined to be positions and activities which do not involve discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended. The discretionary nature of the position and activities of other employees shall be determined by the Administrator at such time as the employee terminates his employment with the Small Business Administration.

§ 105.735–3–2 Present employees and claims against or business with the Government.

(a) No employee, otherwise than in the proper discharge of his official duties shall act as agent or attorney for prosecuting any claim against the United States or receive any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; nor shall he act as agent or attorney for anyone before any department, agency, court-martial officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling, or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest; nor shall he ask for nor receive any compensation, otherwise than as provided by law for the proper discharge of official duties, for any services rendered or to be rendered by himself or another in relation to such matters. 18 U.S.C. 203 and 205 make such activity a criminal offense.

(b) A special Government employee shall be subject to paragraph (a) of this section only in relation to a particular matter, involving a specific party or parties,

(1) In which he has at any time participated personally and substantially as an employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

(2) Which is pending in the Administration while he is serving as such special Government employee. 18 U.S.C. 205 provides criminal penalties for such activities.

(c) A special employee who has served no more than 60 days in the Administration during the immediately preceding period of 365 consecutive days is subject to all the limitations of paragraph (b) of this section except subparagraph (2) of paragraph (b) of this section.

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section.

(1) If the Director of Personnel approves, an employee or special Government employee may act, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as an employee, or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility. Prior to granting such approval the Director of Personnel shall obtain the advice of the Ad Hoc Committee (established by § 105.735–10) concerning the propriety of granting the approval.

(2) An employee, if not inconsistent with the faithful performance of his duties, may act without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

(e) A special Government employee may act as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States: *Provided*, That—

(1) The approval of such employment is received from the Director of Personnel,

(2) The head of the department concerned with the grant or contract certifies in writing that the national interests so requires, and

(3) Such certification is published in the FEDERAL REGISTER.

(f) No employee or special Government employee shall participate in any business transaction with the Administration, directly or indirectly, as an agent, representative, attorney, partner or principal, except as may be authorized by this section and § 105.735–4–3.

(g) No employee or special Government employee shall recommend or suggest the use of any individual, firm, corporation, or other nongovernmental entity offering any service as consultant, agent, representative, attorney, expediter, or "specialist," for the purpose of assisting in any negotiations, transactions, or other business with the Administration or with any other Government department.

§ 105.735–3–3 Gratuities or compensation from non-Government sources.

(a) No employee shall receive any salary, contribution to or supplementation of salary, as compensation for his services as an employee of the Administration from any source other than the Government except as may be authorized by law. 18 U.S.C. 209 provides criminal penalties for doing so.

(b) Special Government employees and employees serving without compensation are exempt from the provisions of paragraph (a) of this section.

(c) Employees may, notwithstanding the provisions of paragraph (a) of this section, continue to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer; provided that, in respect to profit-sharing and stock bonus participation, the Ad Hoc Committee (established by § 105.735–10) determine that such participation by the employee will not interfere with the performance of his duties.

(d) No employee, or special Government employee, shall ask, demand, exact, solicit, seek, accept, receive, or agree to receive anything of value for himself or for any other person or entity, in return for being influenced in his performance of any official act, for being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States or for being induced to do or omit to do any act in violation of his official duty. 18 U.S.C. 201 provides criminal penalties for such actions.

(e) No employee shall solicit or receive a bribe of any kind to support or influence decisions for the hiring of any person as an employee in the Government. 18 U.S.C. 211 makes such activity a criminal offense.

(f) Except as provided in paragraph (g) of this section, no employee, nor member of his or her household, shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, financial assistance, a certificate of competency, a small business investment company license, or any other contractual or other business or financial relations with the Administration;

(2) Is an officer, director, or owner of a financial institution which participates with the Administration in the agency loan program;

(3) Conducts operations or activities regulated by the Administration; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

(g) The prohibitions of paragraph (f) of this section shall not apply to:

(1) Gifts, entertainment, and favors received from members of the employee's family when the circumstances make it clear that it is the family relationship rather than the business of the persons concerned which are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans and auto financing;

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value, provided the employee informs his immediate supervisor by written memorandum of the acceptance of such item. In the event the supervisor questions the intrinsic value of the items involved, he shall refer the matter to the Ad Hoc Committee (established by § 105.735–10) for consideration.

(h) No employee shall engage in any action, whether or not specifically prohibited, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person or concern;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(i) No employee shall solicit contributions from another employee for a gift to an employee in a superior official position. No employee in a superior official position shall accept a gift presented as a contribution from employees receiving less salary than himself. No employee shall make a donation as a gift to an employee in a superior official position.

(j) No employee shall accept a gift, present, decoration or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 114–115a.

§ 105.735–3–4 Preferential treatment to private interests.

No employee or special Government employee in the conduct of official busi-

ness shall afford preferential treatment to any person, firm, corporation or other entity.

§ 105.735–4 Conflicts between personal or pecuinary interests of employees and the Government.

The interest of the Government must remain paramount and take precedence over the personal pecuniary interests of all employees. The employee does not function as an individual but merely as a representative or arm of the Government. An employee whose individual pecuniary interests conflict with and take precedence over the interests of the Government is unable to honorably discharge his responsibilities.

§ 105.735–4–1 Purchase and holding of securities of small business investment companies.

(a) For the purposes of this section employees are considered to have sufficient interest in the purchases by and holdings of their spouses or by other members of their household so that such purchases or holdings are subject to the terms of this section.

(b) No employee shall purchase or otherwise acquire or own or hold, directly or indirectly, any interest in or securities issued by a small business investment company licensed by the Administration under the provisions of the Small Business Investment Act of 1958, as amended.

(c) No employee shall own stock or have an interest in a concern or organization which owns stock or other interest in a small business investment company, described in paragraph (b) of this section, when:

(1) Such employee, spouse or any member of his or her household, participates in the management of or participates directly or indirectly, in the selection of investments for or by such concern or organization; or

(2) Such employee, spouse or member of his or her household, owns 1 percent or more of the stock of, or interest in, such concern or organization; or

(3) The concern or organization invests more than 10 percent of its assets in any one or several small business investment companies:

Provided, however, That investment by an employee, his or her spouse, or any member of his or her household in a diversified open-end management investment company as defined by section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a–5) shall be exempt from the restrictions contained in subparagraphs (2) and (3) of this paragraph.

(d) Any employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities of licensed small business investment companies shall report the existence and nature of such trust or estate to the Director of Personnel. The transactions of such trust or estate shall be subject to the provisions of this regulation, except in situations where the employee is solely a beneficiary and has no power to control, and does not in fact control or advise with respect to the investments of the trust or estate, and except to the extent that the Administrator shall otherwise direct in view of the circumstances of the particular case.

(e) All employees at the time of their entrance on duty, shall sign and deliver to their Office Director, a certification in the following form:

> I certify that I have read the regulation of the Small Business Administration concerning the conduct of employees of the SBA with respect to the purchase and holding of securities issued by licensed small business investment companies and that, as such employee, I do not own or hold, directly or indirectly, any securities of such a licensed small business investment company.

§ 105.735–4–2 Interest in firms receiving Administration assistance and other firms.

(a) No employee, his spouse, nor members of his immediate household shall purchase or otherwise acquire any interest, as a stockholder or otherwise, in any concern while an application of such concern for assistance from the Administration is pending and for a period of two years after such assistance is granted, regardless of whether the concern is a publicly held corporation.

(b) No employee, or special Government employee, shall participate personally and substantially as an Administration employee or special Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest without:

(1) Making a full disclosure of the facts to the Ad Hoc Committee (established by Sec. 105.735–10), and

(2) Obtaining a written determination by the Administrator that such financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such employee or special Government employee. 18 U.S.C. 208 makes noncompliance a criminal offense.

(c) For the purposes of 18 U.S.C. 208 and paragraph (b) of this section, any financial interest on the part of persons referred to therein is hereby determined to be not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from any employee or special Government empoyee when such financial interest results from a creditor relationship to a concern wherein the indebtedness is not in excess of $10,000 or when such financial interest results from an ownership interest of less than one percent in any concern in which such ownership interest amounts to less than $10,000 in equity investment. Computations of dollar-value of stock holdings in corporations for purposes of this paragraph shall be (1) by means of market value in the case of stocks listed on national exchanges, (2) by means of over-the-counter market quotations as reported by the National Daily Quotation Service in the case of unlisted stocks and (3) by means of sound book value in the case of stocks not in the preceding two categories.

§ 105.735–4–3 Assistance by the Administration to businesses owned or managed by officers, employees or special employees of the Government or members of Small Business Advisory Councils.

(a) No assistance, other than disaster loans, shall be furnished to a business enterprise when the sole proprietor, a partner, an officer or director thereof, or a stockholder with a ten or more percent interest therein:

(1) Is (i) an employee of the Administration or an employee in GS–13 or its equivalent, or higher, of any other department in the executive branch, or (ii) an officer of the rank of major or lieutenant commander or its equivalent, or higher, in the Armed Services of the United States, or (iii) an appointed consultant or special Government employee of the Administration, or a member of a Small Business Advisory Council, or (iv) a spouse of any of the above, without the prior approval of the Ad Hoc Committee (established by § 105.735–10).

(2) Is (i) an employee in Grade GS–12 or its equivalent or lower, of any other department in the executive branch, or (ii) a member of the Armed Services of the United States of the rank of captain or lieutenant senior grade, or its equivalent, or lower, or (iii) a spouse of any of the above, without prior written statement of no objection by the pertinent department or Armed Services of the United States.

(b) No assistance shall be furnished to a business enterprise when the proceeds of such assistance shall inure, directly or indirectly, to the benefit of an employee, without the prior approval of the Ad Hoc Committee (established by sec. 105.735–10).

§ 105.735–4–4 Use of Government equipment, property and supplies.

(a) No employee shall use any Government vehicle for other than official purposes. 5 U.S.C. 78 (c) (2) makes employees guilty of such activity subject to suspension from duty or removal from employment.

(b) No employee shall use official penalty mail for personal business. 39 U.S.C. 4152, 4153 prohibits such use.

(c) No employee shall use Government property of any kind for other than officially approved activities. Employees also have a positive responsibility to protect and conserve all Government property including equipment and supplies, which is entrusted or issued to them.

§ 105.735–4–5 Conversion, distortion of records.

(a) No employee shall embezzle or convert to his own use money or property of another coming into his possession, or public monies of any kind or

intentionally make false or fictitious entries in accounts or records which he is charged to keep. 18 U.S.C. 643, 654, 2073 make these activities a criminal offense.

(b) No employee who has custody of any map, book, document, paper, or thing filed in a public office shall remove, mutilate, obliterate, falsify, or destroy the same. 18 U.S.C. 2071(b) makes these acts criminal offenses.

§ 105.735–4–6 Outside employment.

(a) Except upon written approval of the Director of Personnel or his designee, no employee shall engage in any outside employment, business, or vocation.

(b) While employees are encouraged to engage in teaching, lecturing and writing that is not prohibited by law, or the regulations in this part, no approval shall be granted and no employee shall, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(c) No employee shall engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair an employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(d) No employee shall engage in outside employment under a State or local government except in accordance with Part 734 of the CSC Regulations (5 CFR Part 734) and with the express approval of the Ad Hoc Committee (established by Sec. 105.735–10).

(e) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(3) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment or other personal benefits.

§ 105.735–4–7 Employees required to submit statements of employment and financial interests.

(a) Statements of employment and financial interests shall be submitted by:

(1) All employees paid at a level of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, as amended.

(2) All employees in Grade GS–16 or above of the General Schedule established by the Classification Act of 1949, as amended.

(3) All Area Administrators, Regional Directors and Branch Managers.

(4) All Special Assistants, Confidential Assistants and Principal Secretaries to the Administrator, Executive Administrator, Deputy Administrator, Assistant Administrator, Area Administrators and Regional Directors.

(5) All economists, attorneys, investigators, financial specialists, investment examiners, industrial specialists, production specialists, loan specialists, valuation engineers, appraisers, OEO program officers, without regard to grade, except trainees.

(6) All hearing examiners and contracting officers.

(b) Statements of employment and financial interests shall be submitted not later than 90 days after the effective date of this section by all employees required to submit such statements if employed on or before the said effective date. Employees subject to this section who are employed after the effective date of this section shall submit such statements within 30 days after entrance on duty.

(c) Statements of employment and financial interests shall be submitted to the Standards of Conduct Counselor through the submitting employee's immediate supervisor who is responsible for his work assignments. Each such statement shall be held in confidence and no information therefrom may be disclosed except as the Civil Service Commission or the Administrator may determine for good cause shown.

(d) Changes in, or additions to, the information contained in such statement shall be reported in a supplementary statement at the end of the quarter in which changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 of each year.

(e) The interests of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(g) The statements of employment and financial interests required under this section for use by employees shall contain the information required by the format prescribed by the Civil Service Commission on page 735–D–3 in Appendix D to Part 735 of the Federal Personnel Manual. Agency forms may be obtained from field administrative officers and the Office of Personnel in Washington.

(h) This section does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 105.735–4–8 Special Government employees required to submit statements of employment and financial interests.

(a) Each special Government employee shall submit a statement of employment and financial interests containing the following information:

(1) All other employment, and

(2) Those financial interests which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) Such statement shall be submitted to the Standards of Conduct Counselor not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment by the submission of supplementary statements as provided in § 105.735–4–7(d).

§ 105.735–4–9 Conduct of special Government employees.

(a) In addition to other rules of conduct provided for special Government employees in this part, no special Government employee shall use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for

himself or another person, particularly one with whom he has family, business or financial ties.

(b) No special Government employee shall use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information. A special Government employee may teach, lecture or write in a manner not inconsistent with § 105.735–4–6(b).

(c) No special Government employee shall use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

(d) No special Government employee, while so employed or in connection with his employment, shall receive or solicit from anyone having business with the Administration anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business or financial ties.

(e) The exemptions cited in paragraph (g) of § 105.735–3–3 relating to employees are also applicable as exemptions for special Government employees to the prohibitions of paragraph (d) of this section.

§ 105.735–4–10 Review of Statements of Employment and Financial Interests.

Statements of employment and financial interests and supplementary statements thereto shall be reviewed first by the submitting employee's immediate supervisor who is responsible for his work assignments and then by the Standards of Conduct Counselor who is the designee under the provisions of § 735.105 of the Civil Service Commission Regulations (5 CFR Part 735). The supervisor shall note any real or apparent conflict of interest disclosed in such statements and supplements submitted to him and bring the matter or matters to the attention of the Standards of Conduct Counselor at the time that the statement or supplement is forwarded to him. The Counselor shall determine when and how any employee or special Government employee shall be provided an opportunity to explain any real or apparent conflict of interest disclosed by statements of employment and financial interests or revealed by information from other sources. The opportunity to explain shall in all cases be provided an employee or special Government employee concerned. In the event the conflict, real or apparent, is not resolved at a lower level, the Standards of Conduct Counselor shall present the entire matter to the Ad Hoc Committee (established by § 105.735–10). The Ad Hoc Committee (established by § 105.735–10) shall report the matter, together with its recommendations, to the Administrator.

§ 105.735–5 Conflicts between personal opinions of employees and Government policy.

In the conduct of all official business, personal opinions of every Government employee must necessarily be completely subordinated to established Government policy relating to Administration programs. Every act of an employee in the discharge of official duties and responsibilities may become an act of the U.S. Government.

§ 105.735–5–1 Political activity, influence or coercion of or by employees.

(a) No employee shall use his official authority or influence to coerce the political action of any person or body nor may any employee, except the Administrator, take any active part in political management or political campaigns. 5 U.S.C. 633(2)6, 118i make such activity unlawful.

(b) No employee shall use his official authority to interfere with or affect the nomination or election of any candidate for President, Vice President, presidential elector, U.S. Senator or Congressman. 18 U.S.C. 595 makes such activity a criminal offense.

§ 105.735–5–2 Subversiveness and communism.

(a) No employee shall advocate the overthrow of our constitutional form of government by force or violence or knowingly be a member of an organization which so advocates nor shall any person convicted of such conduct be employed by the Administration for at least 5 years after such conviction. 5 U.S.C. 118p, 118r; 18 U.S.C. 2385 provide penalties for such actions.

(b) No employee shall conceal or fail to disclose that he is a member of a registered Communist organization, Communist action organization, Communist infiltrated organization, nor shall any employee with knowledge that such organization is registered as such contribute funds or services to such organization. 50 U.S.C. 784 makes such concealment or contribution unlawful.

§ 105.735–5–3 Striking against the Government.

No employee shall assert the right to strike against the Government or knowingly be a member of an organization of Government employees asserting such right. 5 U.S.C. 118p, 118r also make such employee subject to fine and imprisonment.

§ 105.735–5–4 Discrimination.

(a) No employee shall discriminate against or in favor of any employee or any applicant for employment in the Government because of race, color, religion, sex, national origin, political opinions, marital status, or physical handicaps, nor shall any employee make any inquiries concerning the race, political affiliation or religious beliefs of any employee or any applicant for employment.

(b) No employee shall discriminate, in the conduct of the business of the Administration, against any person, firm, enterprise or other entity because of race, color, sex, religion, national origin or political opinions.

§ 105.735–6 Information and data.

(a) No employee shall communicate to any other person whom the employee knows or has reason to believe to be an agent or representative of any foreign government or an official or member of any Communist organization any information classified by the President or the Administrator as affecting the security of the U.S. Government. 50 U.S.C. 783 makes such act a criminal offense and provides heavy penalties therefor.

(b) No employee shall divulge or disclose any official information not authorized by law relating to trade secrets, processes, operations, style of work or apparatus or identity, confidential statistical data, amount or source of income, profits, losses of any person or firm. 18 U.S.C. 1905 makes such activity a criminal offense.

(c) No employee or special Government employee shall give any unauthorized information concerning any future action or plan of the Administration which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Administration. Section 16(b) of the Small Business Act makes such activity a criminal offense and provides for heavy penalties.

(d) No employee shall, for the purpose of furthering a private interest, except as provided in § 105.735–4–6(b), directly or indirectly, use or allow the use of official information obtained through or in connection with the employee's Government employment which has not been made available to the general public.

(e) Additional regulations concerning disclosure of information are to be found in Part 102 of this chapter.

§ 105.735–7 Duty to report irregularities.

Each employee shall immediately report to the Director, Office of Personnel, any apparent or suspected irregularities coming to his attention in connection with the performance by this Administration of any of its activities.

§ 105.735–8 General standard of conduct.

(a) No employee shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. Furthermore, each employee shall conduct himself in such manner that the work of the Administration is effectively accomplished and must also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or the clientele of the Administration.

(b) No employee or special Government employee shall participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device,

in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Conducted by employee organizations among their own members for organizational support or for benefit or welfare funds for their members under policies and procedures approved by the Administrator.

(c) Each employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purpose of this paragraph, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Director of Personnel determines does not, under the circumstances, reflect adversely on the Administration as employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Administration to determine the validity or amount of the disputed debt.

§ 105.735–9 Penalties.

(a) Any employee guilty of violating any of the above provisions may be subject to disciplinary action, including suspension or dismissal from employment with the Administration, in addition to other penalties provided by law.

(b) When, after consideration of the explanation of the employee or special Government employee provided by § 105.735–4–10, the Administrator decides remedial action is required, such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

§ 105.735–10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Administration and the Director, Office of Public Information, shall advise and aid the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interests, including the requirements of §§ 105.735–4–2, 105.735–4–3 and 105.735–4–10. The Director, Office of Audits, shall be an alternate member of the Ad Hoc Committee to serve in the absence or disability of a member of the Committee, or in the event a member of the Committee is otherwise disqualified to act. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

§ 105.735–11 Statutory provisions.

The attention of all employees and special Government employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. 312, the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 118p, 118r).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities, The Hatch Act (5 U.S.C. 118i), and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibitions against (1) embezzling or misapplying funds and securities, (2) making false reports with intent to defraud, (3) receiving money or profit fraudulently through any act of the Administration and (4) making profit out of information about value of securities of companies receiving assistance (15 U.S.C. 635).

Dated: March 11, 1966.

This Part 105 was approved by the Civil Service Commission on February 4, 1966.

Effective date. This Part 105 shall become effective upon publication in the FEDERAL REGISTER.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 66–2917; Filed, Mar. 18, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

Egg Products Shipped for Pasteurization or Other Treatment To Destroy Salmonella Organisms

There was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10905), a notice proposing to amend the identity standards for whole egg products and yolk products and to establish definitions and standards of identity for liquid, frozen, and dried egg white products. These proposals were for the purpose of requiring egg products to be pasteurized or otherwise treated to destroy all viable *Salmonella* microorganisms. The order ruling on these proposals, which is being separately published in this issue of the FEDERAL REGISTER, does not deal with all the questions raised in the received comments.

The Mayonnaise & Salad Dressing Institute, Corn Products Co., and Kraft Foods Division of the National Dairy Products Corp. in a joint comment filed in response to the cited proposals suggested that eggs broken from the shell and used in dressings in the same plant in which such eggs are broken should not be required to be pasteurized before being used in "acidified dressings." The comment indicated that by "acidified dressings" they meant mayonnaise, salad dressing, french dressing, and nonstandardized dressings, provided that the pH of these foods is not above 4.1 and the acidity of the aqueous phase, expressed as acetic acid, is not less than 1.4 percent. Included also was a request for an exemption from the pasteurization requirement for egg products intended for use in "acidified dressing" when the egg products are obtained from other establishments. Data were submitted to indicate that there is no danger to health, as regards viable *Salmonella* micro-organisms, from using nonpasteurized egg products in "acidified dressings." However, the comment did not furnish evidence to show that pasteurized egg products will not function effectively in these dressings.

The standards for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) list certain egg ingredients and these are egg products for which standards have been promulgated. The practice of using shell eggs by dressing manufacturers has not been re-

garded as contravening the standards for these dressings. A change of this interpretation is not made necessary by the issuance of the above-referenced order requiring liquid, frozen, and dried egg products to be pasteurized or otherwise treated to destroy viable *Salmonella* micro-organisms.

In regard to the request for an exemption to permit egg breakers to ship unpasteurized egg products to dressing manufacturers for use in "acidified dressings," information is available to the Commissioner of Food and Drugs that properly pasteurized egg products have been extensively used in such dressings by a number of dressing manufacturers without adverse functional effects in the dressing. Accordingly, it is concluded that reasonable grounds have not been furnished to warrant granting such an exemption.

The Institute of American Poultry Industries, 67 East Madison Street, Chicago, Ill., 60602, and many individual egg-processing firms in their comments assumed it would be the policy of the Food and Drug Administration to allow nonpasteurized egg products to be shipped from one plant to another for pasteurization, provided that the egg products retain their identity and, for plants under separate ownership, there would be a written agreement between the shipper and the receiver that the egg products after processing would be in compliance with the standards of identity. It is concluded that the regulations setting forth labeling exemptions for food, Part 5, should be amended as set forth below to provide for such shipments.

Therefore, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 371(a)) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008); *It is ordered,* That § 5.2 be amended by adding a new paragraph (c), as follows:

§ 5.2 Repacked, reprocessed, and relabeled foods.

* * * * *

(c) The article is an egg product subject to a standard of identity promulgated in Part 42 of this chapter, is to be shipped under the conditions specified in paragraphs (a) or (b) of this section and for the purpose of pasteurization or other treatment as required in such standard, and each container of such egg product bears a conspicuous tag or label reading "Caution—This egg product has not been pasteurized or otherwise treated to destroy viable *Salmonella* micro-organisms."

Notice and public procedure are unnecessary prerequisites to the promulgation of this order, and I so find, since the statute provides for such labeling exemptions under certain conditions.

Effective date. This order shall become effective 60 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 403, 405, 701(a), 52 Stat. 1047, 1049, 1055; 21 U.S.C. 343, 345, 371(a))

Dated: March 11, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2918; Filed, Mar. 18, 1966; 8:47 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Amendments of Standards for Whole Egg and Yolk Products and Establishment of Standards for Egg White Products

In the matter of amending the standards of identity for whole egg products and yolk products and establishing standards for egg white products:

A. A notice was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10907), proposing that the standard for frozen whole eggs (21 CFR 42.20) be amended to permit adding, with appropriate label declaration, not more than 0.5 percent monosodium phosphate as an optional ingredient to preserve color. The proposal was based on a petition submitted by Standard Brands, Inc., 625 Madison Avenue, New York, N.Y., 10022.

B. Another notice was published in the FEDERAL REGISTER of August 21, 1965 (30 F.R. 10905), in which the Commissioner of Food and Drugs, on his own initiative, proposed that:

1. The identity standards for whole eggs in liquid, frozen, and dried forms and for egg yolks in liquid, frozen, and dried forms (21 CFR 42.10, 42.20, 42.30, 42.40, 42.50, 42.60) be amended to require that these products be pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms.

2. Definitions and standards of identity be established for liquid egg whites, frozen egg whites, and dried egg whites with the requirement that these articles be pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms.

More than 40 comments were received in response to the Commissioner's proposals, 5 of these opposed the requirement that egg products be pasteurized or otherwise treated to destroy *Salmonella* micro-organisms. Some of the suggestions included in the comments have been adopted in the following order and some have not. Some comments raised issues that went beyond the scope of the proposals and cannot be included in this ruling.

In consideration of the comments filed, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards for egg products substantially as proposed and to establish definitions and standards of identity for liquid egg whites, frozen egg whites, and dried egg whites. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That Part 42 be amended by revising §§ 42.10, 42.20, 42.30(a), 42.40, 42.50, and 42.60(a) and by adding new §§ 42.70, 42.71, and 42.72. The affected portions read as follows:

§ 42.10 Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.

Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs are eggs of the domestic hen broken from the shells, and with yolks and whites in their natural proportion as so broken. They may be mixed, or mixed and strained, and they are pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function in the pasteurization or other treatment to render the liquid eggs free of viable *Salmonella* micro-organisms, and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

§ 42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.

(a) Frozen eggs, frozen whole eggs, frozen mixed eggs is the food prepared by freezing liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

(b) Monosodium phosphate may be added either directly or in a water solution, but the amount added does not exceed 0.5 percent of the weight of the frozen eggs. If a water solution is used, it shall contain not less than 50 percent by weight of monosodium phosphate.

(c) When the optional ingredient specified in paragraph (b) of this section is used the label shall bear the statement "Monosodium phosphate added to preserve color," or, in case the optional ingredient is added in a water solution, the statement shall be "Monosodium phosphaet (with _____% water as a carrier) added to preserve color," the blank being filled in to show the percent by weight of water used in proportion to the weight of the finished food. The statement declaring the optional ingredient shall appear on the principal display panel or panels with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase.

§ 42.30 Dried eggs, dried whole eggs; identity; label statement of optional ingredients.

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable

Salmonella micro-organisms. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

§ 42.40 Egg yolks; liquid egg yolks, yolks, liquid yolks; identity.

Egg yolks, liquid egg yolks, yolks, liquid yolks are yolks of eggs of the domestic hen, so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids." They may be mixed, or mixed and strained, and they are pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function in the pasteurization or other treatment to render the egg yolks free of viable *Salmonella* micro-organisms, and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

§ 42.50 Frozen yolks, frozen egg yolks; identity.

Frozen yolks, frozen egg yolks is the food prepared by freezing egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. Before drying, the glucose content of the liquid egg yolks may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if the optional anticaking ingredient is used, does not exceed 3 percent by weight; however, if the optional anticaking ingredient is not used the moisture content may exceed 3 percent, but it does not exceed 5 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

§ 42.70 Egg whites, liquid egg whites, liquid egg albumen; identity; label statement of optional ingredients.

(a) Egg whites, liquid egg whites, liquid egg albumen is the food obtained from eggs of the domestic hen, broken from the shells and separated from yolks. The food may be mixed, or mixed and strained, and is pasteurized or otherwise treated to destroy all viable *Salmonella* micro-organisms. Pasteurization or such other treatment is deemed to permit the adding of safe and suitable substances (other than chemical preservatives) that are essential to the method of pasteurization or other treatment used. Safe and suitable substances that aid in protecting or restoring the whipping properties of liquid egg whites may be added. For the purposes of this paragraph, safe and suitable substances are those that perform a useful function as whipping aids or in the pasteurization or other treatment to render liquid egg whites free of viable *Salmonella* micro-organisms and that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives, they are used in conformity with regulations established pursuant to section 409 of the act.

(b) Any optional ingredients used as whipping aids, as provided for in paragraph (a) of the section, shall be named on the principal display panel or panels of labels with such prominence and conspicuousness as to render such names likely to be read and understood by ordinary individuals under customary conditions of purchase.

§ 42.71 Frozen egg whites, frozen egg albumen; identity; label statement of optional ingredients.

(a) Frozen egg whites, frozen egg albumen is the food prepared by freezing liquid egg whites that conform to § 42.70, with such precautions that the finished food is free of viable *Salmonella* micro-organisms.

(b) When frozen egg whites are prepared from liquid egg whites containing any optional ingredients added as whipping aids, as provided for in § 42.70(a), the common names of such optional ingredients shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render such names likely to be read and understood by ordinary individuals under customary conditions of purchase.

§ 42.72 Dried egg whites, egg white solids, dried egg albumen, egg albumen solids; identity; label statement of optional ingredients.

(a) The food dried egg whites, egg white solids, dried egg albumen, egg albumen solids is prepared by drying liquid egg whites conforming to the requirements of § 42.70 (or deviating from that section only by not being *Salmonella* free). As a preliminary step to drying, the glucose content of the liquid egg whites is reduced by adjusting the pH, where necessary, with food-grade acid and by following one of the optional procedures set forth in paragraph (b) of this section. If the food is prepared from liquid egg whites conforming in all respects to the requirements of § 42.70, drying shall be done with such precautions that the finished food is free of viable *Salmonella* micro-organisms. If the food is prepared from liquid egg whites that are not *Salmonella* free, the dried product shall be so treated by heat or otherwise as to render the finished food free of viable *Salmonella* micro-organisms. Dried egg whites may be powdered.

(b) The optional glucose-removing procedures are:

(1) *Enzyme procedure.* A glucose-oxidase-catalase preparation and hydrogen peroxide solution are added to liquid egg whites. The quantity used and the time of reaction are sufficient to substantially reduce the glucose content. The glucose-oxidase-catalase preparation used is one that is generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The hydrogen peroxide solution used shall comply with the specifications of the United States Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain a preservative.

(2) *Controlled fermentation procedures*—(i) *Yeast procedure.* Food-grade baker's yeast (*Saccharomyces cerevisiae*) is added to the liquid egg whites and controlled fermentation is maintained. The quantity of yeast used and the time of reaction are sufficient to substantially reduce the glucose content.

(ii) *Bacterial procedure.* The liquid egg whites are subjeted to the action of a culture of glucose-fermenting bacteria either generally recognized as safe within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or the subject of a regulation established pursuant to section 409 of the act, and the culture is used in conformity with such regulation. The quantity of the culture used is sufficient to predominate in the fermentation and the time and temperature of reaction are sufficient to substantially reduce the glucose content.

(c) When the dried egg whites are prepared from liquid egg whites containing any optional ingredients added as whipping aids, as provided for in § 42.70(a), the common names of such optional ingredients shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render the names

likely to be read and understood by ordinary individuals under customary conditions of purchase.

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: March 11, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2919; Filed Mar. 18, 1966, 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Additional Drugs Subject to Control; Temporary Exemption From Record-Keeping Requirements

By publication in the FEDERAL REGISTER of January 18, 1966 (31 F.R. 565), the Commissioner of Food and Drugs proposed the control, under the Drug Abuse Control Amendments of 1965, of seventeen drugs having a potential for abuse because of their stimulant or depressant effect on the central nervous system or because of their hallucinogenic effect. Interested persons were invited to present their views on the proposal, on additional trade or other names which should be listed, and on combinations of controlled drugs with other drugs which, because of their lack of significant potentiality for abuse, should be considered for exemption.

Having considered the comments and suggestions filed in response to the proposal, the definitions contained in § 166.2 (21 CFR 166.2), the reasons stated in the proposal, and other pertinent information, the Commissioner has concluded that all the listed drugs in the proposal, except phenmetrazine and its salts (Preludin), should be controlled at this time. For the present phenmetrazine and its salts are not included in the list, because it has been determined that the voluminous information and data submitted, in reply to the proposal with reference to this drug and competitive anorexiants, should be given study and consideration by the Commissioner's Advisory Committee. Final determination on listing of phenmetrazine will be announced later.

On the basis of study of Food and Drug Administration files, the Commissioner exempts, by amending § 166.8(b), combinations which include the drugs listed below under § 166.3 (b) and (c) (1) from the recordkeeping requirements of section 511(d) (1) of the Federal Food, Drug, and Cosmetic Act on an interim basis until August 1, 1966, since it is found that such action would present no significant hazard to the public health. In addition, the Commissioner proposes to give prompt attention to the recommendations for exemptions submitted pursuant to the proposal of January 18, 1966.

No exemption from section 511(d) (1) of the act is necessary for hallucinogenic drugs in combination with other drugs, since combinations of the drugs in this group, listed below under § 166.3(c) (3), are legally available only as investigational drugs to be used only by qualified investigators under plans of investigations reported to the Food and Drug Administration under the act.

On the basis of comments received from various branches of the Native American Church, the Commissioner exempts the Church from the registration and recordkeeping requirements of the act for the possession of peyote for bona fide religious ceremonies. However, registration and recordkeeping are required for peyote until such time as it comes into possession of the Church.

Section 166.16(a) is changed to provide for initial inventory of drugs brought under control after February 1, 1966. Such control is necessary to maintain the continuity of records from production to dispensing to the individual drug user.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 166 is amended by adding to § 166.3 new paragraphs (b) and (c) and by revising § 166.8(b) and § 166.16(a) The affected portions read as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

* * * * *

(b) The Commissioner has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having potential for abuse and habit forming because of their stimulant effect on the central nervous system:

Established name	*Some trade and other names*
d-, dl-Methamphetamine and their salts	*d-, dl*-Desoxyephedrine and their salts.

(c) The Commissioner has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having a potential for abuse because of their:

(1) Depressant effect on the central nervous system:

Established name	*Some trade and other names*
Chloral hydrate	Chloral.
Chlordiazepoxide and its salts.	Librium.
Diazepam	Valium.
Ethchlorvynol	Placidyl.
Ethinamate	Valmid.
Glutethimide	Doriden.
Meprobamate	Apascil, Atraxin, Biobamat, Calmiren, Cirpon, Cyrpon, Ecuanil, Equanil, Equanil LA, Harmonin, Mepantin, Mepavlon, Meproleaf, Meprosin, Meprospan, Meprotabs, Miltown, Nervonus, Neuramate, Oasil, Pameco, Panediol, Perequil, Perquietil, Pertranquil, Placidon, Probamyl, Quanil, Quilate, Sedabamate, Sedazil, Urbil, Viobamate.
Methyprylon	Noludar.
Paraldehyde	

(2) Stimulant effect on the central nervous system: [Reserved]

(3) Hallucinogenic effect:

Established name	*Some trade and other names*
DMT	Dimethyltryptamine.
LSD-25; LSD	*d*-Lysergic acid diethylamide.
Mescaline and its salts.	
Peyote	
Psilocybin; psilocibin	
Psilocyn; psilocin	

The listing of peyote in this subparagraph does not apply to non-drug use in bona fide religious ceremonies of the Native American Church; however, persons supplying the product to the Church are required to register and maintain appropriate records of receipts and disbursements of the article.

§ 166.8 Combination drugs; temporary exemption from recordkeeping requirements of section 511(d)(1) of the act.

* * * * *

(b) Drugs containing amphetamines or barbiturates or any of the controlled drugs listed in § 166.3 (b) or (c)(1), combined with other drugs, except that this exemption shall not apply to any of these drugs combined with each other.

§ 166.16 Records required to be maintained under section 511(d) of the act.

(a) *Types of records*—(1) *Initial inventory.* Section 511(d) (1) of the act requires every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any depressant or stimulant drug, as defined in section 201(v) of the act, to prepare upon the effective date of the section a complete and accurate record of

all stocks of each such drug on hand and to keep such records for 3 years.

(i) An inventory is required as of February 1, 1966, of each drug containing any amount of barbiturate or amphetamine, unless exempted by regulation in this part.

(ii) An inventory is required of any drug on the effective date of an order issued after February 1, 1966, that designates such drug under section 201(v) of the act as a depressant or stimulant drug subject to control, unless exempted by regulation in this part.

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321 (v), 360a, 371)

Dated: March 16, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2910; Filed, Mar. 18, 1966; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.304, the headnote, paragraph (a), and that portion of paragraph (b) preceding subparagraph (1) are amended to read as follows:

§ 3.304 Direct service connection; wartime and peacetime.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service in a period of war or service rendered on or after February 1, 1955.

(b) *Presumption of soundness.* The veteran will be considered to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at entrance into service, or where clear and unmistakable (obvious or manifest) evidence demonstrates that an injury or disease existed prior thereto. Only such conditions as are recorded in examination reports are to be considered as noted (38 U.S.C. 311; Public Law 89-358).

* * * * *

2. In § 3.305, the headnote and paragraph (a) are amended to read as follows:

§ 3.305 Direct service connection; peacetime service before February 1, 1955.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service other than in a period of war before February 1, 1955.

* * * * *

3. In § 3.307, the headnote and paragraph (a) are amended to read as follows:

§ 3.307 Presumptive service connection for chronic or tropical disease; wartime and service on or after February 1, 1955.

(a) *General.* A chronic or tropical disease listed in § 3.309 will be considered to have been incurred in service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in § 3.309(a) will be considered chronic.

(1) *Service.* The veteran must have served 90 days or more during a war period or after January 31, 1955. The requirement of 90 days service means active, continuous service within or extending into or beyond a war period, or which began before and extended beyond January 31, 1955, or began after that date.

(2) *Separation from service.* For the purpose of subparagraphs (3) and (4) of this paragraph the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after February 1, 1955, the date of separation will be the date of discharge or release from the period of service on which the claim is based.

(3) *Chronic disease.* The disease must have become manifest to a degree of 10 percent or more within 1 year (for Hansen's disease (leprosy) and tuberculosis, within 3 years; multiple sclerosis, within 7 years) from the date of separation from service as specified in subparagraph (2) of this paragraph.

(4) *Tropical disease.* The disease must have become manifest to a degree of 10 percent or more within 1 year from date of separation from service as specified in subparagraph (2) of this paragraph, or at a time when standard accepted treatises indicate that the incubation period commenced during such service. The resultant disorders or diseases originating because of therapy administered in connection with a tropical disease or as a preventative may also be service connected (38 U.S.C. 312; Public Law 89-358).

* * * * *

4. Section 3.308 is revised to read as follows:

§ 3.308 Presumptive service connection; peacetime service before February 1, 1955.

(a) *Chronic disease.* There is no provision for presumptive service connection for chronic disease as distinguished from tropical diseases referred to in paragraph (b) of this section based on peacetime service before February 1, 1955.

(b) *Tropical disease.* In claims based on peacetime service before February 1, 1955, a veteran of 6 months or more service who contracts a tropical disease listed in § 3.309(b) or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease or as a preventative will be considered to have incurred such disability in service when it is shown to exist to the degree of 10 percent or more within 1 year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period commenced during active service unless shown by clear and unmistakable evidence not to have been of service origin. The requirement of 6 months or more service means active, continuous service, during one or more enlistment periods (38 U.S.C. 333).

5. In § 3.309, those portions of paragraphs (a) and (b) preceding the list of diseases are amended to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after February 1, 1955.

* * * * *

(b) *Tropical diseases.* The following diseases may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limit under §§ 3.307 or 3.308 following service in a period of war or following peacetime service.

* * * * *

6. Section 3.314 is revised to read as follows:

§ 3.314 Basic pension determinations.

(a) *Prior to World War I.* While pensions are granted based on service prior

to World War I, the only rating factors in claims therefor are:

(1) Claims based on service of less than 90 days in the Spanish-American War require a rating determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 512).

(2) Veterans entitled to pension on the basis of service in the Indian wars or the Spanish-American War may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans who have elected pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on 100-percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d) (38 U.S.C. 502 (b), (c), 511, 512).

(b) *World War I and subsequent wars.* Non-service-connected disability and death pensions may be paid based on service in World War I, World War II and the Korean conflict. Rating determinations in such claims will be required in the following situations:

(1) Claims based on service of less than 90 days may require a determination as to whether the veteran was discharged or released from service for a service-connected disability or had at the time of separation from service a service-connected disability, shown by official service records, which in medical judgment would have warranted a discharge for disability. Eligibility in such cases requires a finding that the disability was incurred in or aggravated by service in line of duty without benefit of presumptive provisions of law or Veterans Administration regulations (38 U.S.C. 521 (g)(2)) unless, in the case of death pension, the veteran was, at the time of his death, receiving (or entitled to receive) compensation or retirement pay based upon a wartime service-connected disability (38 U.S.C. 541(a) and 542(a)).

(2) Determinations of permanent total disability for pension purposes will be based on service-connected or non-service-connected disability not the result of willful misconduct or vicious habits.

(3) Veterans entitled to non-service-connected disability pension may be entitled to an increased rate of pension if rated as being in need of regular aid and attendance. Veterans entitled to pension under Public Law 86-211 (73 Stat. 432) who are not rated as being in need of regular aid and attendance may be entitled to increased pension based on a 100-percent permanent disability together with independent disability of 60 percent or more or by reason of being permanently housebound as provided in § 3.351(d) (38 U.S.C. 502 (b), (c), 521).

7. Section 3.315 (formerly § 3.314(b) as amended) is added to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

(a) *Husband.* Eligibility of a husband of a female veteran to qualify as a "wife" for purposes of benefits under title 38, United States Code (except ch. 19), requires a rating determination that the husband is permanently incapable of self-support due to physical or mental disability (38 U.S.C. 102).

(b) *Widower.* Eligibility of a widower of a female veteran for benefits provided for a "widow" under title 38, United States Code (except ch. 19), requires a rating determination that the widower was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death (38 U.S.C. 102).

(c) *Child over 18 years.* A child of a veteran may be considered a "child" after age 18 for purposes of benefits under title 38, United States Code (except ch. 19 and sec. 5202(b) of ch. 85), if found by a rating determination to have become, prior to age 18, permanently incapable of self-support (38 U.S.C. 101(4)(B)).

(d) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days service, or a veteran who served on or after February 1, 1955, had less than 181 days of service on active duty as defined in §§ 36.4301(hh) and 36.4501(p), eligibility of the veteran for a home, farm or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II and Korean conflict service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability (38 U.S.C. 1802, 1818; Public Law 89-358).

(e) *Veterans' educational assistance.* Where a veteran who served on or after February 1, 1955, had less than 181 days service on active duty, as defined in § 21.1040, eligibility for educational assistance under 38 U.S.C. ch. 34 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumptions of incurrence under § 3.304 (b) and aggravation under § 3.306 (a) and (c). (38 U.S.C. 1652(a); Public Law 89-358)

8. In § 3.371, the headnote and paragraph (c) are amended to read as follows:

§ 3.371 Presumptive service connection for tuberculous disease; wartime and service on or after February 1, 1955.

* * * * *

(c) *Tuberculous pleurisy and endobronchial tuberculosis.* Tuberculous pleurisy and endobronchial tuberculosis fall within the category of pulmonary tuberculosis for the purpose of service connection on a presumptive basis. Either will be held incurred in service when initially manifested within 36 months after the veteran's separation from service as determined under § 3.307 (a)(2). If diagnosed as active by approved methods during the fourth year, they will be held to have preexisted the diagnosis 6 months. As to tuberculous pleurisy, the effective date of the extension of presumption 6 months beyond the 3-year period will be September 5, 1958.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective March 3, 1966.

Approved: March 14, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-2895; Filed, Mar. 18, 1966; 8:45 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

WAR ORPHANS' EDUCATIONAL ASSISTANCE

In § 3.707, paragraph (a)(3) is amended to read as follows:

§ 3.707 War orphans' educational assistance.

(a) * * *

(3) Election is final when the payee has negotiated one check for this benefit. See § 21.3023 (38 U.S.C. 1701; 1762; 3104 (b)(2)).

* * * * *

(72 Stat. 1114; 38 U.S.C. 210; Public Law 89-358)

This VA regulation is effective June 1, 1966.

Approved: March 14, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-2894; Filed, Mar. 18, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101–7—NATIONAL ARCHIVES

Revision of Research Room Rules

This revision incorporates into the Federal Property Management Regulations new procedures that have been introduced in the National Archives research rooms and updates and reorganizes some of the material for clarification.

Part 101–7 is revised to read as follows:

Subpart 101–7.1—Public Use of Records and Facilities of the National Archives

Subpart 101–7.1—Public Use of Records and Facilities of the National Archives

Sec.

AUTHORITY: The provisions of this Part 101–7 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–7.100 Scope of subpart.

The provisions of this subpart apply to the public use of records deposited with the National Archives of the United States.

§ 101–7.101 General provisions.

§ 101–7.101–1 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377; 40 U.S.C. 472, 44 U.S.C. 391).

§ 101–7.101–2 Legal custody.

The Administrator of General Services has legal custody of all records deposited with the National Archives of the United States.

§ 101–7.101–3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this Part 101–7, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be adequately served by a public library.

(2) Persons wishing to examine records will normally be required to do so in designated research rooms.

(3) Records will not normally be made available when a microfilm copy can be used.

§ 101–7.101–4 Access to classified defense information and other restricted records.

(a) Access to records containing classified defense information will be governed by Executive Order 10501 of November 5, 1953 (3 CFR), as amended by Executive Order 10816 of May 8, 1959 (3 CFR). Persons desiring permission to examine such records must submit to the Archivist a completed application, a set of their fingerprints, and personal history data on forms that will be furnished. Applications will be referred by the Archivist to agencies having responsibility for the related defense programs and will be processed to determine whether (1) access is clearly consistent with the interests of national defense, and (2) the applicant is trustworthy.

(b) The requirement for submission of a fingerprint chart or personal history data may be waived for an applicant who has previously furnished those items.

(c) Defense-classified records will be made available for examination only after the appropriate agency has authorized the Archivist to make them available.

(d) Access to records subject to other forms of restriction will be governed by the conditions set forth by the Archivist in pertinent Restriction Statements.

§ 101–7.102 Admission to research rooms.

§ 101–7.102–1 Researcher applications.

(a) Persons desiring permission to examine records must make application on a form furnished for that purpose, on which they will clearly state the subject or nature of their research. If the research project requires the use of large quantities of records or records that are especially fragile or valuable, a letter of reference or introduction may be required. The application must show a definite and serious purpose. Applications, together with proper identification, shall be submitted by the applicant, in person, at the Central Reference Branch in the National Archives Building, Eighth and Pennsylvania Avenue NW., Washington, D.C. For the examination of records serviced by the World War II Reference Branch, applications may be submitted at that Branch, King and Union Streets, Alexandria, Va.

(b) Permission to examine records will not be given to a person under the age of 16 years unless accompanied by an adult researcher who agrees, in writing, to remain with the applicant while records are in use and to be responsible for the applicant's compliance with the regulations in this Part 101–7.

(c) Officers or employees of foreign governments who wish to examine records must make application for permission to do so through the Department of State.

(d) When an application is approved, a researcher identification card will be issued. The card will be valid for a period of not longer than one year, but may be renewed upon application. It is not transferable and must be produced when requested by a guard or research room attendant.

(e) A person who has been issued a card in accordance with this section shall be considered a researcher for the purpose of the regulations in this part.

§ 101–7.102–2 Withdrawal of permission to use records.

The Archivist of the United States may withdraw the privilege of examining records from anyone who violates the rules in § 101–7.103 or disregards the instructions of a research room attendant.

§ 101–7.102–3 Hours of use.

(a) Unless otherwise directed by the Archivist of the United States, research rooms in the National Archives Building will be open to researchers from 8:45 a.m. to 5 p.m. Monday through Friday, Federal holidays excepted. In addition, the Central Research Room will remain open from 5 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5 p.m. on Saturdays, Federal holidays excepted. The World War II Reference Branch research room in Alexandria, Va., will be open from 8 a.m. to 4:15 p.m. Monday through Friday, Federal holidays excepted.

(b) Records to be used on Friday nights or Saturdays must be requested by 3 p.m., Friday; records to be used on other nights, by 4 p.m. of the day on which they are to be used.

§ 101–7.102–4 Register of researchers.

The appropriate register must be signed each day by each researcher engaged in the examination of records.

§ 101–7.103 Research room rules.

§ 101–7.103–1 Removal or mutilation of records.

Records of the National Archives and Records Service may not be taken from research rooms except by members of the Service staff acting in their official capacities. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). When requested by a guard or a research room attendant, a researcher must present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

§ 101–7.103–2 Researcher's responsibility.

A researcher is responsible for all records delivered to him until he returns them. When requested, researchers will acknowledge receipt of records by signature. When a researcher has completed his use of records, he will return all records to the research room attendant. If the researcher leaves the research room for a short period of time, he must place all records in their proper container and notify the research room attendant.

§ 101–7.103–3 Damage to records.

Researchers must exercise all possible care to prevent damage to the records delivered to them. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to damage them. The use of records of exceptional value or in fragile condition will be subject to such special safeguards as the supervisor may determine. Smoking, eating, and drinking in research rooms are prohibited. Food shall not be brought into research rooms except in closed containers.

§ 101–7.103–4 Keeping records in order.

The researcher must keep unbound papers in the order in which they are delivered to him. Records appearing to be in disorder should not be rearranged by the researcher, but should be referred to the research room attendant. Research room attendants may limit the quantity of records furnished to a researcher at one time. Generally, researchers will not be allowed to remove records from more than one container at a time.

§ 101–7.103–5 Disturbances.

Loud talking and other actions likely to disturb researchers are prohibited. Researchers desiring to use typewriters, to read aloud, or to do other work that may disturb others in the research rooms will, when possible, be assigned desks in a room designated for such purposes.

§ 101–7.104 Reproduction services.

§ 101–7.104–1 Reproduction fees.

The National Archives and Records Service will, for a fee, furnish reproductions of unrestricted records in its custody. Fees must be paid in advance except when the Chief of a Reference Branch approves a request for handling them on an accounts receivable basis. Fees may be paid in cash, or by check or money order made payable to the General Services Administration and sent to the cashier, National Archives and Records Service, Washington, D.C., 20408. Remittances from outside the United States should be made by international money order or check drawn in United States dollars on a bank in the United States or one of its territories or possessions.

§ 101–7.104–2 Reproduction equipment and personnel.

The reproduction of records will normally be done by personnel of the National Archives with equipment belonging to the Service. Exceptions may be made by the Chief of a Reference Branch for researchers to use their own reproduction equipment only when he has determined that such use will not harm the records or disrupt reference activities. Equipment will be used under the supervision of personnel of the Service.

§ 101–7.104–3 Authentication.

Upon request and the payment of appropriate fees, authentication certificates in the name of the Archivist of the United States will be prepared and attached to reproductions of records deposited with the National Archives. Authority to issue such certificates is redelegated to the Director, Office of the Federal Register, the Assistant Archivists for Civil and Military Archives, the Directors of the Projects Divisions, and the Chief of any Reference Branch.

§ 101–7.105 Information service.

§ 101–7.105–1 Information about records.

Upon request, information pertaining to the overall holdings of the National Archives or concerning the presence of specific records will be furnished in writing, provided that the time required to furnish the information is not excessive.

§ 101–7.105–2 Information derived from records.

Generally, information contained in the records will be furnished in the form of photocopies of the records, subject to the provisions of § 101–7.101–4.

§ 101–7.106 The National Archives Library.

The National Archives Library is operated to meet the needs of staff members and researchers. Other persons desiring to use library materials will generally be referred to public libraries and other possible sources of such materials.

§ 101–7.107 The National Archives Exhibition Hall.

§ 101–7.107–1 Hours of use.

Unless otherwise directed by the Archivist of the United States, the National Archives Exhibition Hall is open to the public from 9 a.m. to 10 p.m. on weekdays and holidays and from 1 to 10 p.m. on Sundays. It is closed on Christmas and New Year's days. On Mondays through Fridays and before 5:15 p.m. on Saturdays, visitors may use either the Pennsylvania Avenue entrance, opposite Eighth Street, or the Constitution Avenue entrance; on Sundays and holidays and after 5:15 p.m. on Saturdays, the Constitution Avenue entrance only is open.

§ 101–7.107–2 Photography in the National Archives Exhibition Hall.

Visitors are permitted to take photographs in the National Archives Exhibition Hall without restriction if flash equipment or other special photolighting devices are not used and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photolighting devices or for commercial purposes must obtain special permission. Application for such permission should be made to the Exhibits and Publications Division.

§ 101–7.108 Admission and use of the National Archives Theatre.

(a) Applications for admission to the National Archives Theatre for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives shall be made to the Chief, Audiovisual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman who, in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified. If the application is disapproved, the applicant will be so notified.

(b) As indicated in paragraph (a) of this section, the theatre in the National Archives Building was designed and will be used primarily for furnishing reference services on the motion picture holdings of the National Archives. When not required for such use, assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made. Application for the use of the theatre by either a Federal or District of Columbia agency or a private organization will be approved only if the purpose for which use is requested is related to the programs of the National Archives and Records Service. The theatre shall not be used for meetings sponsored by profitmaking organizations, to promote commercial enterprises or commodities, or which have political, sectarian, or similar purpose. The National Archives Theatre will not be authorized for use by any organization or group of individuals which engages in discriminatory practices described in the Civil Rights Act of 1964 (78 Stat. 241; 42 U.S.C. 2000a, note).

(c) Each application for the use of the theatre will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance

of the date for which the assignment is requested. Each application for use should be addressed and delivered to General Services Administration, The National Archives and Records Service, Administrative Officer, The National Archives Building, Washington, D.C., 20408, and shall include the following information:

(1) The name of the governmental agency or private organization;

(2) The date and the hours of contemplated use;

(3) A brief description of the program;

(4) The number of persons expected to attend the meeting or performance (the capacity of the National Archives Theatre is 216 persons);

(5) A statement as to whether it is the intention to exhibit motion pictures or lantern slides, and if so, the size of the film (35 mm to 16 mm) or lantern slides; and whether the film to be shown is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(d) No program will be permitted to continue beyond 10 p.m.

(e) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, holidays, or other days or at hours during which the building is usually closed.

(f) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles is not permitted.

(g) The serving or consumption of food or beverages within the theatre is prohibited.

(h) Smoking is prohibited within the theatre.

(i) If the projection of motion pictures or lantern slides is a part of the program, operators will be furnished by the National Archives on a reimbursable basis.

(j) Posting of any material about the premises is subject to prior approval of the GSA building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the theatre, which is on the fifth floor of the building. No one will be admitted to the parts of the building which are closed to the public.

(l) All persons attending meetings or performances are subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services (Subpart 101–19.3).

§ 101–7.109 Legal demands.

§ 101–7.109–1 Service of subpoena or other legal demand; compliance.

(a) A subpoena duces tecum or other legal demand for the production of records or other material deposited with the National Archives may be served on the Administrator of General Services, the Archivist of the United States, or the cognizant Assistant Archivist, or if such records or material are deposited outside Washington, D.C., on the Regional Administrator, the Regional Director of the National Archives and Records Service, or the Manager of the Federal Records Center.

(b) Such served official will, so far as legally practicable, comply with the subpoena or demand by submitting authenticated copies of the records or material, or the original records or material if necessary, unless he or the Administrator of General Services determines that disclosure of the information contained therein is contrary to law, Executive order, or other governing restriction or would prejudice the national interest or security.

(c) When such subpoena or demand is served on any oher officer or employee of GSA, except the General Counsel or Regional Counsel, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the grounds that he is without authority under this Part 101–7 to do so.

(d) The General Counsel and, with respect to records of material outside Washington, D.C., the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: March 11, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66–2893; Filed, Mar. 18, 1966; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–29—FEDERAL SPECIFICATIONS AND STANDARDS

Subpart 101–29.2—Specifications

USE OF FEDERAL SPECIFICATIONS

Subpart 101–29.2 is amended to clarify the exceptions to mandatory use of Federal Specifications by recognizing the relationship between the requirements for use of GSA supply sources and the $2,500 exception to use of Federal Specifications and to make minor editorial changes.

Section 101–29.204 is revised to read as follows:

§ 101–29.204 Exceptions to mandatory use of Federal Specifications

(a) Federal Specifications need not be used under any of the following circumstances:

(1) The purchase is required under a public exigency and a delay in obtaining agency requirements would be involved in using the applicable specification.

(2) The total amount of the purchase does not exceed $2,500. Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception. Further, this exception in no way affects the requirements for the procurement of items available from GSA supply depots and Federal Supply Schedule contracts as provided in §§ 101–26.301 and 101–26.401.

(3) The items are purchased in foreign markets for use of overseas activities of agencies.

(4) An Interim Federal Specification is used by an agency in lieu of the Federal Specification.

(5) Where otherwise authorized by law.

(b) If the purchase involves the following, Federal Specifications need not be used except to the extent that they are applicable, in whole or in part:

(1) Items required in construction of facilities for new processes or new installations of equipment;

(2) Items required for experiment, test, or research and development; or

(3) Spare parts, components, or materials required for operation, repair, or maintenance of existing equipment.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 15, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66–3006; Filed, Mar. 18, 1966; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the positions of Deputy Assistant Secretary for Health and Scientific Affairs and Confidential Secretary to the Deputy Assistant Secretary for Health and Scientific Affairs, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (2) and (3) are added to paragraph (h) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(2) One Deputy Assistant Secretary for Health and Scientific Affairs.

(3) One Confidential Secretary to the Deputy Assistant Secretary for Health and Scientific Affairs.

* * * * *

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

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

[F.R. Doc. 66–2896; Filed, Mar. 18, 1966; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16408; FCC 66-243]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

1. The Commission has under consideration its notice of proposed rule making, FCC 66-16, issued in this proceeding on January 7, 1966 (31 FR 354), inviting comments on a proposal to add a second Class A FM assignment to Corbin, Ky., as follows:

City	Channel No.	
	Present	Proposed
London, Ky	296A	280A
Corbin, Ky	257A	257A, 296A

The notice was issued in response to a petition, RM-846, filed by The Corbin Times-Tribune, one of two applicants for the sole FM channel in Corbin, BPH-5038. This application and a competing one filed by James Calvin Vernon, BPH-5044, will require a comparative hearing unless the subject proposal is adopted.

2. Corbin has a population of 7,119 persons. It is partially located in Whitley County, population 25,815, and partially in Knox County, population 25,258. It has two AM stations, an unlimited time station licensed to petitioner, and a daytime-only station licensed to Mount Vernon. A previous request of the Corbin Times-Tribune for a second assignment in Corbin was denied primarily on the ground that the proposal might preclude the use of needed future assignments in other communities. See memorandum opinion and order, FCC 65-979, issued in RM-846 on October 29, 1965.

3. Petitioner urges that the subject proposal will not deny any other community a first local FM service. Based on an engineering showing attached to the petition, Corbin Times-Tribune states that the assignment of Channel 80A can only be made in a limited area north of Corbin which does not contain any city with a population of 1,000 or more except for London and that this assignment will not preclude the assignment of any of the adjacent six Class C channels in any area in which such an assignment is not already precluded by existing stations or assignments. Likewise it is shown that Channel 296A may be assigned to an area in which there is only one other community with a population of over 1,000 persons, in addition to Corbin; and that community (Beattyville) has been assigned Channel 272A. With respect to the six adjacent channel Class C channels again no area is available for assignment which is not already precluded by existing stations and assignments. Petitioner also points out that Corbin is the largest community within a radius of 55 miles except for Middlesboro, which has a Class A FM assignment and is closer to the FM stations in Knoxville. No oppositions to the proposal were filed.

4. Upon careful consideration of the comments and data submitted in the proceeding we are of the view that the assignment of a second Class A assignment to Corbin would serve the public interest and should be adopted inasmuch as the assignment will not deprive any other community of its first local FM outlet.

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

6. In view of the foregoing: *It is ordered,* That effective April 18, 1966, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	*Channel No.*
Corbin, Ky	257A, 296A
London, Ky	280A

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

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

Adopted: March 9, 1966.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2928; Filed, Mar. 18, 1966; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order 976]

PART 95—CAR SERVICE

Unloading Boxcars and Covered Hopper Cars at Ports

At a session of the Interstate Commerce Commission held in Washington, D.C., on the 16th day of March A.D. 1966.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities and is causing such acute shortages of freight cars, particularly boxcars and covered hopper cars, in all sections of the country as to close industrial plants and to impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that the shortage of boxcars and covered hopper cars is aggravated by delays in unloading such cars at ports under existing tariff provisions, thus impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars. In the opinion of the Commission an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.976 Unloading boxcars and covered hopper cars at ports.

(a) No common carrier by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a maximum of five (5) days' free time on any boxcar or covered hopper car held for unloading. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this order.

(b) Computation of free time:

(1) All Saturdays, Sundays, and holidays listed in Item 25 of Agent H. R. Hinsch's Demurrage Tariff 4-G, ICC H-17 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7 a.m., after:

(i) Actual placement on industrial interchange tracks or on other-than-public-delivery tracks serving the consignee.

(ii) Actual placement on public delivery tracks, accompanied or preceded by proper notice of arrival.

(iii) Constructive placement notice, given in writing, when actual placement is prevented by any condition attributable to the consignee, whether cars are held at destination or short of destination.

(c) Computation of charges:

(1) Cars subject to this order shall not be subject to any average basis for settlement of charges for detention at the ports.

(2) After the expiration of the free time provided in paragraph (a) hereof, demurrage charges shall be assessed as follows:

(i) $10.00 per car per day for the first 4 days.

(ii) $15.00 per car per day for each day thereafter, until cars are unloaded and released and made accessible to the carrier.

(d) Definition of boxcars and covered hopper cars: The term "boxcars" as used herein means freight equipment having a mechanical designation prefixed by "X"; the term "covered hopper cars" as used herein means freight equipment having the mechanical designation "LO" in the Official Railway Equipment Register, ICC R.E.R. No. 358, issued by E. J. McFarland, or successive issues thereof.

[1] Commissioner Bartley absent; Cox dissenting and issuing a statement filed as part of original document.

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

(f) Regulations suspended—announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(g) Effective date: This order shall become effective at 12:01 a.m., March 21, 1966.

(h) Expiration date: This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed or suspended by order of the Commission.

(i) This order shall not change Demurrage Rule 8 of Tariff ICC H–17, issued by H. R. Hinsch, as amended or as reissued, or similar rules in other tariffs adjusting, canceling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17). 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

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

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–3007; Filed, Mar. 18, 1966; 8:49 a.m.]

[Service Order 977]

PART 95—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 16th day of March A.D. 1966.

It appearing, that an acute shortage of boxcars exists on the Great Northern Railway Co. and on the Northern Pacific Railway Co.; that shippers located on the Great Northern Railway Co. and the Northern Pacific Railway Co. are being deprived of cars required for loading, resulting in a very severe emergency forcing mills to close thus creating a great economic loss and total unemployment to their personnel; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange; and return of boxcars owned by the Great Northern Railway Co. and the Northern Pacific Railway Co. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.977 Distribution of boxcars.

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

(1) Withdraw all boxcars owned by the Great Northern Railway Co. and Northern Pacific Railway Co. from distribution and return to owners empty except as otherwise provided in subparagraphs (2) and (3) of this paragraph:

(2) Great Northern Railway Co. and Northern Pacific Railway Co. boxcars available empty at a station other than a junction with the owner may be loaded to stations on or via the owner.

(3) Great Northern Railway Co. and Northern Pacific Railway Co. boxcars available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(4) Empty Great Northern Railway Co. and Northern Pacific Railway Co. boxcars may not be back-hauled, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall transport or accept any Great Northern Railway Co. or Northern Pacific Railway Co. boxcar moving contrary to the provisions of paragraph (a) of this section.

(c) The term boxcars as used in this order means freight cars having a mechanical designation prefixed by "X" in the Official Railway Equipment Register, ICC R.E.R. No. 358, issued by E. J. McFarland, or successive issues thereof.

(d) Application. The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(f) Effective date: This order shall become effective at 12:01 a.m., March 23, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., May 28, 1966, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies Secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

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

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–3008; Filed, Mar. 18, 1966; 8:49 a.m.]

[Service Order 978]

PART 95—CAR SERVICE

Interstate Commerce Commission Car Service Rules

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 16th day of March, A.D. 1966.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities, causing such acute shortages of freight cars in all sections of the country as to close industrial plants, impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that car owners and shippers in all sections of the country are being deprived of the use of the cars acquired to handle their traffic; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are not promoting the most efficient utilization of cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.978 Interstate Commerce Commission car service regulations.

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

(1) Foreign cars, empty at a junction with the owning road must be:

(i) Loaded at that junction to or via owner's rails, or

(ii) Delivered empty at that junction to owning road.

(2) Foreign empty cars other than those covered in paragraph (1) shall be:

(i) Loaded to or via owner's rails, or

(ii) Loaded to a destination closer to owner's rails than is the loading station or delivered empty to a short line or switch loading road for such loading, or

(iii) Delivered empty to the owning road at any junction, or

(iv) Delivered empty to the road from which originally received under load, at the junction where received, except that when handled in road haul service cars of direct connection ownership may not be delivered empty to a road which does not have a direct connection with the car owner, or

(v) Returned empty to the delivering road when handled only in switching service.

(3) In the absence of proper loading, cars must be moved to the owner empty.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept or transport any cars moving contrary to the provisions of paragraph (a) of this section.

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

(d) Effective date: This order shall become effective at 12:01 a.m., March 23, 1966.

(e) Expiration date: This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

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

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-3009; Filed, Mar. 18, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 42—STANDARDS FOR CONDITION OF FOOD CONTAINERS

Proposed U.S. Standards for Condition of Food Containers were published in the FEDERAL REGISTER of December 15, 1965, under proposed rule making and afforded interested parties 60 days to submit written data, views, or arguments for consideration therewith. There were no oppositions to the proposals filed. However, several constructive comments were received.

After consideration of all relevant matters and suggestions received and based on currently available technical information the following standards were prepared. The standards are the same as published under proposed rule making, except for minor grammatical and editorial changes or corrections which do not change the meaning of the text, and except for deletion of: The first two and last three lines of Table III–B which are not needed in the determination of limit numbers for reduced inspection; a superfluous column headed "Examination" in all defect tables; defects 210 and 211 in Table IV which were determined to be "insignificant" defects rather than "minor" defects; and defects 204 and 206 in Table V which were restated in more definitive terms.

The following U.S. Standards for Condition of Food Containers are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087 as amended; 7 U.S.C. 1621–1627).

Statement of consideration. After two years of practical application of this Standard in the field, extensive study of the various provisions, and review of suggestions from interested parties, it has been determined that certain changes and additions would improve the Standard for the purpose intended. The changes and additions are as follows:

(1) Provision has been made for normal, tightened, and reduced inspection. This allows latitude in sample size based on prior experience.

(2) Sampling plans for condition of container have been realigned and the number of plans has been reduced to provide for simplified procedures of sampling compatible with the usual size of lots to be examined.

(3) The maximum number of primary containers to be drawn from various size cases has been changed to reduce the amount of destructive sampling of shipping cases.

(4) Changes have been made in the AQL's specified for the respective classes of defects. AQL's 0.065, 0.10 have been deleted and AQL's 0.50, 0.25 added. The new recommended AQL's are considered best for the usual purpose intended and are based on considerable study.

(5) A separate table of defects for labeling and marking has been established.

(6) Based on suggestions for changes in defect classifications, new tables of defects have been established for the various types of containers. A section has been included in each table to cover general defects.

(7) Certain definitions have been amended or added for the sake of clarity.

The proposed revision incorporates the best information available to provide for a uniform standard to measure the acceptability of a lot whenever condition examination of the exterior of filled food containers is requested as part of a sales transaction.

The standards are as follows:

Subpart A—Definitions

Subpart B—Condition Inspection Procedures

Subpart C—Miscellaneous

AUTHORITY: The provisions of this Part 42 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart A—Definitions

§ 42.101 Meaning of words.

Words used in this part in the singular form shall be considered to import the plural, or vice versa, as the case may demand.

§ 42.102 Definitions, general.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Acceptable Quality Level (AQL). The AQL is expressed in terms of defects per 100 units (DHU) Lots having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for the AQL. (See operating characteristic curves in Subpart C, § 42.115.)

Acceptance Number (Ac). The number in a sampling plan that indicates the maximum number of defects permitted in a sample in order to consider a lot as meeting a specific requirement.

Administrator. The Administrator of the Consumer and Marketing Service (C&MS) of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

Condition. The degree of acceptability of the container with respect to freedom from defects which affect the serviceability, including appearance as well as usability, of the container for its intended purpose.

Defect classifications. The terms used to denote the severity of a defect. The terms are as follows:

(1) *Critical defect*—A defect that seriously affects, or is likely to seriously affect, the usability of the container for its intended purpose.

(2) *Major defect*—A defect that materially affects, or is likely to materially affect, the usability of the container for its intended purpose.

(3) *Minor defect*—A defect that materially affects the appearance of the container but is not likely to affect the usability of the container for its intended purpose.

(4) *Insignificant defect*—A flaw in the container that does not materially affect the appearance and does not affect usability of the container for its intended purpose. When performing examinations, insignificant defects shall not be recorded.

Department. The U. S. Department of Agriculture.

Double sampling. A sampling inspection scheme which involves use of two independently drawn but related samples, a first sample and a second sample which is added to the first to form a total sample size. A double sampling plan consists of first and total sample sizes with associated acceptance and rejection criteria. The first sample must be inspected first and, if possible, a decision as to acceptance or rejection of the lot made before a second sample is inspected. When the decision cannot be made on the first sample, a second sample is inspected, the decision to accept or reject is based on the total sample size.

Lot. A collection of units of the same size, type and style which has been manufactured or processed under essentially the same conditions. The term shall mean "inspection lot"; i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purpose (e.g. production lot, shipping lot, etc.).

Operating characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level.

Origin inspection. An inspection made at any location where the filled containers are examined prior to shipment or transfer to the purchaser.

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the quality and market shelf life of the product. It may be metal, glass or fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen. Predetermined sampling patterns must be used to avoid subjective biases.

Rejection number (Re). The number in a sampling plan that indicates the minimum number of defects in a sample that will cause a lot to fail a specific requirement.

Sample. Any number of sample units which are to be used for inspection.

Sample size (n). The number of sample units which are to be included in the sample.

Sample unit. The individual container including any component parts.

Sampling plan. Any plan stating the sample size or sizes, acceptance number or numbers, and rejection number or numbers.

Shipping case. The container in which the product or primary container is placed to protect, preserve, and maintain the quality of the product in transit or storage.

Single sampling. A sampling inspection scheme where the decision to accept or reject an inspection lot with respect to a specified requirement is made after the inspection of a single sample. A single sampling plan consists of a single sample size with associated acceptance and rejection criteria.

Total defects. The sum of critical, major, and minor defects.

Subpart B—Condition Inspection Procedures

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptable quality levels and defects included in the plan outlined in § 42.104 or any alternative plan which is approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled primary containers or shipping cases or both be certified for condition. Unless the request for certification of container condition specifically asks that only the primary container or only the shipping case be examined both containers will be examined. This subpart will not be used when the C&MS inspection or grading services are requested to examine product characteristics only and are not requested to certify to the condition of the filled containers. This does not preclude the entering or addition of a statement, on a product examination certificate, which describes defective containers observed in making such an examination. Such a statement shall apply only to defective containers observed and shall not necessarily be indicative of the condition of the other containers in the lot.

(b) Unless otherwise specified by the user of service, this subpart will not apply to inspection lots of less than 50 shipping cases or to inspection lots of less than 300 primary containers. When the primary container is the shipping case, the shipping case limit will apply when the lot size exceeds either the 50 shipping case limit or the 300 primary container limit or both, the provisions of paragraph (a) of this section will apply.

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the minimum number of containers to examine for condition in relation to lot size ranges. Any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified. The tables also provide acceptance (Ac) and rejection (Re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

(b) *Defects.* The tables in § 42.112 enumerate and classify defects according to the degree to which the individual defect affects the serviceability, including appearance as well as usability, of the container for its intended purpose. The table in § 42.113 enumerates and classifies defects of the label, marking, or code.

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* Selection of proper samples requires sufficient information to identify the lot; such information includes, but is not limited to:

(1) The lot size (see § 42.103 for restriction on small lots);

(2) The type and size of container;

(3) The code marks or other identification marks and the number of containers represented by each mark;

(4) The history of the lot regarding previous inspections; and

(5) The inspection status (normal, tightened, or reduced) of the processor.

(b) *Preliminary scanning.* Prior to drawing the sample, the lot should be scanned to determine if any segments or portions are abnormal with respect to wet cases, blown cans, top layer rust, leaking bags, etc. If such segments or portions noted are of any consequence, the lot may be rejected for condition of containers without sampling.

(c) *Sample size.* Determination of the number of containers to check for condition:

(1) Refer to the table in §§ 42.109 through 42.111 (sampling plans) and find where the lot size (number of individual containers) fits into the column headed "Lot Size Ranges."

(i) Tables I–A (normal), II–A (tightened), or III–A (reduced), as applicable, will apply to origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(ii) The appropriate double sampling plans in Table I will apply to other than origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size." A larger sample may be specified but it must be one of the listed plans in the table. The sample size cannot be an interpolation between plans.

(3) Lots rejected for unsatisfactory condition of containers may be subsequently sampled after being reconditioned or reworked. Such lots or resulting portion of a lot may be sampled as

a reoffered lot providing the reoffered portion is separately identifiable. When making such inspections, the appropriate sampling plan for tightened inspection shall be used. Except in the case of an appeal inspection, it is not permissible to reinspect a previously rejected lot until it has been reconditioned or reworked.

(d) *Sample selection.* Select samples from the lot presented in accordance with either of the following two procedures as may be applicable. (A lot offered for inspection will be accepted or rejected in its entirety with either sampling procedure used to select the sample.)

(1) *Proportional random sampling.* When the number of codes or other identifying marks within the lot and the approximate number of cases or containers per code are known, select sample units at random within each mark and in a number proportionate to the number of containers represented by such mark.

(2) *Simple random sampling.* When there are no code or other identifying marks, or when the number of codes or identifying marks within the lot and/or approximate number of cases or containers per mark are not known, select sample units at random from the entire lot.

(e) *Maximum sample units per case.* If the lot is cased, predetermine the number of containers to draw from each sampled case as well as the position within the case. Do not restrict the sampling to the top or bottom layers or to the corners. The best sample is one selected from all the various positions in the shipping case. It is desirable but not mandatory to limit the number of sample units to a single container from any one case. Multiple sample units may be taken from a single case but not in excess of the following plan:

(1) When containers are packed 12 or less to a case, draw a maximum of 6 sample units from any one case; and

(2) When containers are packed more than 12 to a case but not more than 60, draw a maximum of 12 sample units from any one case; and

(3) When containers are packed more than 60 to a case but not more than 250, draw a maximum of 16 sample units from any one case; and

(4) When containers are packed more than 250 in a case, draw a maximum of 24 sample units from any one case.

§ 42.106 Classifying and recording defects.

(a) *Classifying defects.* Examine each sample unit for the applicable type of defects listed in the table covering the container being inspected in §§ 42.112 and 42.113. Other defects, not specifically listed, shall be classified according to their effect on the intended use of the container.

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be dented in three different places by a malfunctioning piece of equipment. In this case, only the most serious of the dents would be recorded in lieu of recording all three dents. To cite another example of related defects, a can may be a leaker and the exterior may also be seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

(2) Unrelated defects are defects on a single container that result from separate causes. If the incident that caused one of the defects had not occurred, the other unrelated defects on the container would still be present. As an example of unrelated defects, a can may be seriously rusted, may have a bad dent along the seam, and the label may also be detached from the can because of improper gluing. In this case it is unlikely that any of the three defects exist because of a common cause. Therefore, they are considered unrelated defects and should be scored as three defects.

(3) The lot acceptance portion of this procedure is based on the number of defects per 100 containers. It is necessary to determine if the defects on any one container are "related" defects or "unrelated" defects. A container is scored for the most serious of related defects, and is also scored for each unrelated defect.

(b) *Recording defects.* Record on a worksheet the number, type, and class (critical, major, or minor) of defects on each sample unit.

(c) *Totaling defects.* Add the number of defects in each class, then add the number of minor, major, and critical defects to obtain the total defects.

§ 42.107 Lot acceptance criteria.

(a) Acceptance and rejection numbers: The acceptability of the lot is determined by relating the number and class of defects enumerated on the worksheet to the acceptance and rejection numbers shown in §§ 42.109 through 42.111 for the respective sample size and Acceptable Quality Level (AQL).

(b) Unless otherwise specified, use the following AQL's for the respective class of defects:

Defect class	AQL at origin inspection	AQL at other than origin inspection
Critical	0.25	0.25
Major	1.5	2.5
Total	6.5	10.0

(c) Acceptance or rejection: Refer to the appropriate sample size and AQL and compare the number of defects found in the sample with the acceptance (Ac) and rejection (Re) numbers in the sampling plan.

(1) Accept the lot after examining the single sample or first sample of a double sampling plan when all of the following conditions are met:

(i) The number of critical defects does not exceed the applicable acceptance number (Ac) for critical defects, and

(ii) The number of major defects does not exceed the applicable acceptance number (Ac) for major defects, and

(iii) The total number of critical, major, and minor defects does not exceed the applicable acceptance number (Ac) for total defects.

(2) Reject the lot after examining the single sample or first sample of a double sampling plan when any one or more of the following conditions occur:

(i) The number of critical defects equals or exceeds the applicable rejection number (Re) for critical defects, or

(ii) The number of major defects equals or exceeds the applicable rejection number (Re) for major defects, or

(iii) The total number of critical, major, and minor defects equals or exceeds the applicable rejection number (Re) for total defects.

(3) If the lot can neither be accepted nor rejected on the first sample, when a double sampling plan is used, select and examine the prescribed second sample. Accept the lot if the accumulated defects of the first and second sample meet conditions of subparagraph (1) of this paragraph, otherwise, reject the lot.

§ 42.108 Normal, tightened, or reduced inspection.

(a) *Normal inspection.* Sampling plans for normal inspection are those in Tables I and I–A. These plans shall be used except when the history of inspection permits reduced inspection or requires tightened inspection.

(b) *Tightened inspection.* Sampling plans for tightened inspection are those in Tables II and II–A.

(c) *Reduced inspection.* Sampling plans for reduced inspection are those in Tables III and III–A.

(d) *Switching rules.* The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) below are applicable or unless otherwise specified. Application of the following switching rules will be based on the inspection records of original inspections of the lots (excluding resubmitted lots) from a single production plant.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection shall be instituted providing that all of the following conditions are satisfied for each class of defect:

(i) The preceding 10 inspection lots (or more, as indicated by the note to Table III–B) which have been inspected within the preceding 6 months have been on normal inspection and none has been rejected on original inspection; and

(ii) The total number of defects in the samples from the preceding 10 inspection lots (or such other number of lots used for condition in subdivision (i) of this subparagraph) is equal to or less than the applicable number given in Table III–B. If a double sampling plan is used, all samples inspected should be included, not "first" samples only; and

(iii) Reduced inspection is considered desirable by the Administrator.

(2) *Reduced inspection to normal inspection.* When reduced inspection is in effect, normal inspection shall be reinstituted if any of the following occur:

(i) An inspection lot is rejected on original inspection; or

(ii) Production becomes irregular (delayed or accelerated); or

(iii) Other valid conditions warrant that normal inspection shall be reinstituted.

(3) *Normal inspection to tightened inspection.* When normal inspection is in effect, tightened inspection shall be instituted when 2 out of 5 consecutive inspection lots have been rejected on original inspection.

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection may be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) *Application of switching rules.* Normal, tightened, or reduced inspection shall continue unchanged for each class of defects on successive inspection lots that are similar in character (i.e., source, style, size, and type container, etc.) except where the switching rules require a change. The rules for switching procedures shall be applied independently to each class of defects. However, when the rules require a switch to tightened inspection on one or more classes of defects all classes shall be on tightened inspection. Nevertheless, before switching from tightened inspection to normal inspection or from normal inspection to reduced inspection, all classes of defects must meet the applicable rules for switching.

§ 42.109 Sampling plans for normal condition of container inspection, Tables I and I–A.

TABLE I—SAMPLING PLANS FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		AQL 0.15 Ac	AQL 0.15 Re	Sample size		Other acceptable quality levels (normal inspection) 0.25 Ac	0.25 Re	0.50 Ac	0.50 Re	1.0 Ac	1.0 Re	1.5 Ac	1.5 Re	2.5 Ac	2.5 Re	4.0 Ac	4.0 Re	6.5 Ac	6.5 Re	10.0 Ac	10.0 Re
CA	6,000 or less	Single		126	0	1		84	0	1	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36			1st	36	(*)	(*)	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60			2d	60																
			Total	96			Total	96	(*)	(*)	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	6,001–12,000	Single		264	1	2		168	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	174	0	2	1st	120	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	162			2d	60																
			Total	336	1	2	Total	180	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC	12,001–36,000	Single		500	2	3		315	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42
		Double	1st	252	0	3	1st	168	0	3	0	4	1	5	2	7	5	10	7	13	12	18	19	26
			2d	288			2d	180																
			Total	540	2	3	Total	348	2	3	3	4	7	8	9	10	14	15	21	22	31	32	45	46
CD	Over 36,000	Single		800	3	4		500	3	4	5	6	9	10	12	13	18	19	28	29	42	43	62	63
		Double	1st	456	0	4	1st	228	0	3	0	5	2	7	3	9	5	11	8	17	15	24	23	34
			2d	408			2d	288																
			Total	864	3	4	Total	516	3	4	5	6	9	10	12	13	19	20	29	30	43	44	64	65
CE		Single		1,250	4	5		800	4	5	7	8	13	14	18	19	27	28	42	43	64	65	95	96

Ac=Acceptance number.
Re=Rejection number.

(*)=Reject on one or more defects. These plans are less preferable than those with numbers listed under Ac and Re.

TABLE I-A—SAMPLING PLANS OF SELECTED AQL'S FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (normal inspection) 0.25 Ac	0.25 Re	1.5 Ac	1.5 Re	6.5 Ac	6.5 Re
CA	6,000 or less	Double	1st	36	(*)	(*)	0	4	2	7
			2d	60						
			Total	96	(*)	(*)	3	4	10	11
CB	6,001–12,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18
CC	12,001–36,000	Double	1st	168	0	3	2	7	12	18
			2d	180						
			Total	348	2	3	9	10	31	32
CD	Over 36,000	Double	1st	228	0	3	3	9	15	24
			2d	288						
			Total	516	3	4	12	13	43	44

(*)=Reject on one or more defects.

§ 42.110 Sampling plans for tightened condition of container inspection; Tables II and II–A.

TABLE II—SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		AQL 0.15 Ac	AQL 0.15 Re	Sample size		Other acceptable quality levels (normal inspection) 0.25 Ac	0.25 Re	0.50 Ac	0.50 Re	1.0 Ac	1.0 Re	1.5 Ac	1.5 Re	2.5 Ac	2.5 Re	4.0 Ac	4.0 Re	6.5 Ac	6.5 Re	10.0 Ac	10.0 Re
CB	6,000 or less	Single		264	0	1		168	0	1	1	2	2	3	4	5	5	6	7	8	11	12	16	17
		Double	1st				1st	120	(*)	(*)	0	2	0	3	2	5	2	6	3	7	6	10	10	14
			2d				2d	60																
			Total				Total	180	(*)	(*)	1	2	2	3	4	5	5	6	8	9	12	13	17	18
CC	6,001–12,000	Single		500	1	2		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29
		Double	1st	360	0	2	1st	168	0	2	0	3	0	4	1	5	2	7	5	10	7	13	12	18
			2d	156			2d	180																
			Total	516	1	2	Total	348	1	2	2	3	3	4	7	8	9	10	14	15	21	22	31	32
CD	12,001–36,000	Single		800	2	3		500	2	3	3	4	5	6	9	10	12	13	18	19	28	29	42	43
		Double	1st	456	0	3	1st	228	0	3	0	3	0	5	2	7	3	9	5	11	8	17	15	24
			2d	408			2d	288																
			Total	864	2	3	Total	516	2	3	3	4	5	6	9	10	12	13	19	20	29	30	43	44
CE	Over 36,000	Single		1,250	3	4		800	3	4	4	5	7	8	13	14	18	19	27	28	42	43	64	65
		Double	1st				1st	456	0	4	1	5	2	6	5	10	8	13	12	19	21	28	32	41
			2d				2d	408																
			Total				Total	864	3	4	4	5	8	9	14	15	19	20	29	30	44	45	69	70
CF		Single		1,250	3	4		1,250	4	5	7	6	10	11	19	20	26	27	41	42	63	64	96	97

(*) Reject on one or more defects.

TABLE II-A—SAMPLING PLANS OF SELECTED AQL'S FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (tightened inspection) 0.25 Ac	0.25 Re	1.5 Ac	1.5 Re	6.5 Ac	6.5 Re
CB	6,000 or less	Double	1st	120	(*)	(*)	2	5	6	10
			2d	60						
			Total	180	(*)	(*)	4	5	12	13
CC	6,001–12,000	Double	1st	168	0	2	1	5	7	13
			2d	180						
			Total	348	1	2	7	8	21	22
CD	12,001–36,000	Double	1st	228	0	3	2	7	8	17
			2d	288						
			Total	516	2	3	9	10	29	30
CE	Over 36,000	Double	1st	456	0	4	5	10	21	28
			2d	408						
			Total	864	3	4	14	15	44	45

(*) Reject on one or more defects.

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26

TABLE III–A—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Double	1st	18	0	2	0	2	1	4
			2d	18						
			Total	36	1	2	1	2	5	6
CA	6,001–36,000	Double	1st	36	0	2	0	4	2	7
			2d	60						
			Total	96	1	2	3	4	10	11
CB	Over 36,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18

TABLE III–B—LIMIT NUMBERS FOR REDUCED INSPECTION

Number of sample units from last 10 lots inspected within 6 months	Acceptable quality level								
	0.15	0.25	0.5	1.0	1.5	2.5	4.0	6.5	10.0
320–499	(*)	(*)	(*)	0	1	4	8	14	24
500–799	(*)	(*)	0	2	3	7	14	25	40
800–1,249	(*)	0	1	4	7	14	24	42	68
1,250–1,999	0	0	3	7	13	24	40	69	110
2,000–3,149	0	2	6	14	22	40	68	115	181
3,150–4,999	1	4	10	24	38	67	111	186	----
5,000–7,999	3	7	18	40	63	110	181	----	----
8,000–12,499	7	14	31	68	105	181	----	----	----
12,500–19,999	13	24	52	110	169	----	----	----	----

*Denotes that the number of sample units from the last 10 inspection lots is not sufficient for reduced inspection for this AQL. In this instance more than 10 inspection lots may be used for the calculations if; the inspection lots used are the most recent ones in sequence within the last 6 months, they have all been on normal inspection, and none has been rejected on original inspection.

TABLE IV—METAL CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly		101	
Dirty, stained or smeared container			201
Key opening metal containers (when required):			
(a) Key missing		102	
(b) Key does not fit tab		103	
(c) Tab of opening band insufficient to provide accessibility to key		104	
(d) Improper scoring (band would not be removed in one continuous strip)		105	
Open top with plastic overcap (when required):			
(a) Plastic overcap missing		106	
(b) Plastic overcap warped (making opening or reapplication difficult)		107	
Outside tinplate or coating:			
(a) Missing or incomplete			202
(b) Blistered, flaked, sagged, or wrinkled			203
(c) Scratched or scored			204
(d) Fine cracks			205
Rust (rust confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
(a) Rust stain (nonmilitary purchases)			206
(b) Rust stain (military purchases)		108	
(c) Pitted rust		109	
Dent:			
(a) Materially affecting appearance but not usability			207
(b) Materially affecting usability		110	
Buckle:			
(a) Not involving end seam			208
(b) Extending into the end seam		111	
Collapsed container		112	
Paneled side materially affecting appearance but not usability			209
Solder missing when required		113	
Cable cut exposing seam		114	
Improper side seam		115	
Swell, springer, or flipper (not applicable to gas or pressure packed product nor frozen products)	1		
Leaker or blown container	2		
Frozen products only:			
(a) Bulging ends 3/16" to 1/4" beyond lip			210
(b) Bulging ends more than 1/4" beyond lip		116	

TABLE V—GLASS CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, or fitted properly		101	
Dirty, stained, or smeared container			201
Chip in glass			202
Stone (unmelted material) in glass			203
Pits in surface of glass			204
Sagging surface			205
Bead (bubble within glass):			
(a) 1/8" to 1/16" [1/8" or less] in diameter			206
(b) Exceeding 1/8" in diameter		102	
Checked		103	
Thin spot in glass		104	
Blister (structural defect)		105	
Bird swing (glass appendage inside container)	1		
Broken or leaking container	2		
Cap (nonheat processed):			
(a) Cross-threaded			207
(b) Loose but not leaking			208
(c) Pitted rust		106	
Cap (heat processed):			
(a) Cross-threaded or loose	3		
(b) Pitted rust		107	
Sealing tape or cello band (when required):			
(a) Improperly placed			209
(b) Not covering juncture of cap and glass		108	
(c) Ends overlap by less than 1/2"		109	
(d) Loose or deteriorating		110	

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC. (EXCLUDING GLASS AND METAL)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, or fitted properly		101	
Dirty, stained, or smeared container			201
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			202
(b) Materially affecting usability		102	
Moldy area	1		
Crushed or torn area:			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		103	
Separation of lamination (corrugated fiberboard):			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		104	
Product sifting or leaking		105	
Nails or staples (when required):			
(a) Not as required, insufficient number or improperly positioned			205
(b) Nails or staples protruding		106	
Glue or adhesive (when required); not holding properly, not covering area specified, or not covering sufficient area to hold properly:			
(a) Primary container		107	
(b) Other than primary container			206
Flap projects beyond edge of container			207
Sealing tape or strapping (when required):			
(a) Missing		108	
(b) Improperly placed or applied			208

TABLE VIII—LABEL, MARKING OR CODE

Defect	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Text illegible or incomplete		203
Incorrect		204
In wrong location		205

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted		
Closure not sealed, crimped, stitched, or fitted properly		101	
Dirty, stained, or smeared container			201
Unmelted gels in plastic			202
Torn container		102	
Product sifting or leaking		103	
Moldy area	1		
Individual packages sticking together		104	
Not fully covering product		105	
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		106	
Overwrap or secondary container (when required):			
(a) Missing		107	
(b) Loose, not sealed or closed			204
(c) Improperly applied			205
Sealing tape, strapping or adhesives (when required):			
(a) Missing		108	
(b) Improperly placed, applied, torn, or wrinkled			206
Tape over bottom and top closures (when required):			
(a) Not covering stitching		109	
(b) Torn (exposing stitching)		110	
(c) Wrinkled (exposing stitching)		111	
(d) Not adhering to bag:			
1. Exposing stitching		112	
2. Not exposing stitching			207
(e) Improper placement			208

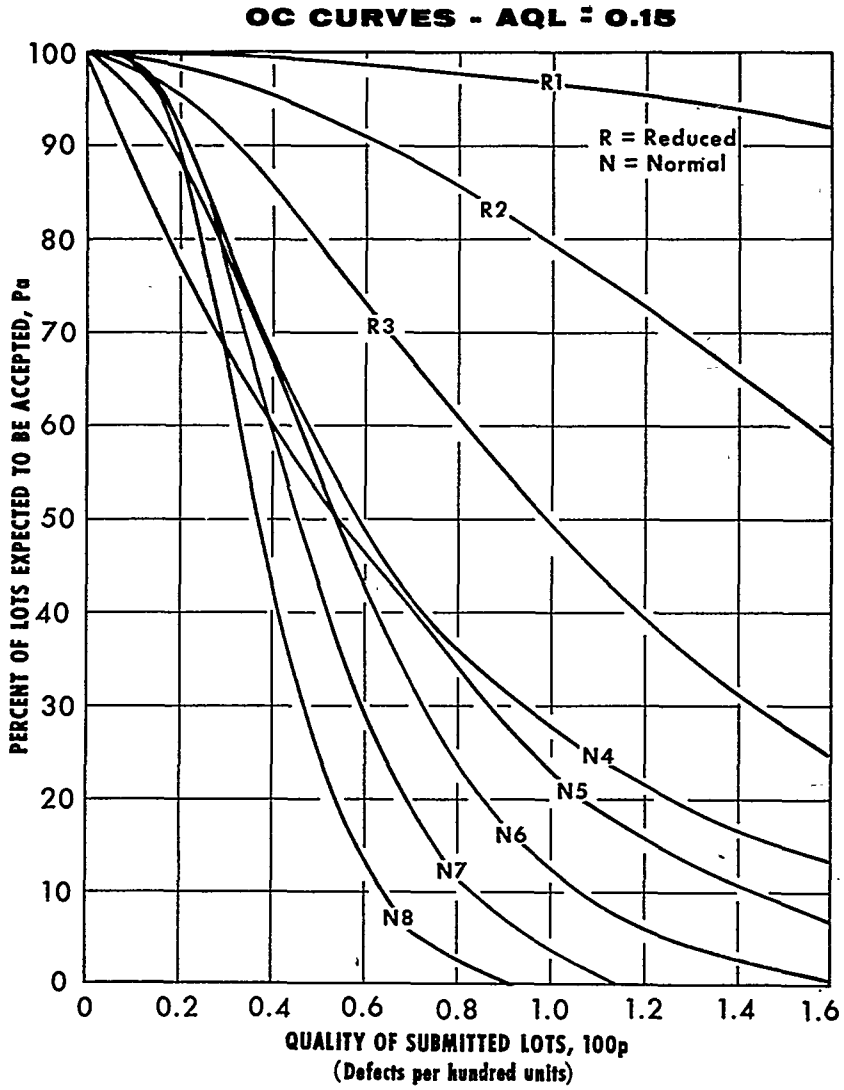
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.15]

Comparable sampling plans	Identification number of OC curve																							
	R1			R2			R3			N4			N5			N6			N7			N8		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	126	0	1	168	1	2	264	1	2	500	2	3	800	3	4	1250	4	5
Double	18 36	0 1	2 2	36 96	0 1	2 2	---- ----	--- ---	--- ---	120 180	0 1	2 2	174 336	0 1	2 2	252 540	0 2	3 3	456 864	0 3	4 4	------ ------	--- ---	--- ---

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 119-65 (12) CONSUMER AND MARKETING SERVICE

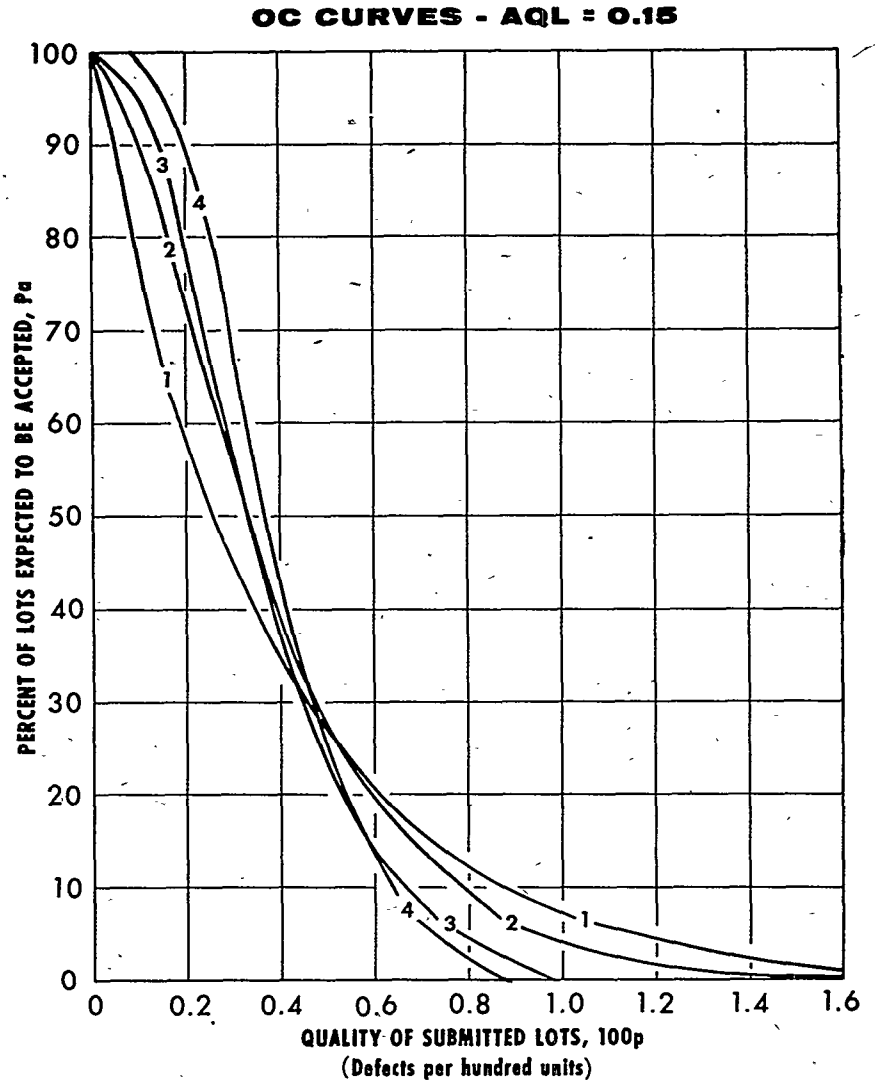
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

(Sampling plans—AQL=0.15)

Comparable sampling plans	Identification number of OC curves											
	1			2			3			4		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	264	0	1	500	1	2	800	2	3	1250	3	4
Double	----	----	----	360	0	2	456	0	3	576	0	3
	----	----	----	516	1	2	864	2	3	1296	3	4

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 118-65 (12) CONSUMER AND MARKETING SERVICE

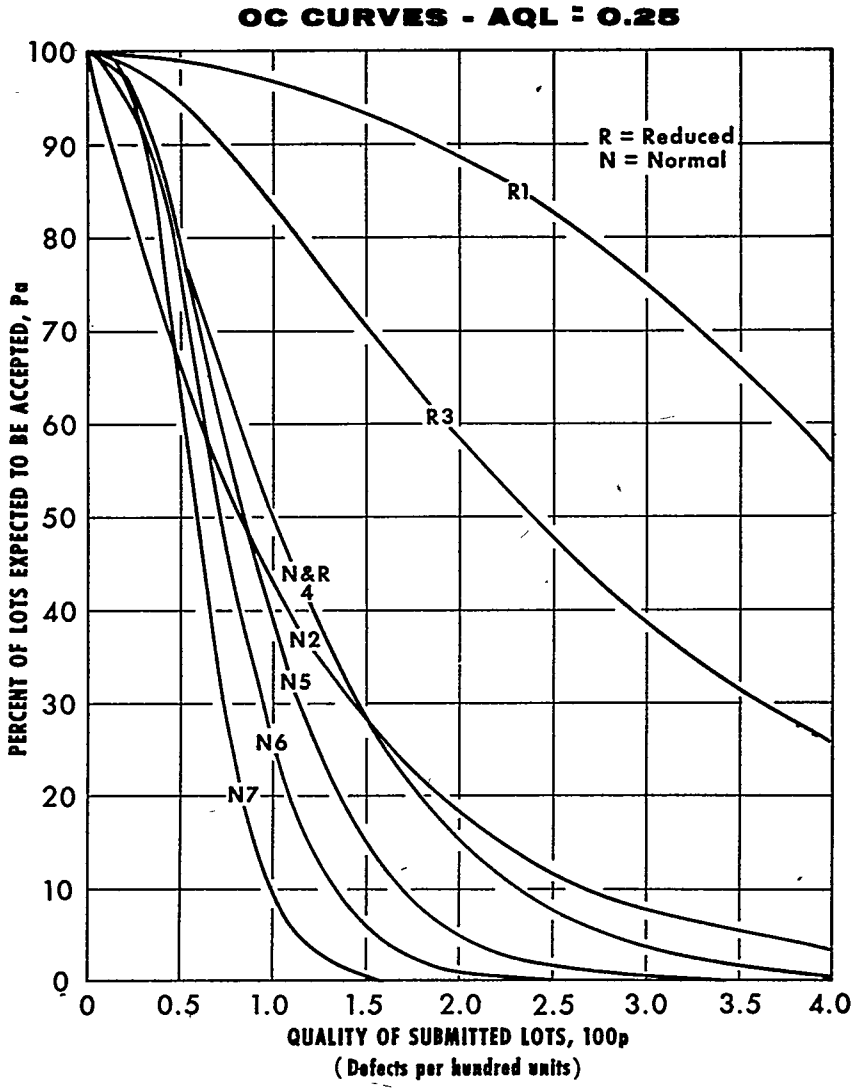
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.25 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Comparable sampling plans	Identification number OC curves																				
	R1			N2			R3			N and R4			N5			N6			N7		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	0	1	84	1	2	168	1	2	315	2	3	500	3	4	800	4	5
Double	18	0	2	----	----	----	36	0	2	120	0	2	168	0	3	228	0	3	----	----	----
	18	1	2	----	----	----	96	1	2	180	1	2	348	2	3	516	3	4	----	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



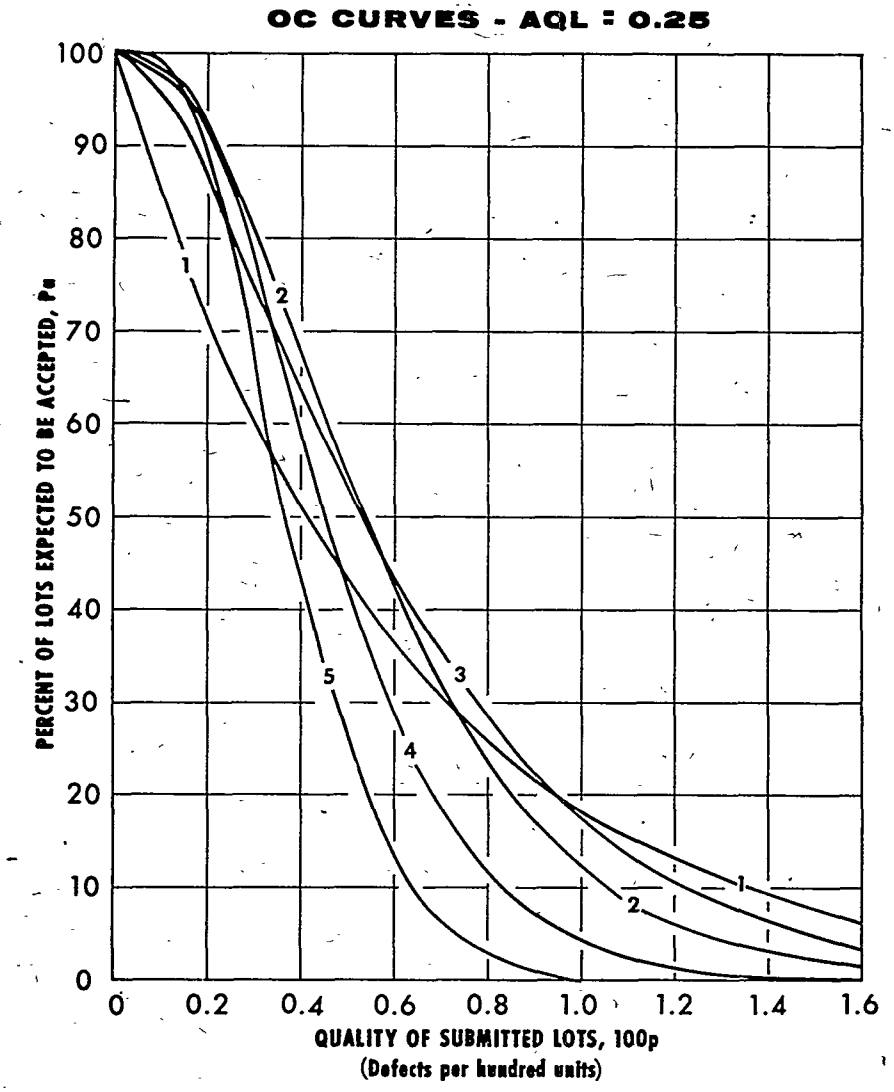
U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 128-65 (12) CONSUMER AND MARKETING SERVICE

TIGHTENED INSPECTION PLANS
SAMPLING PLANS AND OPERATION CHARACTERISTIC (OC) CURVES FOR AQL=0.25
DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	0	1	315	1	2	500	2	3	800	3	4	1250	4	5
Double	------	------	------	168	0	2	228	0	3	456	0	4	------	------	------
	------	------	------	348	1	2	516	2	3	864	3	4	------	------	------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

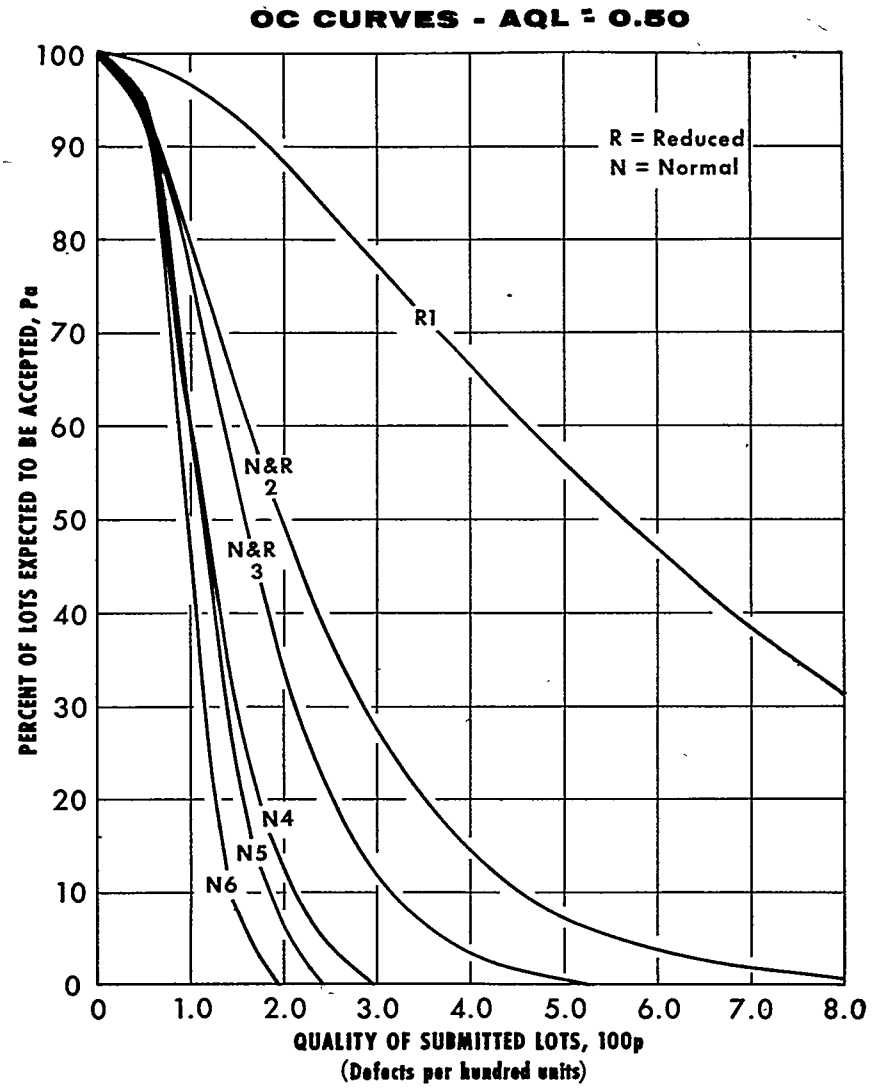


U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 117-65 (12) CONSUMER AND MARKETING SERVICE

REDUCED AND NORMAL INSPECTION PLANS
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.50 DEFECTS PER HUNDRED UNITS
[Sampling plans—AQL=0.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	168	2	3	315	3	4	500	5	6	800	7	8
Double	18	0	2	36	0	2	120	0	3	168	0	4	228	0	5	------	----	----
	36	1	2	96	1	2	180	2	3	348	3	4	516	5	6	------	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 129-65 (12) CONSUMER AND MARKETING SERVICE

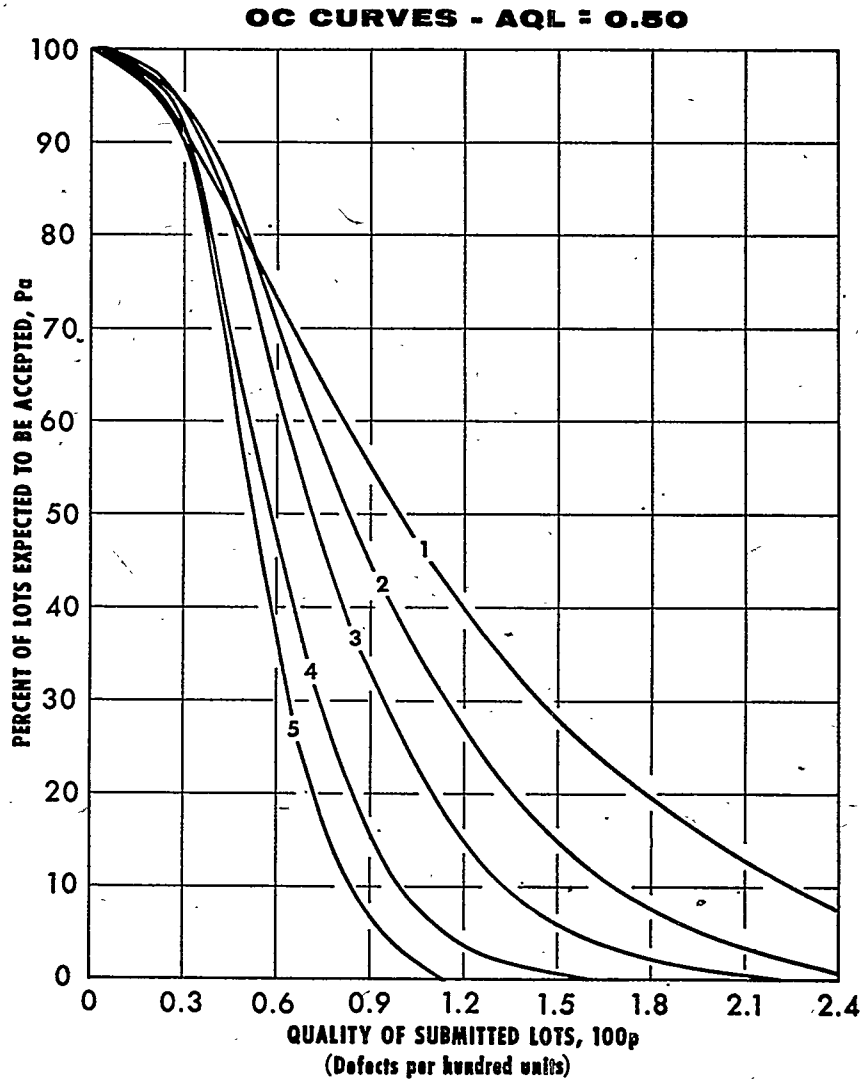
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	1	2	315	2	3	500	3	4	800	4	5	1250	6	7
Double	120	0	2	168	0	3	228	0	3	456	1	5	------	------	------
	180	1	2	348	2	3	516	3	4	864	4	5	------	------	------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 131-65 (12) CONSUMER AND MARKETING SERVICE

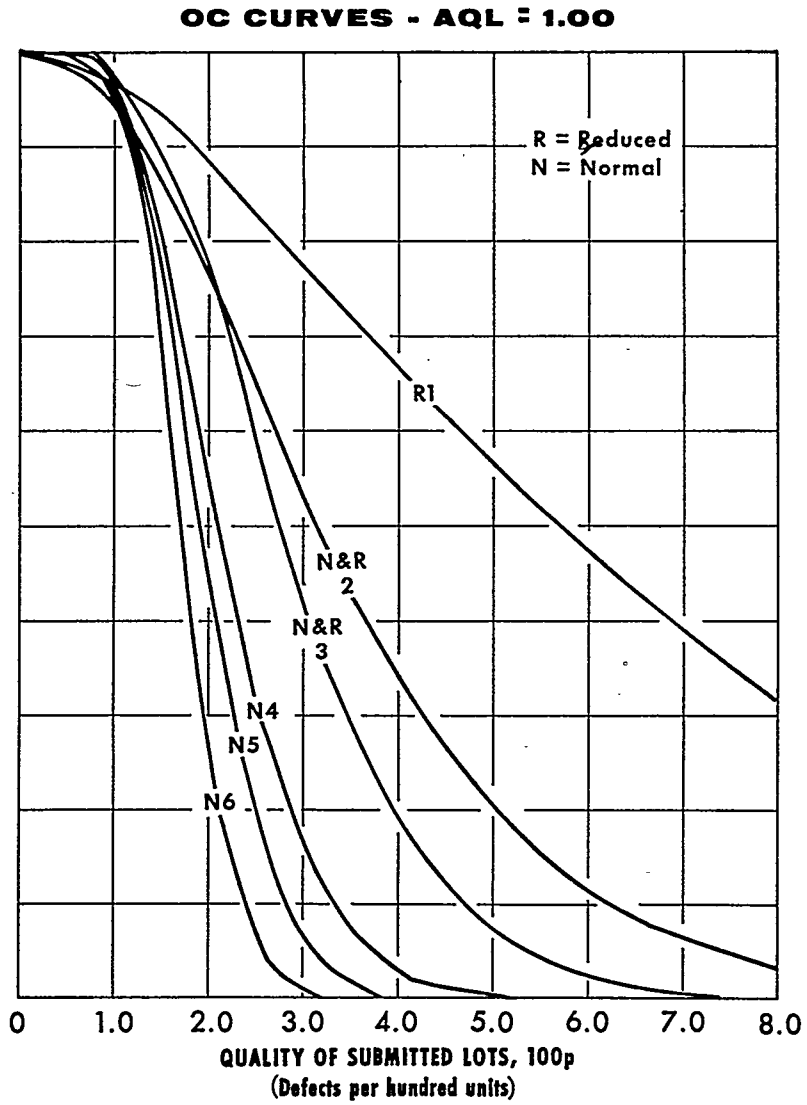
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	2	3	168	4	5	315	6	7	500	9	10	800	13	14
Double	18	0	2	36	0	3	120	2	5	168	1	5	228	2	7	------	----	----
	36	1	2	96	2	3	180	4	5	348	7	8	516	9	10	------	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U.S. DEPARTMENT OF AGRICULTURE NEG. C&MS 116-65 (12) CONSUMER AND MARKETING SERVICE

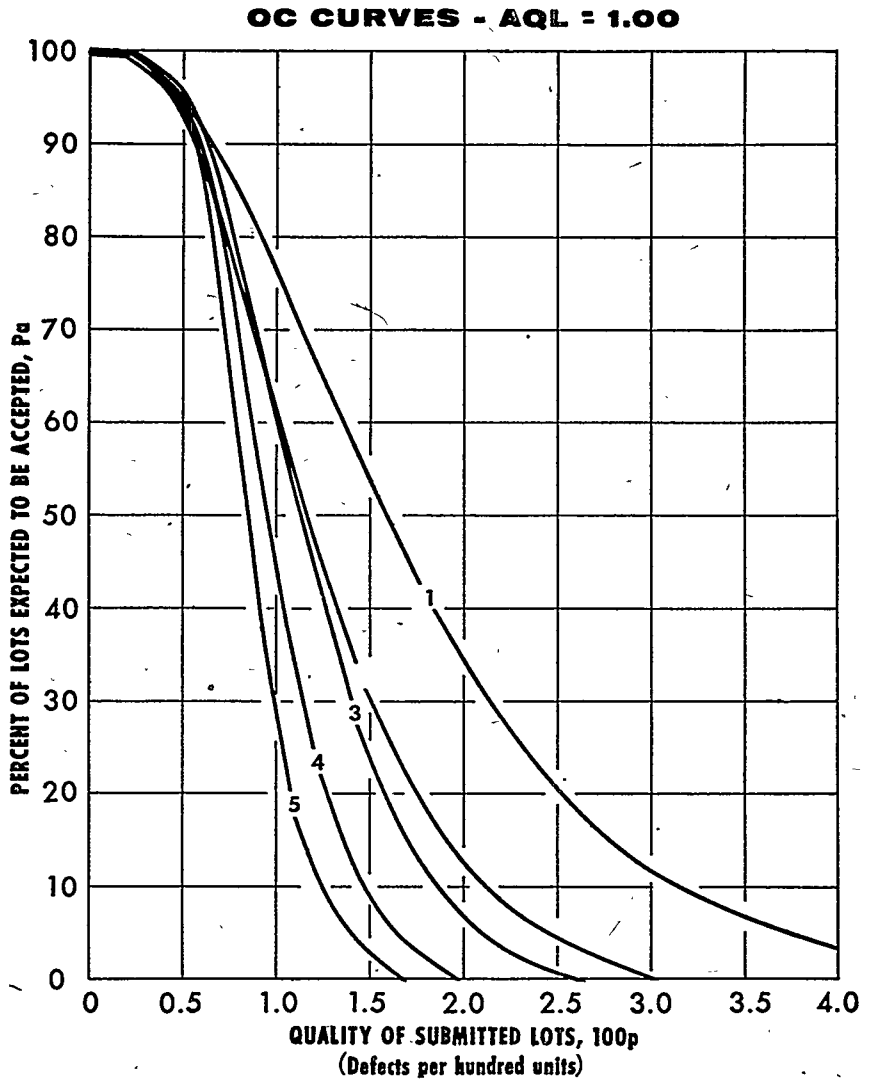
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	2	3	315	3	4	500	5	6	800	7	8	1250	10	11
Double	120	0	3	168	0	4	228	0	5	456	2	6	------	------	------
	180	2	3	348	3	4	516	5	6	864	8	9	------	------	------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE

NEG. C&MS 132-65 (12) CONSUMER AND MARKETING SERVICE

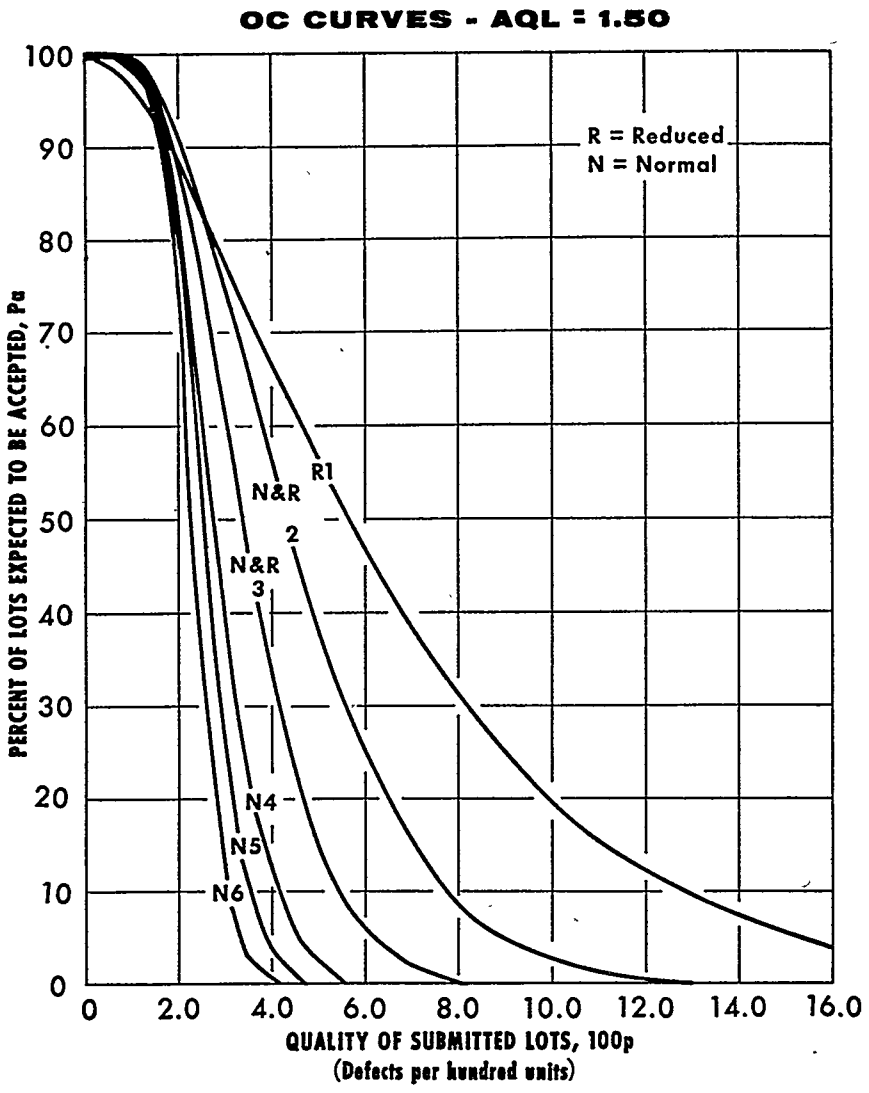
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	3	4	168	5	6	315	8	9	500	12	13	800	18	19
Double	18	0	2	36	0	4	120	2	6	168	2	7	228	3	9	------	----	----
	36	1	2	96	3	4	180	5	6	348	9	10	516	12	13	------	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



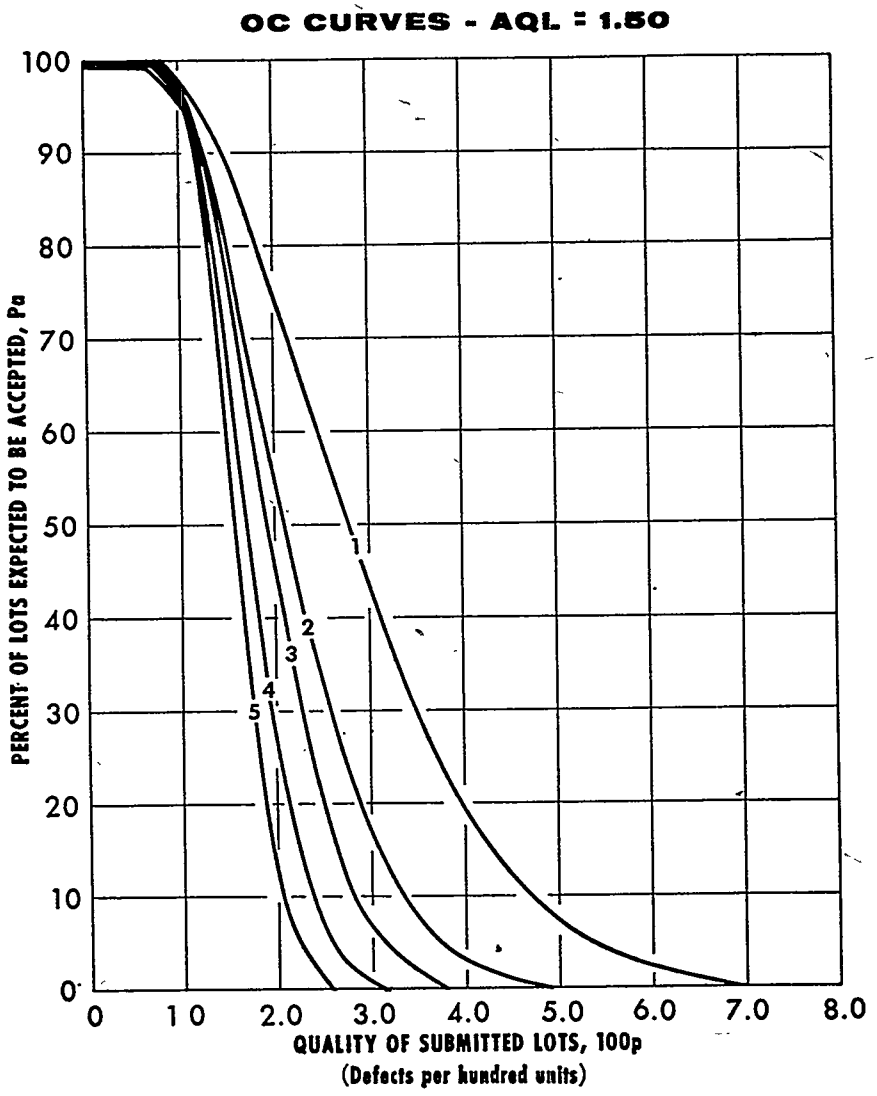
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	4	5	315	6	7	500	9	10	800	13	14	1250	19	20
Double	120 180	2 4	5 5	168 348	1 7	5 8	228 516	2 9	7 10	456 864	5 14	10 15	------ ------	------ ------	------ ------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



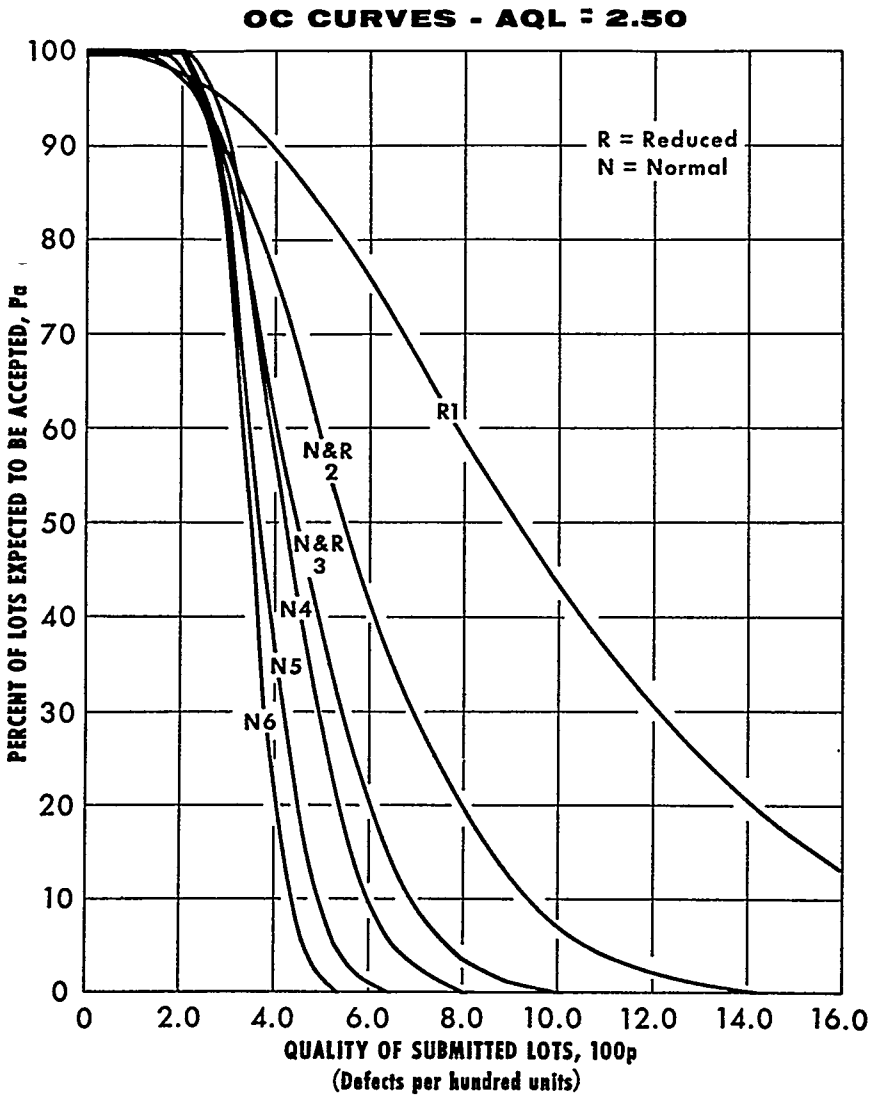
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=2.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=2.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	2	3	84	4	5	168	7	8	315	13	14	500	18	19	800	27	28
Double	18	0	3	36	0	4	120	3	7	168	5	10	228	5	11	------	----	----
	36	2	3	96	4	5	180	8	9	348	14	15	516	19	20	------	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 125-65 (12) CONSUMER AND MARKETING SERVICE

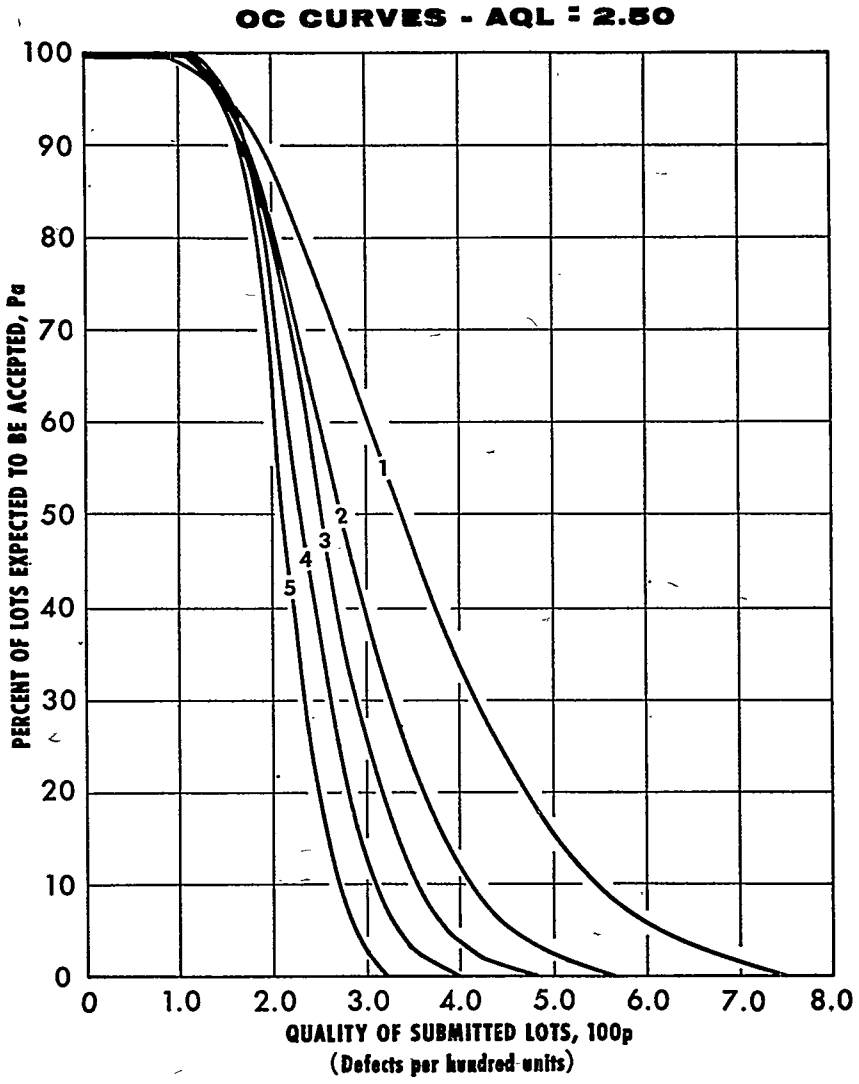
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=2.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=2.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	5	6	315	8	9	500	12	13	800	18	19	1250	26	27
Double	120	2	6	168	2	7	228	3	9	456	8	13	------	------	------
	180	5	6	348	9	10	516	12	13	864	19	20	------	------	------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 126-65 (12) CONSUMER AND MARKETING SERVICE

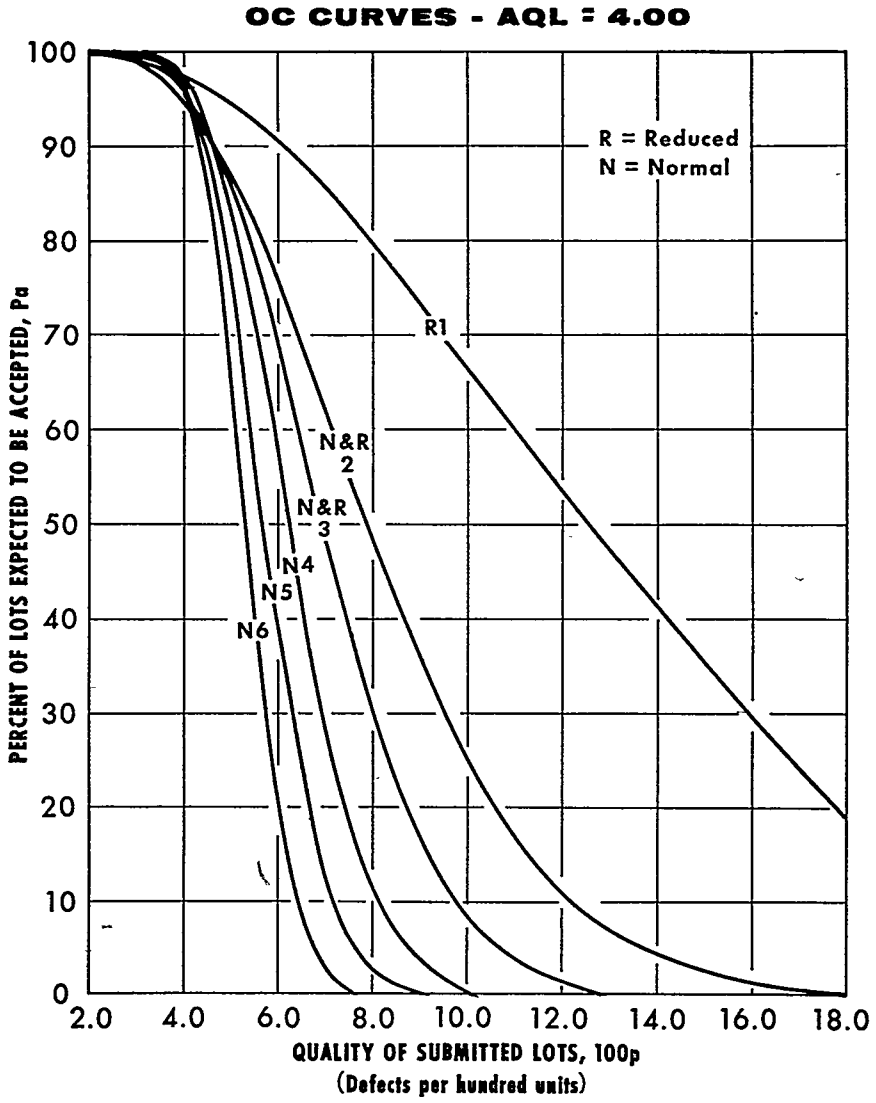
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=4.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=4.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	3	4	84	6	7	168	11	12	315	19	20	500	28	29	800	42	43
Double	18	1	3	36	0	5	120	6	10	168	7	13	228	8	17	------	----	----
	36	4	5	96	7	8	180	12	13	348	21	22	516	29	30	------	----	----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 122-65 (12) CONSUMER AND MARKETING SERVICE

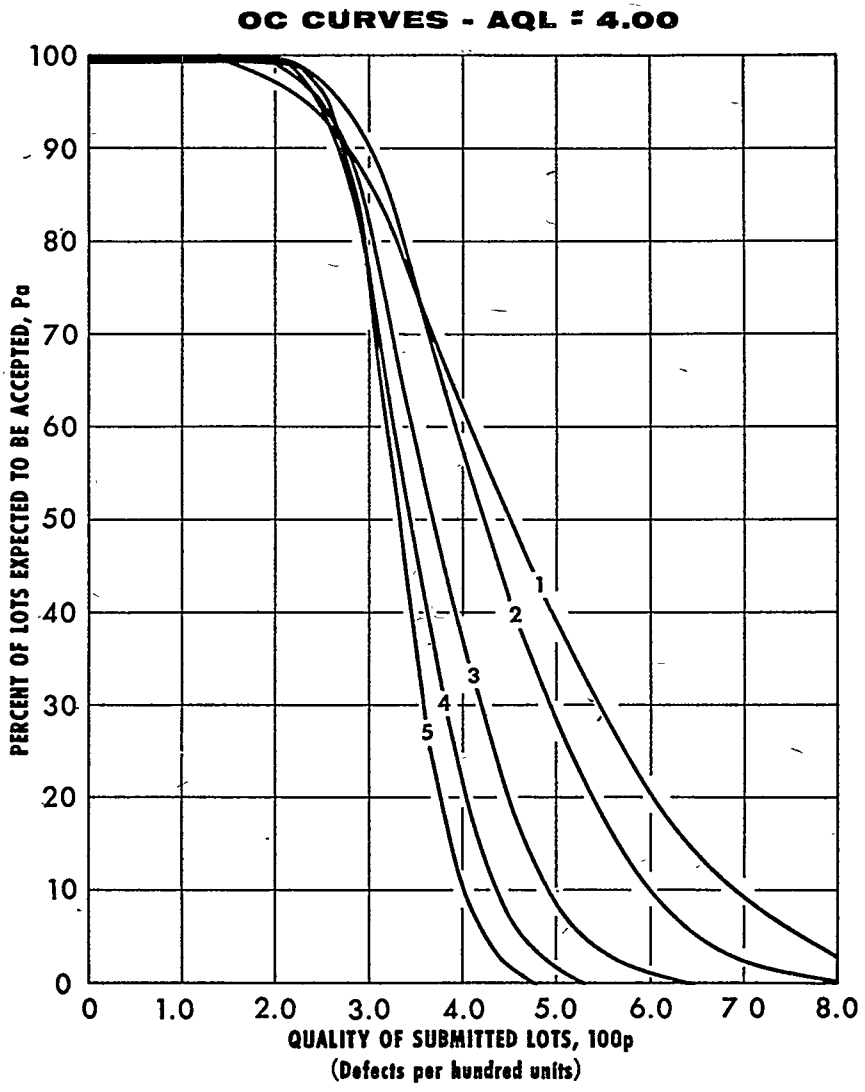
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=4.00 DEFECTS PER HUNDRED UNIT

[Sampling plans—AQL=4.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	7	8	315	13	14	500	18	19	800	27	28	1250	41	42
Double	120 180	3 8	7 9	168 348	5 14	10 15	228 516	5 19	11 20	456 864	12 29	19 30	------ ------	------ ------	------ ------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 127-65 (12) CONSUMER AND MARKETING SERVICE

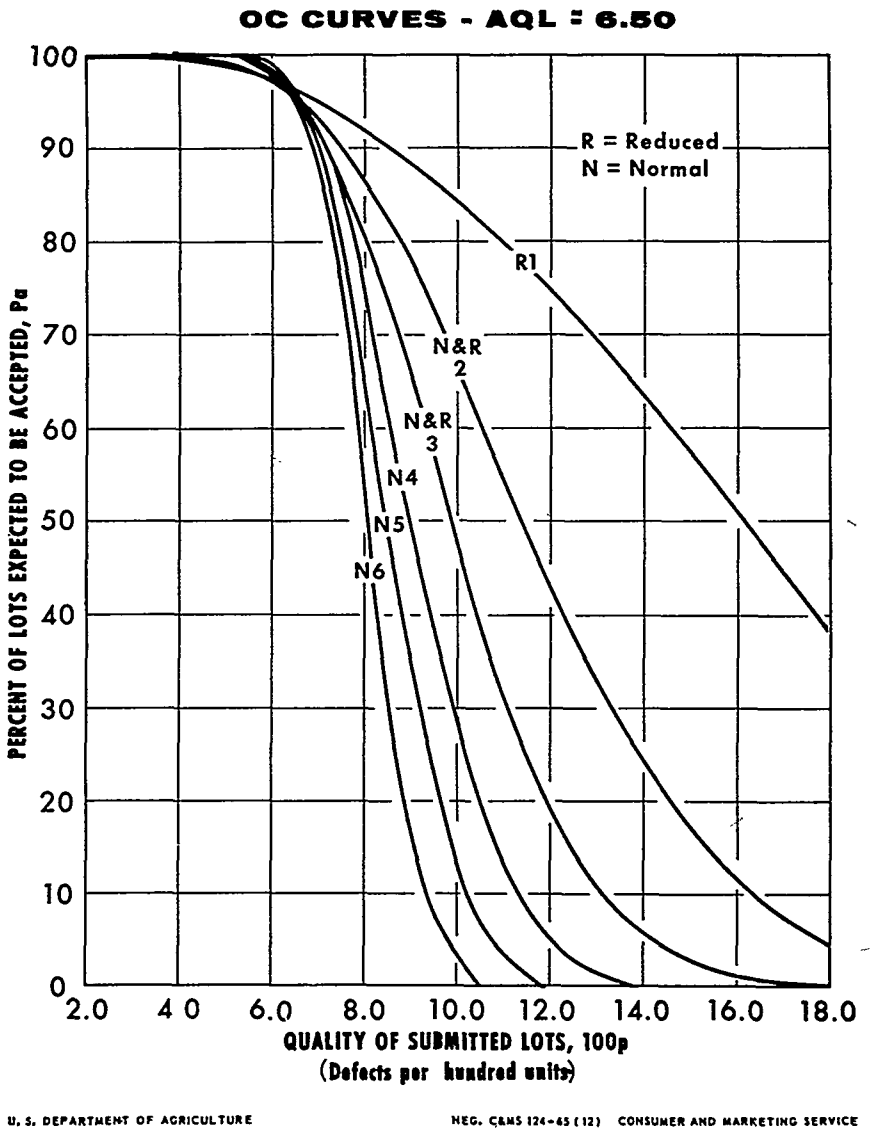
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=6.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=6.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	4	5	84	9	10	168	16	17	315	28	29	500	42	43	800	64	65
Double	18 36	1 5	4 6	36 96	2 10	7 11	120 180	10 17	14 18	168 348	12 31	18 32	228 516	15 43	24 44	------ ------	---- ----	---- ----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



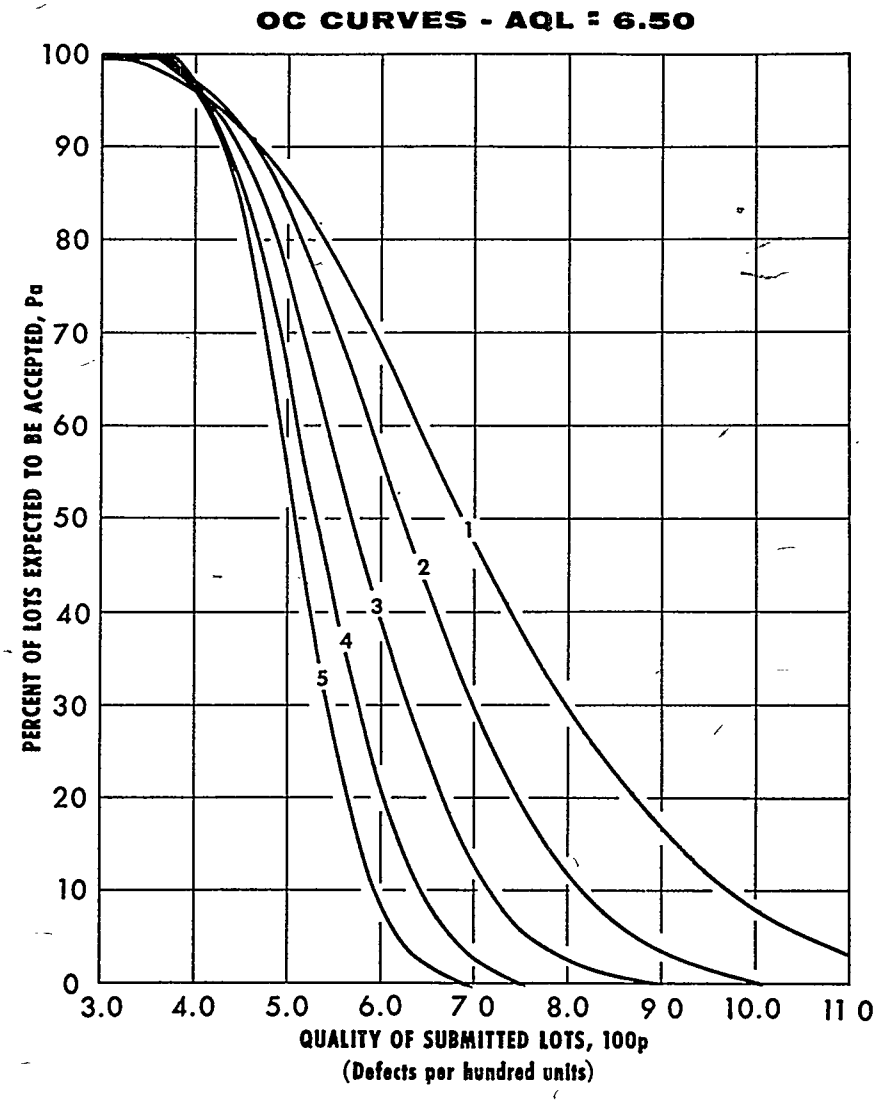
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=6.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=6.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	11	12	315	19	20	500	28	29	800	42	43	1250	63	64
Double	120 180	6 12	10 13	168 348	7 21	13 22	228 516	8 29	17 30	456 864	21 44	28 45	------ ------	------ ------	------ ------

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



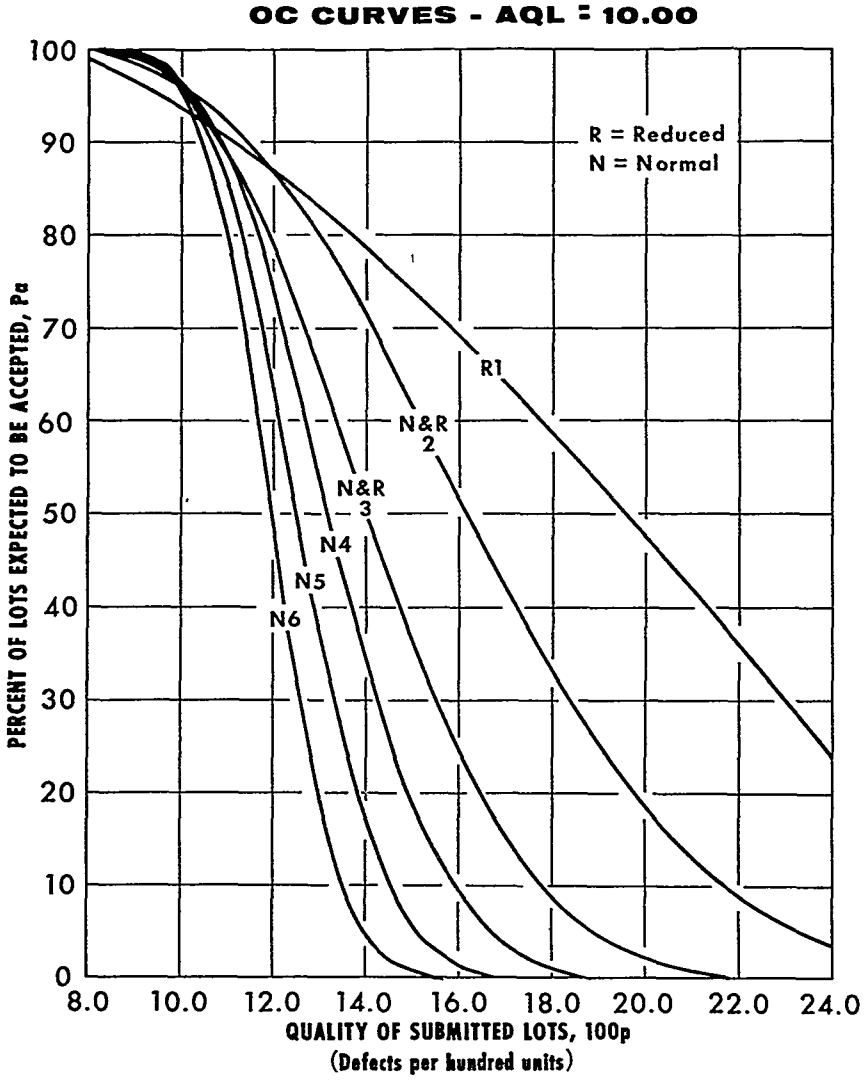
REDUCED AND NORMAL INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=10.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=10.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	5	6	84	13	14	168	23	24	315	41	42	500	62	63	800	95	96
Double	18 36	2 6	5 7	36 96	3 15	9 16	120 180	14 25	19 26	168 348	19 45	26 46	228 516	23 64	34 65	------ ------	---- ----	---- ----

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



U.S. DEPARTMENT OF AGRICULTURE NEG. C&MS 120-65 (12) CONSUMER AND MARKETING SERVICE

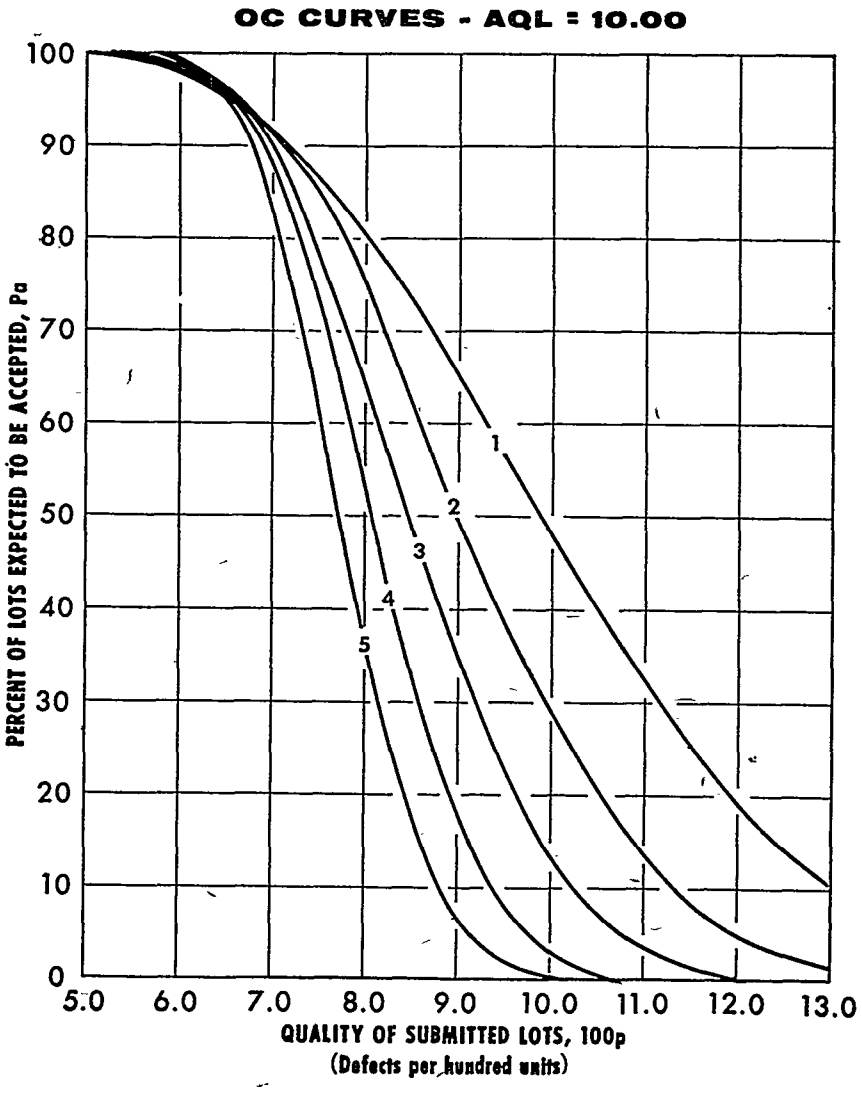
TIGHTENED INSPECTION PLANS

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=10.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=10.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	16	17	315	28	29	500	42	43	800	64	65	1250	96	97
Double	120	10	14	168	12	18	228	15	24	456	32	41	------	------	------
	180	17	18	348	31	32	516	43	44	864	69	70	------	------	------

n_c=Cumulative sampling size. Ac=Acceptance number. Re=Rejection number.



The foregoing standards differ, as indicated above, from the proposal set forth under proposed rule making. The differences are due to changes made pursuant to comments received concerning the notice and it appears that further notice and other rule making procedures on the standards would not make additional information available to the Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further procedure is unnecessary.

The standards shall become effective 30 days after publication in the FEDERAL REGISTER and will supersede the current United States Standards for Condition of Food Containers.

Done at Washington, D.C., on March 10, 1966.

G. R. GRANGE,
Deputy Administrator
Marketing Services.

[F.R. Doc. 66-2759; Filed, Mar. 18, 1966; 8:46 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 637, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.48-2 of the regulations supplemental to the Japanese beetle quarantine (7 CFR 301.48-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee) administrative instructions appearing as 7 CFR 301.48-2a are hereby revised to read as follows:

§ 301.48-2a Administrative instructions designating regulated areas under the Japanese beetle quarantine.

The following States and District, and counties and other minor civil divisions, or parts thereof, in the quarantined States listed below, are designated as Japanese beetle regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

DELAWARE

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

DISTRICT OF COLUMBIA

(a) *Generally infested area.* The entire District.

(b) *Suppressive area.* None.

GEORGIA

(a) *Generally infested area.*

Banks County. That portion of the county lying within Georgia Militia Districts 448, 912, 1580, and 371.

Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, and 1644.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.

Dawson County. The entire county.

De Kalb County. That portion of the county bounded by a line beginning at a point where the Fulton-Gwinnett-De Kalb County lines intersect and extending southeast along the De Kalb-Gwinnett County line to the junction of said line and Interstate Highway 85, thence southwest along Interstate Highway 85 to its intersection with Interstate Highway 285, thence south and west along Interstate Highway 285 to its intersection with the De Kalb-Fulton County line, thence north and east along said line to the point of beginning.

Fannin County. Georgia Militia Districts 1027, 1242, and 1488.

Forsyth County. That portion of the county lying north of State Highway 20, including all the area within the corporate limits of the city of Cumming.

Fulton County. That portion of the county lying within the corporate limits of Atlanta, Hapeville, East Point, and College Park and that area lying within Georgia Militia Districts 1204 and 499.

Gwinnett County. That portion of the county lying within Pickneyville Georgia Militia District 406.

Habersham County. That portion of the county lying within the following Georgia Militia Districts: Mud Creek 414, Center Hill 752, Baldwin 1612, Glade Creek 1648, Cornelia 1449, Demorest 1486, and that portion of Clarkesville Georgia Militia District 409 east of Georgia Highway 17 and U.S. Highway 23, including all of the corporate limits of the city of Clarkesville.

Hall County. The entire county.

Lumpkin County. The entire county.

Rabun County. That portion of the county lying within Clayton Georgia Militia District 587 and including all area within the corporate limits of Mountain City.

Richmond County. That portion of the county lying north of Butler Creek.

Stephens County. That portion of the county lying within the following Georgia Militia Districts: Currahee 402, Toccoa 440, and Broad River 1473.

Union County. Georgia Militia Districts 994, 995, 1241, and 834.

White County. The entire county.

(b) *Suppressive area.*

Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

INDIANA

(a) *Generally infested area.*

Allen County. The entire county.

Benton County. The entire county.

Boone County. The entire county.

Carroll County. The entire county.

Cass County. The entire county.

Clinton County. The entire county.

De Kalb County. The entire county.

Elkhart County. The entire county.

Fulton County. The entire county.

Huntington County. The entire county.

Jasper County. The entire county.

Kosciusko County. The entire county.

Lagrange County. The entire county.

Lake County. The entire county.

La Porte County. The entire county.

Marion County. The entire county.

Marshall County. The entire county.

Martin County. The entire county.

Miami County. The entire county.

Montgomery County. The entire county.

Newton County. The entire county.

Noble County. The entire county.

Porter County. The entire county.

Pulaski County. The entire county.

St. Joseph County. The entire county.

Starke County. The entire county.

Steuben County. The entire county.

Tippecanoe County. The entire county.

Vanderburgh County. The entire county.

Vigo County. The entire county.

Wabash County. The entire county.

Wayne County. The entire county.

Wells County. The entire county.

White County. The entire county.

Whitley County. The entire county.

(b) *Suppressive area.* None.

KENTUCKY

(a) *Generally infested area.*

Boone County. The entire county.

Boyd County. The entire county.

Campbell County. The entire county.

Floyd County. The entire county.

Greenup County. The entire county.

Harlan County. The entire county.

Kenton County. The entire county.

Lawrence County. The entire county.

Letcher County. The entire county.

Lewis County. That portion of the county bounded by a line beginning at the intersection of County Road 24 and the Carter-Lewis county line and extending northerly along said road to the intersection of Kinniconick Creek, thence in a northerly direction along said creek to its junction with the Ohio River, thence in an easterly direction along said river to the Lewis-Greenup county line, thence southerly along the Lewis-Greenup county line to the Lewis-Carter county line and continuing along said line to the point of beginning.

Martin County. The entire county.

Pike County. The entire county.

(b) *Suppressive area.*

Bell County. That portion of the county within the corporate limits of the city of Pineville.

Whitley County. That portion of the county within the corporate limits of the city of Corbin.

MAINE

(a) *Generally infested area.*

Androscoggin County. The entire county.

Cumberland County. The entire county.

Kennebec County. The entire county.

Lincoln County. The entire county.

Oxford County. The entire county.

Sagadahoc County. The entire county.

York County. The entire county.

(b) *Suppressive area.* None.

MARYLAND

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

MASSACHUSETTS

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

NEW HAMPSHIRE

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

NEW JERSEY

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

NEW YORK

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

NORTH CAROLINA

(a) *Generally infested area.* The entire State.

(b) *Suppressive area.* None.

OHIO

(a) *Generally infested area.*

Ashland County. The townships of Green, Hanover, Lake, Mifflin, Mohican, Montgomery, Perry, and Vermillion; and the city of Ashland.

Ashtabula County. The entire county

Athens County. The entire county.

Belmont County. The entire county.

Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union, and cities of Fairfield and Hamilton.

Carroll County. The entire county.

Clermont County. The townships of Goshen, Miami, and Union.

Columbiana County. The entire county.

Coshocton County. The entire county.

Crawford County. The townships of Auburn, Chatfield, Cranberry, Jackson, Jefferson, Liberty, Polk, Sandusky, Vernon, and Whetstone; and the cities of Bucyrus, Crestline, and Galion.

Cuyahoga County. The entire county.

Fairfield County. The townships of Richland and Rush Creek.

Franklin County. The townships of Clinton, Jefferson, Mifflin, and Truro; and the cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Reynoldsburg, Upper Arlington, and Whitehall.

Gallia County. The entire county.

Geauga County. The entire county.

Guernsey County. The entire county.

Hamilton County. The entire county.

Harrison County. The entire county.

Hocking County. The townships of Falls, Falls Gore, Green, Marion, Starr, Ward, and Washington; and the city of Logan.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. The entire county.

Knox County. The entire county.

Lake County. The entire county.

Lawrence County. The entire county.

Licking County. The entire county.

Lorain County. The townships of Amherst, Avon, Avon Lake, Black River, Columbia, Eaton, Elyria, Grafton, Ridgeville, and Sheffield; and cities of Amherst, Elyria, Lorain, and Sheffield.

Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, and Washington; and the cities of Maumee, Oregon, Sylvania, and Toledo.

Mahoning County. The entire county.

Marion County. The townships of Big Island, Claridon, Marion, and Tully; and the city of Marion.

Medina County. The entire county.

Meigs County. The entire county.

Monroe County. The entire county.

Morgan County. The entire county.

Muskingum County. The entire county.

Noble County. The entire county.

Perry County. The entire county.

Pike County. The townships of Jackson, Pee Pee, and Seal.

Portage County. The entire county.

Preble County. The township of Jefferson.

Richland County. The townships of Madison, Mifflin, Monroe, Sandusky, and Springfield; and the city of Mansfield.

Ross County. The townships of Franklin, Harrison, Jefferson, Liberty, Scioto, and Springfield; and the city of Chillicothe.

Scioto County. The townships of Bloom, Clay, Green, Harrison, Porter, Vernon, and Washington; and the cities of New Boston and Portsmouth.
Stark County. The entire county.
Summit County. The entire county.
Trumbull County. The entire county.
Tuscarawas County. The entire county.
Vinton County. The entire county.
Warren County. The townships of Deerfield and Hamilton; and the city of Loveland.
Washington County. The entire county.
Wayne County. The entire county.
Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.
(b) *Suppressive area.* None.

PENNSYLVANIA

(a) *Generally infested area.* The entire State.
(b) *Suppressive area.* None.

RHODE ISLAND

(a) *Generally infested area.* The entire State.
(b) *Suppressive area.* None.

SOUTH CAROLINA

(a) *Generally infested area.*
Aiken County. The entire county.
Cherokee County. The entire county.
Dillon County. The entire county.
Florence County. The entire county.
Greenville County. The entire county.
Lexington County. The entire county.
Marion County. The entire county.
Marlboro County. The entire county.
McCormick County. The entire county.
Oconee County. The entire county.
Pickens County. The entire county.
Richland County. The entire county.
Spartanburg County. The entire county.
(b) *Suppressive area.* None.

VERMONT

(a) *Generally infested area.* The entire State.
(b) *Suppressive area.* None.

VIRGINIA

(a) *Generally infested area.* The entire State.
(b) *Suppressive area.* None.

WEST VIRGINIA

(a) *Generally infested area.* The entire State.
(b) *Suppressive area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.48–2)

These administrative instructions shall become effective March 19, 1966, when they shall supersede P.P.C. 637, 5th Rev., effective April 2, 1965.

The Director of the Plant Pest Control Division has determined that infestations of the Japanese beetle exist or are likely to exist in the quarantined States and District and in the counties, and other minor civil divisions, and parts thereof in such States, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. The Director has also determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate Japanese beetles in certain other localities previously designated as regulated areas, and that regulation of such localities is not otherwise necessary under the provisions of § 301.48–2 of the regulations. Therefore, the Director has revoked the designation of such localities as regulated areas by deleting them from the list of said areas.

The purpose of this revision is to designate as newly regulated areas in the generally infested category all of Marion County, S.C., and Floyd County, Ky., together with three townships in Pike County, Ohio. Additions to counties already partially regulated as generally infested are made in Banks, Habersham, and Stephens Counties, Ga., and Ashland, Knox, and Ross Counties, Ohio. In Kentucky, reductions have been made in the areas heretofore designated as suppressive areas in Bell and Whitley Counties; also Lewis County, previously included in its entirety in the suppressive area has been transferred to the generally infested area, with a reduction in area regulated; further, Harlan, Lawrence, Letcher, and Martin Counties have been transferred in their entirety from the suppressive area to the generally infested area.

To the extent that this revision relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions necessary to prevent the spread of Japanese beetles, it should be made effective promptly in order to effectuate the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of March 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66–2904; Filed, Mar. 18, 1966; 8:46 a.m.]

[P.P.C. 627, 9th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the Regulations supplemental to the witchweed quarantine (7 CFR 301.80–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.80–2a are hereby revised to read as follows:

§ 301.80–2a Administrative instructions designating regulated areas under the witchweed quarantine.

The following civil divisions and premises, and parts thereof, and all highways and roadways abutting thereon, in the quarantined States, are designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Anson County. The Matthew Morris farm located on the east side of State Highway 742 at the junction of said highway with State Secondary Road 1105.
Bladen County. The entire county.
Brunswick County. The N. L. Babson farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.
The Luther H. Hugh farm located at the end of a farm road on the west side of State Highway 130, said farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.
The Frank D. Inman farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.
The A. M. Register farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.
The W. C. Register farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.
The John R. Russ farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.
The W. V. Simmons farm located on the west side of State Secondary Road 1333 and on the north side of its junction with State Secondary Road 1328.
The B. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.
The Jessie O. Smith farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.
The Newman Smith farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.
The N. G. Ward farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.
Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest

along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Hickman Brothers farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Ernest H. Long farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Jennings L. Prince farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Lacy Suggs farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Gaddie Watts farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.

Craven County. The Harold Stilley farm located on the north side of State Secondary Road 1003, and 0.8 mile east of its junction with State Secondary Road 1623.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence south along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its junction with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its intersection with the Northeast Cape Fear River, thence south along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1104, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Paisly Bonham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The F. J. Bostic farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The David O. Byrd farm located on the north side of State Secondary Road 1003 and the east side of State Secondary Road 1100.

The T. C. Crow farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The I. R. Faison farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Janie Mae Hall farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1120.

The John Hall farm located at the junction of State Secondary Roads 1100 and 1120, on both sides of State Secondary Road 1100.

The Emmitt Jackson farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The C. M. Johnson farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The J. A. Jones farm located on the south side of State Secondary Road 1703 and 0.4 mile west of the junction of said road with State Secondary Road 1732.

The J. N. Kalmar farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Owen Kennedy farm located on the east side of State Secondary Road 1726 and the southeast side of State Secondary Road 1702 at the junction of said roads.

The Henry Kissner farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Ethel Kornegay farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Freeman J. Marshburn farm located on the northeast side of State Secondary Road 1128 and 0.5 mile southeast of the intersection of said road and State Secondary Road 1129.

The Myra Maxwell farm located on the southeast side of State Secondary Road 1306 and 0.1 mile northeast of the intersection of said road and State Highway 111.

The E. W. Melvin farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Herbert C. Mercer farm located on the south side of State Secondary Road 1703 and 0.7 mile west of the junction of said road with State Secondary Road 1732.

The Maggie T. Norris farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The H. J. Page farm located on the west side of State Secondary Road 1128 and on the north side of State Secondary Road 1129 at the intersection of said roads.

The Mrs. Frank Parrott, Jr., farm located on the south side of State Secondary Road 1703 and 0.4 mile east of the intersection of said road and State Secondary Road 1704.

The W. C. Peterson farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Lucion Rhodes farm located on the south side of State Secondary Road 1003 and 0.5 mile east of the intersection of said road and State Secondary Road 1100.

The George W. Rivenbark farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road with State Secondary Road 1128.

The Oliver Summerlin farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The J. R. Thomas farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Lumas Turner farm located on the south side of State Secondary Road 1703 and 0.5 mile west of the junction of said road with State secondary Road 1732.

The Joseph Westbrook farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Fate Williams Heirs farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Lewis Williams farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State

Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Everett Barnes farm located on both sides of State Secondary Road 1532 and 0.4 mile west of the junction of said road with State Secondary Road 1547.

The Clarence J. Blalock farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The F. P. Blalock farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Charles Edwards farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Luke Harrington farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Redin Harrington farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Cecil Jenkins farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The Carl McLeod farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Robert Morgan farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The E. O. Parker farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Eddie L. Parrish farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The W. L. Wagner farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Game Preserve Plot No. 16 located on the east side of King Road 0.7 mile northwest of its junction with Plank Road, lying within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Wade H. Barefoot farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Hugh Beasley farm located on the east side of State Secondary Road 1009, at its junction with State Secondary Road 1197.

The Rufus P. Beasley farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Wade Johnson farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Margaret McArthur farm located on a farm road and 1.4 mile north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

The Adam Worley farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, thence northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eugene Eubanks farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The R. T. Johnson farm located on the northwest side of State Secondary Road 1132 and 0.3 mile southwest of the junction of said road with State Secondary Road 1131.

The W. F. McDaniel farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Leah Smith property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

The Mary L. Taylor farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Roscoe Williams farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The C. N. Castleberry farm located on the north side of State Secondary Road 1162 and 0.7 mile northwest of the junction of said road and State Secondary Road 1001.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

The Roland Carter farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Eugene Chambers farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Kate Edwards farm located on the south side of State Secondary Road 1143 and 0.6 mile west of its intersection with State Secondary Road 1154.

The J. D. Grady farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The W. Clifton Grady farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Clarence Howard farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The W. L. Measley farm located on the east side of State Secondary Road 1327 and 0.2 mile northeast of its intersection with State Secondary Road 1519.

The Hugh Nobles farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Nick Smith farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Marietta Whitfield farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

Montgomery County. The Therese Edward Glover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Colon Hoover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Walter Lane farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of said secondary road with the Montgomery-Moore County line.

The Haywood N. Thomas farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line beginning at a point where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The T. M. Baker farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The M. C. Bass farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The R. P. Beasly farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Walter Black farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The R. E. Bryant farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Sam Burwell farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Wilbur Currie farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Elijah Faulk farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The N. W. Hardy farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The J. G. Henning's Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Herman Kelley farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The William A. Laton farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The E. M. Marks farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Conner Martin farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The Grover McCrimmon farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The Lena Bell McNeill farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The Jack Page farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The W. R. Robinson farm located on the south side of State Secondary Road 1113 and 0.9 mile east of the intersection of said road with State Secondary Road 1004.

The F. L. Smith farm located on both sides of State Secondary Road 1814 and 1 mile northwest of the junction of said road with State Secondary Road 1661.

The M. L. Smith farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The A. C. Vaughn farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The John E. Freeman farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Bill Henderson farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Charles Henderson farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Leo E. Morton farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, thence northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvins Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, thence northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Willie Armstrong farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Cecil Eakins farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The W. D. Pridgen farm located on the southwest side of State Secondary Road 1103 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The G. S. Taylor farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. The Allen Garris farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The J. D. Hice farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The R. E. Roger farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The J. H. Autry farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Dormic Dial farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Annie Hailey farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Maria Hailey farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin and Supply Company farm located on both sides of State Secondary Road 1825 and on both sides of State Secondary Road 1803 at the intersection of said roads.

The Will Harrington farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ed Haywood farm located on the southwest side of State Secondary Road 1148 and 0.5 mile northwest of the junction of said road with State Secondary Road 1157.

The Dewey Jenkins farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The George W. Jenkins farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The W. R. Jones farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The E. D. Layton farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The John Little farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The H. A. Long farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Lenoard McDonald farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The Charlie Mabe farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Lizzie Mathews farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Mrs. A. W. Porter farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Douglas Quick farm located in the northwest quadrant of intersection of State Secondary Roads 1802 and 1800.

The Julius Quick farm located on the northeast side of State Secondary Road 1992

and 0.6 mile northwest of its junction with State Secondary Road 1994.

The James Rush farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Marvin Strong farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Robert Teal farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Walter Thomas farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The A. M. Waddell farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Talley Wallace farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Mosby Watkins farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A–401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the corporate limits of the city of Laurinburg and town of East Laurinburg.

The Archie W. Bunch farm located at the intersection of State Secondary Roads 1323 and 1001.

The Luther Butler farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The L. E. Calhoun farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon Jump Zone.

The J. Lloyd King farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The J. D. Morgan farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Peter F. Newton farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Hobson Odoms farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The J. D. Steele farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wake County. The Leonard Dean farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east on said road to its junction with State Secondary Road 1930, thence east along said road to its junction with State Secondary Road 1927, thence east on said road to its junction with State Secondary Road 1932, thence northeast along said road to its junction with State Secondary Road 1915, thence south on said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The Emma E. Casey farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The J. B. Daly farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The L. A. Dawson farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The George E. Ham farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909, and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Thel Herring farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The R. J. Hollamon farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The H. M. and J. C. Hollowell farm located at the northwest end of State Secondary Road 1240.

The Mrs. Mattie Hollowell farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The M. Duffey Lane farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The C. L. Lofton Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The George A. McClenny farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Berry Mitchell farm located on the southwest side of State Secondary Road 1928 and 0.8 mile southeast of the junction of said road with State Secondary Road 1918.

The D. D. Montague farm located on the southwest side of State Secondary Road 1928 and 0.3 mile southeast of the junction of said road with State Secondary Road 1918.

The D. J. Murray farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The N. E. Neal farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The F. L. Odom farm located on the east side of State Secondary Road 1927 at the junction of said road and State Secondary Road 1929.

The H. H. Oliver farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The M. L. Parker farm located on the north side of State Secondary Road 1929 and 0.4 mile east of its junction with State Secondary Road 1926.

The Joe D. Perkins farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road and U.S. Highway 70 By-Pass.

The Charlie Rogers farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The John Tart farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Brantley Uzzell farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Maude and Sarah Whitley farm located on the northwest side of State Secondary Road 1008, 1.3 miles southwest of the junction of said road and State Highway 581 at State Hospital farm road, 1.2 miles west and north on said farm road.

The Eddie Williams farm located at the northeast junction of State Highway 581 and State Secondary Road 1236.

SOUTH CAROLINA

Chesterfield County. The Coyt J. Campbell farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The C. S. Chapman farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Jule Evans farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Abraham Funderburk farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Fuller Griggs farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Alton Holdbrook farm located on the north side of State Secondary Highway 22 and 1.5 miles east of its intersection with State Secondary Highway 20.

The James Earle Howle farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Clyde Johnson farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Julius Keith farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of said dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Elise J. Parker farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The R. D. Rainwater farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Clarendon County. The J. W. Hodge farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

Darlington County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 29 intersect and extending east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

The Minnie C. Barr farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Robert Cooper farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The William Cooper farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The William M. Flowers farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The M. L. Green farm located on the east side of State Secondary Highway 133 and 0.1 mile north of the junction of said highway and State Secondary Highway 29.

The Mrs. Minnie W. Ham farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The McLendon Jackson farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The William Johnson farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Jessie K. Jordan farm located on the west side of a dirt road and 0.2 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 403.

The James and J. W. Pickett farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Liston J. Pickett farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Charlie Robinson farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Rebecca F. Sanderson farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The A. A. Alford farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Mary Hart Bacot farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Elnoreah Braddy farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Corine Cherry Burch farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile

north of the intersection of State Secondary Highways 136 and 35.

The Hattie Carroway farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Luther Carroway farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The R. L. Edwards farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The L. J. Gause farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Luther Gause farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The W. Max Hill farm located on the east side of State Secondary Highway 136 and 1 mile north of its intersection with State Secondary Highway 35.

The Henry Holliday farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Melvin Hyman farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Mamie Lyde farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The R. F. McPherson farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Ed Nowlin farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Mrs. J. J. Poston farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The V. A. Turner farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The S. L. Yarborough farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Georgetown County. The Lela Powers farm located on both sides of State Primary Highway 261 and 0.1 mile southeast of its junction with State Secondary Highway 126.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence east along said highway for 7 miles to its intersection with the west prong of Buck Creek and its junction with a dirt road, thence south along said dirt road to its junction with a second dirt road, thence southwest along said second dirt road to its junction with State Secondary Highway 347, thence southeast along said highway 0.2 mile to its intersection with Cowpen Swamp, thence south along said swamp to its intersection with a dirt road, thence southeast along said dirt road to its junction with State Primary Highway 905, thence southwest along said highway to its intersection with Simpson Creek, thence south along said creek to its junction with the Waccamaw River, thence east along said river to Star Bluff Ferry landing, thence south along a dirt road to its intersection with another dirt road, thence southwest and west along said second dirt road, known as Telephone Road, to its end, thence northwest along a projected line for 1.9 miles, to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along said highway to its intersection with the Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the corporate limits of the towns of Conway and Loris.

The Alex Alford farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Henry Arnett and D. C. Arnett farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The John A. Atkinson farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Edgar Barnhill farm located on both sides of a dirt road and 0.4 mile east of its junction wtih State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Orilla Bellemy farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The Willie Bowens farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Emma Brown farm located on both sides of a dirt road and being 0.5 mile northwest of the junction of said dirt road with State Secondary Highway 57, said junction being at Brooksville.

The Lewis Brown farm located on the north side of a dirt road and being 0.5 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The James E. Cooper farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Nina L. Edge farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The John G. Floyd farm located on the south side of a dirt road and 1 mile north of the intersection of said dirt road and State Secondary Highway 548, said intersection being 2 miles west of the intersection of said highway and U.S. Highway 501.

The Jennie Bell Fowler farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The O. R. Fowler farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The L. C. Frye farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff Community.

The Lawson Gore farm located on the north side of U.S. Highway 17 and 2.5 miles east of the intersection of said highway and State Primary Highway 9, said intersection being called Nixon's Crossroads.

The Sumpter Gore farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Bud Neals Graham farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Ed Hucks farm located on the north side of a dirt road and 0.4 mile east of the junction of said dirt road with State Secondary Highway 29, said junction being 2 miles southwest of the junction of said highway and State Secondary Highway 135.

The Rosetta Inman farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The J. E. Jordan farm located on the north side of a dirt road and being 0.7 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The Boyd Lewis farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff Community.

The J. T. Lewis farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Tommy Lewis farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Maceo Livingston farm located on the east side of a dirt road and 0.75 mile north of its intersection with State Primary Highway 90, said intersection being 1.7 miles west of the junction of said highway and State Secondary Highway 57.

The Floyd Long farm located on the south side of a dirt road and being 0.2 mile west of the junction of said dirt road and State Secondary Highway 111, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 57.

The Daniele E. Martin farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The O. L. Milligan farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Cordie Page farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Mattie C. Page farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Dick Reynolds farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Talmage Richardson farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The O. R. Shelley farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Mary E. Vereen farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 57, said junction being 1 mile southwest of Stephens Crossroads.

The Vide Williamson farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Lee County. The Hattie Evans farm located on the south side of State Secondary Highway 168 and 0.3 mile east of its junction with State Primary Highway 58.

The Clark W. Thomas farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The E. W. Thomas farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Nettie Bell farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Gus Bowen farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The C. C. Caulk farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Dewey Chavis farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Graham Lee Chavis farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Homer Chavis farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Hossie Conwell farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Oscar J. Fletcher farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Lois P. Hamer farm located on both sides of a dirt road 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The T. H. Holmes farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The James Joseph farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The D. D. McColl Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 383.

The Lula McEachern farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The Cleveland McKay farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The Mable N. McQueen farm located on the northwest side of State Secondary Highway 48 and 0.2 mile southwest of the junction of said highway and State Secondary Highway 22.

The Ina Odom farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The D. M. Parker farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Archie Pearson farm located on the east side of a dirt road 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The D. C. Rainwater farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Tony Rosser farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The James Tyson Smith farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Pauline Steel farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The R. W. Walker farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

Williamsburg County. The Ernest V. Carter farm located on the north side of a dirt road and 1.6 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.80–2. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These revised administrative instructions shall become effective March 19, 1966, when they shall supersede P.P.C. 627, 8th revision, effective February 16, 1965 (7 CFR 301.80–2a).

The Director of the Plant Pest Control Division has determined that infestations of the witchweed exist or are likely to exist in the quarantined States, in the civil divisions and premises, or parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities.

The purpose of this revision is to include within the regulated areas additional farms and areas in the following partially regulated counties: Brunswick, Cumberland, Duplin, Johnston, Lenoir, Moore, Pender, Richmond, Sampson, Scotland, and Wayne, in North Carolina; Chesterfield, Darlington, Florence, Horry, Lee, Marion, and Marlboro, in South Carolina; and to add part of one new county—Georgetown, S.C.—to the regulated areas.

The restrictions imposed are necessary in order to prevent the interstate spread of the witchweed. This revision should be made effective promptly in order to

accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 16th day of March 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66-2945; Filed, Mar. 18, 1966; 8:49 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective November 7, 1965 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1966 (31 F.R. 1052), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to the "list" therein, as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

FIVE HOURS

George AFB, Victorville, Calif.

* * * * *

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective March 19, 1966.

Done at Hyattsville, Md., this 16th day of March 1966.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 66-2905; Filed, Mar. 18, 1966; 8:46 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS MISCELLANEOUS AMENDMENTS

Basis and purpose. The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178 and 79 Stat. 1202, 7 U.S.C. 1379a to 1379j) to provide changes in the Export Wheat Marketing Certificate Regulations. The amendment implements the provision included in the Food and Agriculture Act of 1965 which amended the statute governing the Export Wheat Marketing Certificate Regulations to state that beginning July 1, 1966, the cost of export marketing certificates per bushel to the exporter shall be that amount determined by the Secretary on a daily basis which would make United States wheat generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. For the marketing years 1964 and 1965 the cost of export marketing certificates was 25 cents and 30 cents, respectively, for all wheat exported. For these marketing years exporters were allowed a refund or credit against the amount payable for certificates in an amount which the Secretary determines necessary to make United States wheat generally competitive in the world market, avoid disruption of world market prices and to fulfill the international obligations of the United States. It is essential that the requirements of this amendment be made effective as soon as possible inasmuch as exporters wish now to make export sales for exportation on and after July 1, 1966, and exportations during such period are subject to the requirements of the Food and Agriculture Act of 1965, which amended the statute governing the Export Wheat Marketing Certificate Programs and which are implemented herein. Accordingly, it is hereby found and determined 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 that this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The amendment reads as follows:

§ 778.2 [Amended]

1. Section 778.2 *Administration* is amended by adding before the word "by" in the second sentence the words "on exports through June 30, 1966."

§ 778.3 [Amended]

2. Section 778.3 *Definitions,* is amended by: (1) Changing the second sentence of paragraph (b) to read "The wheat shall be deemed to have been exported on the date of the applicable onboard bill of lading and at the time provided in the vessels lay-time statement or acceptable similar document, or if export from the United States is by truck or rail, on the date and at the time the shipment clears the U.S. Customs," (2) by changing paragraph (h) by deleting the words "Export Credit Announcement GSM-1" and substituting the words "the CCC Export Credit Sales Program" and (3) by adding a new paragraph (m) to read as follows:

(m) "Domestic prices" means the price of wheat on sales within the United States, as determined by the Director.

3. Section 778.5 *Requirement for export certificates,* paragraphs (a), (b), (c), (d), and (e) are amended to read as follows:

§ 778.5 Requirement for export certificates.

(a) *General*—(1) *Requirement for certificates.* Any exporter who exports wheat shall acquire and surrender certificates to CCC prior to export for the wheat so exported except as provided in this section. This requirement shall apply to all wheat exported irrespective of whether the wheat was sold prior to export or was exported prior to sale.

(2) *Cost of certificates.* The cost of certificates for exports of wheat for the marketing year beginning July 1, 1964, shall be 25 cents per bushel and for the marketing year beginning July 1, 1965, shall be 30 cents per bushel. The cost per bushel of certificates for exports of wheat on and after July 1, 1966, shall be determined by the Director on a daily basis.

(3) *Refunds.* On exportations of wheat prior to July 1, 1966, the exporter may claim a refund against the amount paid by him for certificates as provided in § 778.6.

(b) *Exemptions from export certificate requirements.* Notwithstanding the foregoing, certificates shall not be required in the circumstances specified in subparagraphs (1), (2), and (3) of this paragraph (b).

(1) *Wheat ex-U.S. customs bond.* Certificates shall not be required for wheat produced outside the United States which moves into the United States under customs bond and which is exported without having been withdrawn from bond in the United States. To obtain

such an exemption, the exporter must submit to the Director prior to export, an authenticated copy of the customs form evidencing the entry of the wheat into the United States under bond and its withdrawal from customs bond for exportation.

(2) *Donation abroad.* Certificates shall not be required for any wheat exported for donation abroad or for any wheat samples exported without charge to the recipient. To obtain such an exemption, a person wishing to export such wheat shall make application to the Director. The application shall be made in the exporter's report of intention to export as provided in § 778.7 and shall include the evidence required in such section that the wheat will be donated abroad. An application is not required on wheat obtained from CCC by voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Agency for International Development and on wheat samples of 100 pounds or less to be exported without charge to the recipient.

(3) *Wheat exported for noncommercial uses.* Certificates shall not be required for wheat exported for noncommercial uses as determined by the Administrator. Any exporter who wishes to petition the Administrator to establish in this part an exception for any such use shall submit to the Administrator a detailed description of the wheat, the use which is to be made of the wheat, the name and address of the person who will make such use, destination of the wheat, and any other information deemed relevant by the exporter and as may be required by the Administrator.

(c) *Undertaking to secure purchase and payment.* Any exporter may export wheat without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into either by using the code word "certag" in the exporter's report of his intention to export made pursuant to § 778.7 or by filing with the Director, prior to the date of export, a properly completed "Export Wheat Marketing Certificate Undertaking", Form CCC–180. If an undertaking has been filed on Form CCC–180, it shall remain in effect unless the exporter breaches the undertaking or notifies CCC that he wishes to withdraw the undertaking, in which event it shall expire at such time as shall be determined by CCC. By so using the code word "certag" or by filing Form CCC–180 with the Director, the exporter agrees, in consideration of the privilege of exporting wheat without having first acquired and surrendered certificates as follows:

(1) He will acquire certificates from CCC and surrender the certificates for the wheat exported on or before the 45th calendar day after the date of exportation or such later date as may be approved by the Director for good cause shown by the exporter.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the date of exportation, the cost of certificates acquired from CCC shall include interest at the rate of 6 percent per annum beginning with the 16th calendar day after the date of exportation until the date of surrender of the certificates.

(3) If requested by the Director, the exporter will furnish a bond or letter of credit prior to export in such form and amount as may be required by the Director to secure the purchase of and payment for the certificates.

(4) The exporter's right to export wheat without having first acquired and surrendered certificates is conditioned on his complying with his obligations under the foregoing provisions of this undertaking. Any exporter who breaches his undertaking and knowingly exports wheat without first acquiring and surrendering certificates shall be subject to statutory forfeitures and criminal penalties.

(d) *Acquisition and surrender of certificates in connection with wheat acquired from CCC under GR–261.* In the case of wheat acquired by an exporter from CCC under GR–261 at competitive world prices for export prior to July 1, 1966, a credit will be allowed the exporter as provided in § 778.6 on wheat exported in fulfillment of the exporter's obligations under GR–261 to offset the full cost of certificates required to be acquired and surrendered to CCC on such wheat. In the case of wheat acquired by an exporter from CCC under GR–261 at competitive world prices for export on or after July 1, 1966, the cost of certificates, if any, shall be included by CCC in establishing the price of the wheat acquired by the exporter. The exporter who exports wheat so acquired under GR–261 shall be deemed to have satisfied the requirements of the regulations of this part for the acquisition and surrender of certificates on such wheat.

(e) *Re-entry*—(1) *Wheat exported prior to July 1, 1966.* If any wheat exported prior to July 1, 1966, is subsequently reentered into the United States or in the case of an exportation of wheat which had been shipped to Canada in bond is reentered into Canada in bond, the exporter shall be relieved of the requirement to acquire and surrender certificates as to such wheat. CCC shall credit the exporter with the net amount paid by him for certificates surrendered to CCC on such wheat after deductions for any refunds or credits received by the exporter against the cost of such certificates. The foregoing provisions of this paragraph shall not affect any obligation which the exporter may have under GR–345 to return to CCC the export payment received on such wheat (other than the refund or credit received by him against the cost of certificates) or any obligation which he may have under GR–345 or GR–261 to pay an adjusted price or any damages as a result of such reentry. If the reentered wheat is reexported or an equivalent quantity of other wheat is exported in replacement of such wheat, certificates shall be acquired and surrendered on the exportation subject to such refund or credit against the cost of certificates as is provided for in § 778.6. The exporter shall not be relieved of the requirement to acquire and surrender certificates, if any, on any wheat reentered into Canada which remains in Canada.

(2) *Wheat exported on or after July 1, 1966.* If any wheat exported on or after July 1, 1966, is subsequently reentered into the United States or in the case of an exportation of wheat which had been shipped to Canada in bond and reentered into Canada in bond, the exporter shall be relieved of the requirement to acquire and surrender certificates, if any, as to such wheat. CCC shall refund to the exporter the net amount paid by him for certificates surrendered to CCC on such wheat. If the reentered wheat is reexported or an equivalent quantity of other wheat is exported in replacement of such wheat, the cost of certificates shall be as determined under § 778.7a or § 778.7b as applicable. The exporter shall not be relieved of the requirement to acquire and surrender certificates, if any, on any wheat reentered into Canada which remains in Canada. The foregoing provisions of this paragraph shall not affect any obligation which the exporter may have under GR–345 or GR–261 to pay an adjusted price or any damages as a result of such reentry.

* * * * *

§ 778.6 [Amended]

4. Section 778.6 *Refunds or credits for export certificates,* paragraph (a) is amended by inserting after the word *General* the words "For exports prior to July 1, 1966," and by adding a new subparagraph (5) to read as follows:

(5) (i) If an exportation of wheat is made pursuant to an export sale which had been registered under GR–345 and which at the time of sale provided for export prior to July 1, 1966, or in the case of Durum wheat, if exportation is made pursuant to a contract with CCC for an export payment which provided for export prior to July 1, 1966, and (ii) if exportation is made on or after July 1, 1966, the export payment rate applicable to the export sale, as determined under GR–345, shall be reduced by 30 cents per bushel, or if the export payment rate applicable to the export sale, as determined under GR–345, does not equal at least 30 cents per bushel, the difference between the export payment rate and 30 cents per bushel shall represent the cost of certificates to be acquired and surrendered to CCC on such exportation.

§ 778.7 [Amended]

5. Section 778.7 *Report of intention to export,* paragraph (a) (1) is amended by adding after the word "certificates" the words "on wheat exported prior to July 1, 1966," and by changing subparagraphs (2) and (3) to read (3) and (4) respectively and by adding a new subparagraph (2) to read as follows:

(2) If the exporter intends to export wheat on and after July 1, 1966, and the export is not under GR–261, he shall submit the following as his report:

(i) In case of an export sale of wheat (other than Durum) prior to export, the report shall consist of a Notice of Sale containing the information required to be included in a Notice of Sale filed under GR–345 for wheat other than Durum.

(ii) In case export is to be made of Durum wheat the report shall be as provided in the applicable provisions of § 778.7b.

(iii) In the case of wheat (other than Durum) exported prior to sale, the report shall be as provided in subparagraph (4) of this paragraph.

6. Section 778.7(b) is amended by changing subparagraphs (1), (2), and (3) to read as follows:

(1) In the case of an export sale registered by CCC under GR–345 or the regulations in this part, such number shall be the registration number.

(2) In the case of a bid to determine the export payment or to determine the cost of certificates on Durum wheat, such number shall be the number provided in CCC's acceptance.

(3) In the case of wheat exported prior to sale reported under GR–345 or the regulations in this part, such number shall be the Export Unsold number.

7. The regulations are further amended by adding two new sections after § 778.7 to read as follows:

§ 778.7a Certificate cost on wheat other than Durum wheat exported on or after July 1, 1966.

(a) *General.* (1) The cost of export marketing certificates per bushel to the exporter on wheat exported on or after July 1, 1966, shall be that amount which the Director determines will make U.S. wheat generally competitive in the world market, avoid disruption of world market prices, and fulfill the international obligations of the United States. The provisions of this § 778.7a are not applicable to Durum wheat. Announcement of certificate costs shall be made in the same manner as the announcement of export payment rates as provided in GR–345. Different certificate costs may be announced for different coasts or ports, different classes and qualities of wheat, different destinations and different periods of exportation. Certificates shall be acquired and surrendered to CCC in connection with the net quantity of wheat (i) sold and subsequently exported as provided in paragraph (b) of this section and (ii) exported prior to sale as provided in paragraph (c) of this section.

(2) In determining certificate costs, allowance shall be made for special factors involving the wheat to be exported (which may include but are not limited to carrying charges, quality of wheat, coast or port of export and method of shipment to such coast or port) as specified in the announcement of certificate costs applicable to the sale. If the applicable allowance for special factors exceeds the announced cost of certificates, the exporter may submit an application, subject to the requirements of GR–345, for an export payment based on such excess.

(b) *Export sales of wheat prior to export.*—(1) *Cost of certificates.* The certificate cost applicable to a sale made for export in a period when it is determined by the Director that certificates shall be acquired and surrendered to CCC shall be the cost in effect at the time of sale to the foreign buyer or at the time of filing a Notice of Sale as required by subparargaph (3) of this paragraph whichever cost is the higher for the period of export specified in the Notice of Sale. If the wheat is exported at a different time than in such period, the certificate cost applicable to the wheat so exported shall be the cost in effect at the time of sale or time of filing Notice of Sale, whichever is the higher, for exportations in the period during which the actual exportation is made but not less than the cost which would have applied had exportation been made in the period specified in the Notice of Sale. If a certificate cost is in effect at either the time of sale or at the time of filing a Notice of Sale and an export payment rate is in effect at the other of such times, such certificate cost shall apply to the sale and the exporter shall not be entitled to the payment so announced. Notwithstanding the foregoing, an extension of time to export without any increase in the certificate cost will be granted to the extent the exporter establishes to the satisfaction of the Director that the delay in exportation was due to causes without his fault or negligence. If exportation is dealyed for any reason until a period for which there was no certificate cost established at the time of sale and time of filing Notice of Sale, the certificate cost shall be as prescribed by the Director.

(2) *Time of sale.* Time of sale shall be determined on the basis of the supporting evidence of sale submitted by the exporter under paragraph (f) of this section and the same factors regarding the time of sale as set forth in provisions of GR–345 relating to determination of payment rates on wheat (other than Durus wheat) except as hereinafter provided:

(i) If the time of day at which the sale was made is not established and two certificate costs are in effect on such day, the time of sale shall be deemed to occur at the time the higher of the two certificate costs was in effect. If the time of day on which the sale was made is not established and a certificate cost is in effect for a portion of the date of sale and a payment rate or a zero payment rate under GR–345 is in effect for the remainder of the day, the time of sale shall be deemed to have occurred at the time the certificate cost was in effect.

(ii) If a sale is made through an intermediary, for the purposes of determination of the applicable certificate cost, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(iii) In any unusual cases involving factors regarding the time of sale other than those enumerated above, an exporter should make a written request for a determination in writing from the Director.

(3) *Notice of sale.* The exporter shall file with the Director a report consisting of a Notice of Sale on all sales transactions involving exportations which require the acquisition and surrender of certificates. The information required in the Notice of Sale shall be the same as required to be included in a Notice of Sale filed under GR–345 for wheat (other than Durum wheat) and the time of filing a Notice of Sale shall be determined by reference to the same factors as provided for determining the time of filing a Notice of Sale under GR–345. If the time of filing the Notice of Sale cannot be established and two certificate costs are in effect on the date of filing, the time of filing the Notice of Sale shall be deemed to be the time the higher of the two certificate costs is in effect. If the time of filing the Notice of Sale cannot be established and a certificate cost is in effect for a portion of the date of filing and a payment rate or a zero payment rate is in effect under GR–345 for the remainder of the day, the time of filing the Notice of Sale shall be deemed to be the time the certificate cost was in effect.

(c) *Wheat exported prior to sale.* (1) An exporter is required to acquire and surrender certificates to CCC in connection with any quantity of wheat (other than Durum wheat) exported prior to sale if a certificate cost is in effect for the class of wheat exported, the coast from which the wheat was exported and at the time and date of export for exportations which occur at such time and date. Such cost shall apply to the wheat exported prior to sale.

(2) Any wheat to be exported prior to sale shall be reported by the exporter to the Director on or prior to the date of exportation as provided in § 778.7(a)(4). Within 15 days after the wheat is sold or such later date as may be approved by the Director for good cause shown, the exporter shall submit to the Director a report consisting of a Notice of Sale and containing the information required to be included in a Notice of Sale filed under GR–345 for wheat other than Durum wheat. In reporting the sale, the exporter shall state that the exportation of the wheat sold had been reported as required by this paragraph. This may be done by the use of the code word "ABROAD".

(d) *Wheat exported when CCC has not announced a certificate cost nor export payment rate under GR–345.*—(1) *Export sales of wheat prior to export.* If a sale of wheat is made at a time and date when the Director has not announced a certificate cost under the regulations in this part or an export payment rate under GR–345 applicable to such wheat and if the exportation is not under GGR–261, the exporter nevertheless is required to submit reports consisting of a Notice of Sale as prescribed in paragraph (b)(3) of this section, evi-

dence of sale as provided in paragraph (f) of this section, and a report of wheat exported as provided in § 778.9.

(2) *Wheat exported prior to sale.* If wheat is exported prior to sale at a time and date when CCC has not announced a certificate cost under these regulations nor an export payment rate under GR–345, applicable to such wheat, the exporter is nevertheless required to furnish as reports, a report of intention to export as provided in § 778.7(a)(4), a Notice of Sale as provided in paragraph (c)(2) of this section evidence of sale as provided in paragraph (f) of this section, and a report of wheat exported as provided in § 778.9.

(e) *Notice of registration.* (1) Upon receipt of the report of intention to export (the Notice of Sale in the case of wheat sold prior to export), the Director will issue a Notice of Registration by telegram. If the Director determines that the certificate cost as determined under the foregoing provisions of this section will not have the effect of making the wheat competitive in the world market, avoid disruption of market prices and fulfill the international obligations of the United States, the Director shall specify in the Notice of Registration such certificate cost applicable to the wheat as he determines will have such effect.

(2) In the telegram of registration, the Director will utilize the code letters "RLC" to indicate "Registered Liable for Certificate," or the code letters "NON" to indicate "Not liable for certificates or eligible for payment." In addition, with respect to sales made subject to the appropriate provisions of Titles I or IV of Public Law 480 (83d Congress), as amended, the code letters "PAF 480" shall constitute notice to the exporter that the price of the wheat and the commission, if any, have been approved by the General Sales Manager, FAS, for financing under regulations issued pursuant to Titles I or IV. If the price of the wheat or commission is disapproved by the General Sales Manager, the exporter will be so advised by telegram.

(3) If a contract between the exporter and the foreign buyer specifies an option (two or more classes of wheat, different coasts of export, or more than one export period) to be exercised by either of the contracting parties and (i) a certificate cost has been announced for a class of wheat, coast of export or export period given in the Notice of Sale and also (ii) an export payment rate under GR–345 has been announced for a different class of wheat, coast of export, or export period given in the Notice of Sale, the Notice of Registration may be issued showing the sale has been registered and the wheat will either be liable for certificates under the regulations in this part or eligible for export payment under GR–345 depending on the circumstances of the exportation. For example, if a Notice of Sale is given to CCC for 500,000 bushels to be exported to Japan and the Notice of Sales contains Hard Winter wheat as the basic contract class with options for Spring wheat and Soft White wheat with all classes to be exported from the West Coast, the Notice of Registration may be issued in the following form:

Registered	500,000 bushels	K33–44–18	Japan
"REP" (i.e., registered eligible for payment).	Hard Winter		
"REP"	Spring		
"RLC"	White wheat		

(4) Each Notice of Registration will include a transaction identification number which shall be shown on the Declaration of Sale and on the Report of Wheat Exported, Form CCC–521, and in all correspondence with reference to the transaction.

(f) *Declaration of sale and evidence of sale.* The exporter shall prepare and submit to the Director a report consisting of a Declaration of Sale and supporting evidence of sale in the same manner and containing the same information as required in GR–345 for exporters who wish to qualify for an export payment, except that there shall be included on the Declaration of Sale the cost of certificates per bushel as determined in accordance with section 778.7a of these regulations in lieu of the export payment rate per bushel.

(g) *Loading tolerances.* A contract loading tolerance of not to exceed 10 percent more or less is permitted on export sales of wheat which would require acquisition and surrender of certificates to CCC or if no loading tolerance is specified in the contract, a loading tolerance of 1 percent more or less is permitted. The certificate cost applicable to quantities loaded on vessels, cars, or trucks which are in excess of such loading tolerance shall be the certificate cost, if any, in effect at the time and date of export for exportations which occur at such time and date. If there is an exportation of any excess quantity of wheat, the exporter shall submit as reports a new Notice of Sale, new evidence of sale, new Declaration of Sale and a report of wheat exported for the excess quantity loaded. Failure to export the contract quantity less the loading tolerance, if any, shall subject the exporter to the provisions of paragraph (j) of this section for the deficiency in the quantity exported.

(h) *Countries and buyers to which wheat is exported.* (1) The exporter shall report to the Director as soon as possible if (i) the wheat is shipped, transshipped or caused to be transshipped to any country other than that shown on the Declaration of Sale or (ii) if the shipment is not exported to the buyer named in the Declaration of Sale.

(2) If the shipment is made to a country other than that shown on the Declaration of Sale, and such shipment is made at the request of the buyer named in the Declaration of Sale, in order that the certificate rate will not be adjusted under subparagraph (4) of this paragraph, the exporter must furnish in a report a certification to the Director that such shipment is at the request of the buyer named in the Declaration of Sale, that such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the certificate cost is based and is not in connection with a different sale and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of the sale.

(3) If shipment is made to a consignee or notify party other than the buyer named on the Declaration of Sale, in order that the certificate rate will not be adjusted under subparagraph (4) of this paragraph, the exporter must furnish in a report a certification to the Director as required in subparagraph (2) of this paragraph.

(4) If the exporter is unable to furnish the certification as required by subparagraphs (2) and (3) of this paragraph, the Director will determine what adjustment, if any, need be made in the certificate cost so as to make the wheat competitive in world markets, avoid disruption of world market price and fulfill the international obligations of the United States and will notify the exporter of any adjusted certificate cost which shall apply to the wheat exported.

(i) *Failure to export.* If an exporter fails to export wheat under an export sale concerning which the Director has issued a Notice of Registration that the exportation will be liable for certificates, the following shall apply:

(1) If the exporter ships a quantity of replacement wheat for the wheat which was not exported, the exportation of replacement wheat shall be subject to certificates at a cost equal to the higher of the certificate cost applicable to the sale on which exportation was not made or the certificate cost, if any, applicable to the replacement wheat, or

(2) If replacement wheat is not shipped and the exporter subsequently reports an intention to export wheat under another sales transaction from the same coast or to the same destination, the exporter shall acquire and surrender certificates on such exportation at the higher of the certificate cost applicable to such sales transaction or the certificate cost, if any, applicable to the sale on which exportation was not made.

The exporter shall not be eligible for any export payment which may otherwise apply to the replacement wheat under subparagraph (1) of this paragraph or to the wheat covered by the subsequent report of intention to export under subparagraph (2) of this paragraph, as applicable. If an exporter fails to export wheat concerning which the Director has issued a Notice of Registration that it was neither liable for certificates or eligible for a payment, the Director may at his election require that a quantity of replacement wheat for the wheat not exported, or wheat covered by a subsequent intention to export under another sales transaction from the same coast or to the same destination, shall be exported without any export payment which may otherwise apply to such wheat. In addition to the foregoing, the exporter may be suspended or debarred

from participating in programs of CCC for such period and subject to such terms and conditions as may be provided pursuant to the suspension and debarment regulations of CCC (29 F.R. 10495, July 29, 1964, and any amendments thereto): *Provided*, That the exporter shall not be liable for any adjustment in certificate cost and shall not be suspended or debarred for such failure if he establishes to the satisfaction of CCC that his failure to discharge his obligations under the program was not due to his fault or negligence.

(j) *Contract amendments.* If the terms and conditions of the exporter's contract with the foreign buyer are changed, the Director shall have the right to adjust the certificate cost applicable to the contract to the extent determined necessary to reflect a certificate cost which would make U.S. wheat generally competitive in the world market, avoid disruption of the world market prices and fulfill the international obligations of the United States.

§ 778.7b Certificate costs on Durum wheat exported on or after July 1, 1966.

Certificate costs on Durum wheat exported on or after July 1, 1966, shall be included in the regulations by amendment at a later date.

8. Section 778.9 *Reports of wheat shipped to Canada in bond and reports of wheat exported,* paragraph (b) is amended by changing the title and first sentence, and a new paragraph (c) is added to read as follows:

§ 778.9 Reports of wheat shipped to Canada in bond and reports of wheat exported.

* * * * *

(b) *Report of wheat exported prior to July 1, 1966.* On wheat exported prior to July 1, 1966, the exporter shall submit to the Kansas City Commodity Office not later than 15 days after each exportation of wheat or such later date as may be approved in writing by the Director for good cause shown, a Report of Wheat Exported, Form CCC–518 (except in case of exports under GR–261, donations abroad, other noncommercial exports, and wheat samples exported without charge to the recipient). * * *

* * * * *

(c) *Report of wheat exported on and after July 1, 1966.* On all wheat exported beginning July 1, 1966 (except in the case of exports under GR–261, donations abroad, other noncommercial exports of wheat and wheat samples exported without charge to the recipient), the exporter shall submit to the Kansas City Commodity Office not later than 15 days after exportation or such later date as may be approved in writing by the Director for good cause shown, an original and two copies of a Report of Wheat Exported (1966 and Subsequent Marketing years), Form CCC–521, together with the same supporting evidence of export as provided in GR–345 for exporters who wish to make application for an export payment on the same class of wheat. The exporter shall, when requested by the Director, furnish a copy of the export vessel's lay-time statement or other acceptable document which will identify the exact time the vessel completed loading. If any documentary evidence of export covers more than the net quantity of wheat for which a Form CCC–521 is submitted and such documentary evidence is to be used as evidence of export of such excess quantity in connection with a different Form CCC–521, the documentary evidence of export shall be accompanied by a statement certified by the exporter identifying all the Forms CCC–521 for which the document is being submitted and the quantity applicable to each form. Supplies of Form CCC–521 and detailed instructions regarding the preparation and submission of the form may be obtained from the Kansas City Commodity Office.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626 and 78 Stat. 178 and 79 Stat. 1202, 7 U.S.C. 1379a to 1379j)

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

Secretary.
ORVILLE L. FREEMAN,

Signed at Washington, D.C., on March 14, 1966.

[F.R. Doc. 66–2941; Filed, Mar. 16, 1966; 5:07 p.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[S.D. 851.1, Rev. 1, Amdt. 4]

PART 851—COMMITMENT OF NATIONAL SUGARBEET RESERVE, 1962 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1, Revision 1 (29 F.R. 12819) is further amended, effective for the 1966 crop, by amending (k) (2) (ii), (l) (2) (ii), and (m) (2) (ii) to read as follows:

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

* * * * *

(k) * * *
(2) * * *

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 35 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation practices.

* * * * *

(l) * * *
(2) * * *

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 35 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation practices.

* * * * *

(m) * * *
(2) * * *

(ii) *Limits of commitment to individual farms.* The maximum commitment to any farm shall be the smaller of 60 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation practices.

* * * * *

Statement of bases and considerations. The original determination committing acreage to the locality in Idaho established a limitation of 50 acres that could be committed to a farm and a limitation of 30 acres for a farm in the Michigan and Ohio localities. These limitations approximated the average beet acreages planted on the older farms in the respective areas during the years 1960 through 1962. Since that time, average beet acreages per farm have generally increased and many farmers in these areas desiring to enter into sugarbeet production will not do so at the original limitation. To obtain maximum utilization of the acreage committed, the limitation has been increased to 60 acres in the Idaho locality and to 35 acres in the Michigan and Ohio localities.

Accordingly, I hearby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended, 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on March 15, 1966.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 66–2946; Filed, Mar. 18, 1966; 8:49 a.m.]

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

[Navel Orange Reg. 105]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.405 Navel Orange Regulation 105.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1966.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 20, 1966, and ending at 12:01 a.m., P.s.t., March 27, 1966, are hereby fixed as follows:

(i) District 1: 950,000 cartons;
(ii) District 2: 375,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 18, 1966.

FLOYD D. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-3032; Filed, Mar. 18, 1966; 11:39 a.m.]

[Valencia Orange Reg. 151]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.451 Valencia Orange Regulation 151.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 20, 1966, and ending at 12:01 a.m., P.s.t., March 27, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 102,076 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 18, 1966.

FLOYD D. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-3033; Filed, Mar. 18, 1966; 11:39 a.m.]

[Lemon Reg. 206]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.506 Lemon Regulation 206.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter

set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 15, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 20, 1966, and ending at 12:01 a.m., P.s.t., March 27, 1966, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 17, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-3010; Filed, Mar. 18, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III, Amdt. 10]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

The terms and conditions of the Wheat Export Program—Payment In Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, 12067, 15115, 30 F.R. 532, 4531, 8898) are further amended as follows:

§ 1483.105 [Amended]

1. Section 1483.105 *General conditions of eligibility* is amended by changing paragraph (e) (4) to read "a CCC barter transaction under which wheat was acquired from CCC at competitive world prices" and by changing the first sentence of paragraph (j) to read as follows:

(j) Unless otherwise specified in the announcement of rates (as referred to in §1483.120) payment at rates provided in such announcement and payment at rates provided in a contract for the exportation of Durum wheat shall be made only on wheat exported prior to July 1, 1966, for which export marketing certificates are acquired and surrendered to CCC. * * *

2. Section 1483.107 is amended to read as follows:

§ 1483.107 Delay in exportation.

If the wheat is exported at a different time than in the export rate period which covers the period of export specified in the Notice of Sale, the export payment rate applicable to the wheat so exported shall be the rate in effect at the time of sale or time of filing Notice of Sale, whichever is the lower, for exportations which occur in the rate period applicable to the time of actual exportation, but not more than the rate which would have applied had exportation been made in the period specified in the Notice of Sale, and if a certificate cost was announced under the Export Wheat Marketing Certificate Regulations on the date of sale or time of filing Notice of Sale for exportations which occur in the rate period applicable to the time of actual exportation, export wheat marketing certificates shall be acquired on the wheat so exported as provided in such regulations and such wheat will not be eligible for an export payment under the regulations in this part. Notwithstanding the foregoing an extension of time to export will be granted without any decrease in the export payment rate and without any requirement for the acquisition of export wheat marketing certificates to the extent the exporter establishes to the satisfaction of CCC that the delay in exportation was due to causes without his fault or negligence. Such causes shall include, but are not restricted to, acts of God, or of the public enemy, acts of the Government, fire, flood, explosion, quarantine restrictions, strikes and unusually severe weather. If exportation is delayed for any reason until a period for which there was no export payment rate established at the time of sale or time of filing Notice of Sale and there is no certificate cost established under the Export Wheat Marketing Certificate Regulations for such wheat, the export payment rate shall be as prescribed by CCC.

3. Section 1483.109 *Wheat exported prior to sale* paragraphs (b) (8) and (e) are amended to read as follows:

§ 1483.109 Wheat exported prior to sale.

* * * * *

(b) * * *

(8) The code word "CERTAG" if the exporter wishes to make the undertaking provided in the Export Wheat Marketing Certificate Regulations for this transaction in consideration of the right to export wheat without first having acquired and surrendered export wheat marketing certificates.

* * * * *

(e) The export rate applicable to such sale shall be the rate in effect at the time and date of export for the then current export rate period which applies (1) to the class of wheat exported and (2) to the coast of export from which the wheat was exported.

§ 1483.110 [Deleted]

4. Section 1483.110 *Wheat exported to Canadian bonded storage* is hereby deleted.

§ 1483.112 [Amended]

5. Section 1483.112(b) is amended by adding in the first sentence of subparagraph (i) after "§ 1483.114 and" the words "if exportation occurs prior to July 1, 1966, the exporter" and by adding in paragraph (b)(viii) after "undertaking", the words "for this transaction".

§ 1483.114 [Amended]

6. Section 1483.114 *Notice of sale of Durum wheat* paragraph (c) is amended by adding after "CCC Form–357" the words "or Report of Wheat Exported, Form CCC–521, whichever is applicable."

§ 1483.115 [Amended]

7. Section 1483.115 *Exportation requirements* paragraph (a) is amended by adding the following sentence at the end of the paragraph: "In the case of exports on or after July 1, 1966, exportation in a different period will be acceptable only if approved in writing by the Director, before or after such exportation, subject to such reduction in the export payment rate or subject to the acquisition of export wheat marketing certificates under the Export Wheat Marketing Certificate Regulations at such cost as may be specified by the Director."

8. Section 1483.115(d) is amended by changing the first two sentences to read as follows: "If any quantity of Durum wheat exported pursuant to the exporter's contract with CCC is reentered into the United States (including Alaska, Hawaii, or Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of Durum wheat exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 1483.187, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of wheat (exclusive in the case of a reentry of the amount of refund or credit received by him against the cost of export marketing certificates on exports of wheat prior to July 1, 1966), and shall also pay to CCC with respect to any Durum wheat reentered into the United States (including Alaska, Hawaii, or Puerto Rico) liquidated damages of 25 cents per bushel on such wheat. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received on the re-

entered wheat (exclusive of the amount of refund or credit received by him against the cost of export marketing certificates on exports of wheat prior to July 1, 1966)."

§ 1483.120 [Amended]

9. Section 1483.120 Announcement of rates is amended by adding in the last sentence the words "and qualities" after the word "classes".

10. Section 1483.121 *Determination of rates* is amended by changing paragraph (f) and by adding new paragraphs (i) and (j) to read as follows:

§ 1483.121 Determination of rates.

* * * * *

(f) If the time of day at which the sale was made is not established and two payment rates are in effect on such day, the time of sale will be deemed to occur at the time the lower of the two rates was in effect. If the time of day at which the sale was made is not established and a certificate cost announced under the Export Wheat Marketing Certificate Regulations is in effect for a portion of the date of sale and a payment rate or a zero payment rate is in effect for the balance of the date of sale, the time of sale will be deemed to occur at the time the certificate cost was in effect and the wheat shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

* * * * *

(i) If a certificate cost is in effect under the Export Wheat Marketing Certificate Regulations at either the time of sale or at the time of filling a Notice of Sale for the period of export specified in the Notice of Sale the exportation shall be subject to the acquisition of export wheat marketing certificates in accordance with such regulations.

(j) If (1) an export of wheat is made pursuant to an export sale which had been registered by CCC and which at the time of sale provided for export prior to July 1, 1966, and (2) exportation is made on or after July 1, 1966, the exportation shall be subject to such reduction in the export payment rate or the acquisition of export wheat marketing certificates at such cost as may be specified by the Director.

11. Section 1483.125 *Notice of Sale* is amended by changing paragraph (b) (1), adding a new paragraph (b) (1a), changing paragraph (b) (9) and by amending paragraph (b) (17) and (20) to read as follows:

§ 1483.125 Notice of sale.

* * * * *

(b) *Information required.* * * *

(1) Date and time of sale.

(1a) If exportation is to be made pursuant to a CCC barter transaction, or if the sale is made pursuant to a CCC Export Credit Sales Program, state the CCC barter contract number or the CCC credit approval number, whichever is applicable.

* * * * *

(9) The code word "certag" if, for this transaction, the exporter wishes to make the undertaking provided in the Export Wheat Marketing Certificate Regulations in consideration of the right to export wheat without first having acquired and surrendered export wheat marketing certificates.

* * * * *

(17) Name and residence address and bona fide business address of sales agent, if any, and rate of commission.

* * * * *

(20) If the exporter is an affiliate of the importer, the price information required by § 11.7(c) (1), (2), and (3) of this title of the regulations issued under Title I, PL–480 or by § 14.7(a) (1), (2), and (3) of this title of the regulations issued under Title IV, PL–480, whichever is applicable.

12. Section 1483.126 *Notice of Registration* paragraphs (b) and (c) are amended to read as follows:

§ 1483.126 Notice of Registration.

* * * * *

(b) In the telegram of registration, the Contracting Officer may utilize the Code letters "REP" to indicate Registered as Eligible for Payment. If a contract between the exporter and the foreign buyer specifies an option(s) (two or more classes of wheat, different coasts of export, or more than one export period) to be exercised by either of the contracting parties (1) a certificate cost has been announced for a class of wheat, coast of export, or export period given in the Notice of Sale and (2) an export payment rate under GR–345 has also been announced for another class of wheat, coast of export, or export period given in the Notice of Sale, the Notice of Registration may be issued showing the sale has been registered under both these regulations and the Export Wheat Marketing Certificate Regulations. For example, if a Notice of Sale is given to CCC for 500,000 bushels to be exported to Japan and the Notice of Sale contains Hard Winter wheat as the basic contract class with options for Spring wheat and Soft White wheat with all classes to be exported from the west coast, the Notice of Registration may be issued in the following form showing that the transaction is registered under these regulations and the Export Wheat Marketing Certificate Regulations.

Registered	500,000 bushels	K33–44–18	Japan
"REP"	Hard Winter		
"REP"	Spring		
"RLC" (i.e. registered liable for certificates).	White wheat		

In addition, with respect to sales made subject to the regulations issued under Titles I or IV of Public Law 480 (83d Congress), as amended, the code letters PAF 480 shall constitute notice to the exporter that the price of the wheat and the commission, if any, have been approved by the General Sales Manager, for financing under such regulations. If the price of the wheat or commission is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale, in all correspondence with reference to the transaction, and on the Application for Wheat Export Payment, Form CCC–357 or Report of Wheat Exported, Form CCC–521, whichever is applicable.

13. Section 1483.127 *Declaration of Sale and evidence of sale* is amended by changing paragraph (b) (10), by adding a new paragraph (b) (12a) and by amending paragraph (b) (17) and (20) to read as follows:

§ 1483.127 Declaration of Sale and evidence of sale.

* * * * *

(b) *Information required.* * * *

(10) Export payment rate per bushel of wheat in effect as determined under § 1483.109 or § 1483.121 whichever is applicable. If the contract between the exporter and the foreign buyer specifies an option(s) for a class of wheat, coast of export, or export period and a certificate cost has been announced therefor under the Export Wheat Marketing Certificate Regulations, show such certificate cost.

* * * * *

(12a) If exportation is made pursuant to a CCC barter contract or export credit program, the CCC barter contract number or the CCC credit approval number, whichever is applicable.

* * * * *

(17) Name and residence address and bona fide business address of sales agent, if any, and rate of commission.

* * * * *

(20) If the exporter is an affiliate of the importer, the price information required by § 11.7(c) (1), (2), and (3) of this title of the regulations issued under Title I, PL–480, or by § 14.7(a) (1), (2), and (3) of this title of the regulations issued under Title IV of PL–480, whichever is applicable.

* * * * *

14. Section 1483.141 *Cancellation of sale or failure to export* paragraph (c) is amended to read as follows:

§ 1483.141 Cancellation of sale or failure to export.

* * * * *

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered into the United States (including Alaska, Hawaii, or Puerto Rico) whether or not such reentry is caused by the exporter, or if any wheat is transshipped or caused to be transshipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment received (exclusive, in the case of a reentry, of the amount of refund or credit, received by the exporter against the cost of export marketing certificates on exports of wheat prior to July 1, 1966) and shall comply with the requirements of paragraph (b) of this

section. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default but shall return to CCC any payment received on the reentered wheat (exclusive of the amount of refund or credit received by him against the cost of export marketing certificates on exports of wheat prior to July 1, 1966). If the reentered wheat is subsequently reexported, it shall be eligible for an export payment in accordance with the other provisions of the regulations in this part. To the extent the exporter establishes that the wheat reentered was lost, damaged, or destroyed, the physical condition is such that its reentry will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat, the exporter shall not be in default and shall not be required to return to CCC any payment received on the reentered wheat.

15. Section 1483.145 is amended to read as follows:

§ 1483.145 Application for wheat export payment and report of wheat exported.

An original and two (2) copies of Application for Wheat Export Payment, Form CCC–357 (for exports prior to July 1, 1966), or Report of Wheat Exported, Form CCC–521 (for exports on and after July 1, 1966), whichever is applicable, must be prepared and submitted together with the evidence of export as provided in § 1483.147 to the Kansas City ASCS Commodity Office. The exporter should submit the documentation as soon as possible after exportation. Except in the case of wheat exported prior to sale, Form CCC–357, should be submitted to the Kansas City ASCS Commodity Office at the same time the exporter submits the related Report of Wheat Exported, Form CCC–518 which is required by the Export Wheat Marketing Certificate Regulations on exportations which occur prior to July 1, 1966. For wheat exported prior to July 1, 1966, the exporter should indicate on the Form CCC–357 or attachment thereto if he wishes the refund or credit against the amount payable by him for export marketing certificates to be made by CCC in kind. On any Form CCC–357 or Form CCC–521 covering wheat exported prior to sale, the exporter shall show both the Registration Number and the Export Unsold Number. Supplies of Form CCC–357 and Form CCC–521 and detailed instructions regarding the preparation and submission of the forms may be obtained from the Kansas City ASCS Commodity Office.

16. Section 1483.146 *Export commodity certificate* paragraph (a) is amended to read as follows:

§ 1483.146 Export commodity certificate.

(a) (1) *Amount for which issued on exports prior to July 1, 1966.* Upon receipt of an Application for Wheat Export Payment (Form CCC–357) on exports prior to July 1, 1966, and satisfactory evidence of export, the ASCS Commodity Office will determine the amount of payment due by multiplying the number of net bushels of wheat exported in accordance with the export contract with CCC by the applicable export payment rate. If the amount of the export payment exceeds the cost of export wheat marketing certificates due under the Export Wheat Marketing Certificate Regulations, a part of the export payment equal to the cost of such certificates shall constitute a refund or credit against the cost of such certificates. If the amount of the export payment does not exceed the cost of export wheat marketing certificates, the entire amount of the payment shall constitute the refund or credit. The amount of the refund or credit shall be applied in the manner specified in the Export Wheat Marketing Certificate Regulations. An Export Commodity Certificate (Form CCC–341), hereinafter referred to in this subpart as "certificate" will be issued to the exporter for the portion of the payment due the exporter which does not constitute a refund or credit against the cost of export wheat marketing certificates or for such amount plus the amount of the refund or credit against the cost of export wheat marketing certificates which the exporter elects to receive in the form of certificates if the exporter has acquired and surrendered to CCC export wheat marketing certificates for the amount of the refund or credit. The amount of payment shall be shown as the value on the certificate issued by CCC.

(2) *Amount for which issued for exports on and after July 1, 1966.* Upon receipt of a Report of Wheat Exported (Form CCC–521) for exports on and after July 1, 1966, and satisfactory evidence of export, the ASCS Commodity Office will determine the amount of payment due by multiplying the number of net bushels of wheat exported in accordance with the export contract with CCC by the applicable export payment rate. A certificate will be issued to the exporter for the payment due him.

* * * * *

§ 1483.147 [Amended]

17. Section 1483.147 *Documents required as evidence of export* is amended by changing the sentence following the section heading to read "Each Application for Wheat Export Payment (Form CCC–357) or Report of Wheat Exported (Form CCC–521), whichever is applicable, must be supported by the following documentary evidence, as applicable:" [1]

18. Section 1483.151(g) is amended by deleting the language in subparagraph (1) after the first sentence, by deleting the last sentence of subparagraph (2) and by changing subparagraph (3) to read as follows:

(3) The exporter shall make refund to CCC on the wheat exported and reported to CCC under this paragraph (g). The refund is due on sales made by the person who exports the wheat and not on sales made by the person who buys the wheat after exportation. The refund rate applicable to a sale shall be the refund rate in effect at the time and date of export for the then current export rate period which applies (i) to the class of wheat exported and (ii) to the coast of export from which the wheat was exported. If the time of day of export is not established and two refund rates are in effect on such day, the time of export will be deemed to occur at the time the higher of the two rates was in effect.

19. Section 1483.155 *Submission of offers* is amended by changing the first sentence to read as follows:

§ 1483.155 Submission of offers.

Offers to purchase CCC wheat with certificates issued under this or any other CCC program may be submitted by letter, telegram, or orally to the office shown in the CCC monthly sales announcement from which the exporter desires delivery. * * *

20. Section 1483.161(b) is amended to read as follows:

§ 1483.161 Export requirements.

* * * * *

(b) The purchaser shall, within 30 days after exportation, furnish to the ASCS Commodity Office evidence of such exportation as required in § 1483.162. The failure of the purchaser to furnish to the ASCS Commodity Office evidence of exportation as required in § 1483.162 within 90 days after delivery of the wheat to him or in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Wheat Export Payment or Report of Wheat Exported, whichever is applicable, on the wheat exported will be accepted as evidence of export of wheat purchased from CCC if they satisfy the requirements specified in § 1483.162 and if the Application for Wheat Export Payment or Report of Wheat Exported is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

21. Section 1483.162 *Evidence of export* is amended by changing the last sentence of paragraph (b) to read as follows:

§ 1483.162 Evidence of export.

* * * * *

(b) * * *

The authenticated copy of the Shipper's Export Declaration was forwarded to the Kansas City ASCS Commodity Office with the Application for Wheat Export Payment (Report of Wheat Exported for exports after June 30, 1966) under Registration No. _____.

* * * * *

§ 1483.176 [Amended]

22. Section 1483.176 *Assignments and setoffs* is amended by adding after the words "Application for Wheat Export Payment, Form CCC–357" in paragraphs (a) and (b) the words "or Report of Wheat Exported, Form CCC–521, whichever is applicable".

§ 1483.178 [Amended]

23. Section 1483.178 *Submission of reports* is amended by adding after the words "Substaff, USDA (AG) Washing-

ton, D.C." the following TWX numbers and TELEX number:

TWX: 202 965 0437; 202 965 0780; 202 965 0782.

TELEX: 089 491.

Exporters may use these TWX and TELEX numbers when giving a Notice of Sale.

24. Section 1483.180 *ASCS Commodity Offices* is amended to read as follows:-

§ 1483.180 ASCS Commodity Offices.

Information concerning this program may be obtained from the Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo., 64141.

25. Section 1483.189 *Export and exportation* is amended to read as follows:

§ 1483.189 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat destined to a designated country, (a) from the United States, (b) from Alaska, Hawaii, or Puerto Rico if the wheat had been produced in the United States, or (c) from a Canadian port on the St. Lawrence River if the wheat had been moved from the United States via the Great Lakes and its identity had been preserved until shipped from Canada. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading and at the time provided in the vessels lay-time statement or acceptable similar document, or if shipment to the designated country is by truck or rail on the date and the time the shipment clears the U.S. Customs. If the wheat is lost, destroyed, or damaged after loading on board an export vessel, exportation shall be deemed to have been made on the date of the on-board-vessel bill of lading and at the time provided in the vessels lay-time statement or acceptable similar documents or the latest date and time appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading and the lay-time statement: *Provided,* That if the "lost" or "damaged" wheat remains in the United States (including Alaska, Hawaii, or Puerto Rico), it shall be considered as reentered wheat under the regulations in this part. If wheat exported from Canada is reentered into Canada and subsequently reexported, or an equivalent quantity of other wheat is exported in replacement of such wheat, the wheat shall be considered as having been exported at the time of the reexportation and not at the time of the original exportation. Exportation by or to a U.S. Government agency shall not qualify as an exportation under the provisions of this announcement.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, 7 U.S.C. 1641)

Effective date. This amendment shall be effective on the date of filing this amendment with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 14, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-2944; Filed, Mar. 16, 1966; 5:07 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1138]

[Docket No. AO-335-A5]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on January 20, 1966, pursuant to notice thereof issued on January 10, 1966 (31 F.R. 477).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on February 17, 1966 (31 F.R. 3025; F.R. Doc. 66-1884) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 3025; F.R. Doc. 66-1884) are hereby approved and adopted and are set forth in full herein:

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

1. The pricing of Class II milk and proposals for diversion payments with respect to such milk; and

2. The quantity of pool milk a producer-handler may receive without becoming a fully regulated handler.

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. Provisions should be included in the Rio Grande Valley order which will reduce the cost to handlers with respect to certain uses of Class II milk. For skim milk in producer milk which is disposed of as livestock feed or dumped the credit should be the value of such skim milk at the Class II price. For skim milk in producer milk used to produce condensed skim milk, or milk or skim milk transferred or diverted as Class II milk from pool plants or farms in the marketing area to nonpool plants outside the marketing area, the credit should be 15 cents less. These provisions should apply through February 1967.

The Rio Grande Valley order classifies as Class II milk all milk not disposed of for fluid use, except for shrinkage or plant loss in excess of stated limits. Class II milk is priced on the basis of a butter-non-fat dry milk formula price, which is reduced 13 cents per hundredweight during the months of March through June.

Two producer cooperative associations proposed that:

1. The 13-cent reduction apply also during July and August, except for milk used to produce cottage cheese;

2. The entire Class II price be reviewed; and

3. A diversion payment based on mileage be allowed cooperatives with respect to milk transferred or diverted from marketing area points to nonpool manufacturing plants outside the marketing area.

A proprietary handler proposed revision of the Class II price formula to effect a reduction of approximately 75 cents per hundredweight, and a reduction in the Class II butterfat differential from 0.115 to 0.95 times the price of butter.

Approximately 90 percent of the producer milk priced under the Rio Grande Valley order is produced in the marketing area. The remaining 10 percent is currently supplied by producers located in Kansas, Arizona, and Utah. During each of the past 2 years this in-area production has averaged about 24 million pounds per month. Despite the fact that total Class I sales of handlers regulated by the order have on the average been somewhat more than in-area production, substantial quantities of milk have had to be moved to distant manufacturing plants for surplus disposal. In 1964 the quantity so moved was 14.8 million pounds, which represented 5 percent of the in-area production and about 26 percent of all producer milk classified as Class II milk. In 1965, out-of-area shipments for Class II use increased to almost 21 million pounds, more than 7 percent of in-area production, and 35 percent of all producer milk classified as Class II milk.

An annual average of about 3 million pounds (2.9 in 1964, 3.0 in 1965) per month of fluid other source milk is imported by Rio Grande handlers. This is principally milk priced under the North Central Iowa order. In 1964 an average of 2.6 million pounds of other source milk were classified as Class I milk and in 1965 other source milk in Class I averaged 2.8 million pounds per month.

The increase in the quantity of milk transported from the marketing area in 1965 did not result from increased supplies of producer milk. Total receipts of producer milk declined slightly more than 1 percent, with in-area production being down one-half percent and producer milk delivered from out of the area declining about 9 percent. Total Class I sales decreased from 1964 somewhat more than producer receipts, and a somewhat higher proportion of total Class I sales was assigned to other source milk, so that the percentage of producer milk classified as Class I was only 81.3 percent in 1965 as compared with 82.4 percent in 1964. Substantial contributing factors in the increase of out-of-market surplus shipments were the closing early in 1965 of the only plant in the area devoted to manufacturing dairy products, and the decreased Class II use of one handler as noted later in this decision.

One of the two proponent cooperative associations, the Dairy Farmers Association, has been responsible for the actual transportation of milk to distant manufacturing plants. The other, the New Mexico Milk Producers Association, has assumed a portion of this transportation cost, as have some individual producers. Neither of these associations operates a milk plant. Both are engaged in transportation of milk from farms to bottling plants as needed.

For milk diverted from farms to distant manufacturing plants, the association must account to the pool at the Class II price, pay order administrative costs and transportation costs, against the total of which they can credit the amount received for the milk at the manufacturing plant. In 1965 costs exceeded income by about $269,000 of which about $220,000 was borne by the Dairy Farmers Association and the remainder by the New Mexico Milk Producers Association and certain nonmember producers. An average of 13 cents per hundredweight of all deliveries was deducted for these costs by the Dairy Farmers Association in making settlement with its member producers.

It is the contention of the proponent associations that the surplus disposal of milk that handlers do not take on a day-to-day basis is a service to all producers in the market for which costs should be borne by all producers sharing in the marketwide pool.

The most economical means for all producers to supply the Class I needs of the market would be for nearby milk to be delivered to bottling plants to the full extent it is available and for distant supplies to be delivered only when needed. Seasonal and day-to-day reserves could then be converted to manufactured products in areas in which there are now facilities. This optimum arrangement, however, has not occurred in the Rio Grande Valley market. As a consequence locally produced milk is transported out of the market while distant supplies move to the market, both as producer milk or as milk priced under another order.

There are no facilities now operated in the Rio Grande Valley marketing area for the manufacture of dairy products other than cottage cheese and ice cream. The only plant devoted to production of manufactured dairy products ceased op-

erations early in 1965. The ice cream facilities in use do not include condensing equipment necessary to concentrate nonfat milk solids in skim milk for use in ice cream. While there is substantial need for butterfat in cream for ice cream use, there are presently no facilities to make economic use of most of the skim milk that would result if producer milk were separated as a source of cream for ice cream.

One handler who in 1964 had an outlet for skim milk resulting from separation testified that his use of Class II milk in that year was 2.6 million pounds greater than in 1965 when he had no such outlet, and purchased 65,000 pounds more butterfat than in 1964. He claimed the average cost of butterfat in 40 percent cream delivered to El Paso, Tex., during 1965 was 76 cents per pound. Another handler claimed that his use of butterfat in ice cream in 1965 was about 284,000 pounds of which 90 percent was purchased as cream from outside sources. He estimated that this represented approximately 20 percent of the need for butterfat in ice cream in the entire market. His cost of butterfat in cream during March through August 1965 was from 81.25 cents to 84.25 cents per pound of butterfat delivered to Albuquerque. Both handlers said that they would use considerable producer milk as a source of cream for ice cream if costs were competitive with outside sources.

It is evident that the lack of opportunity for economic use of Class II milk is one of the principal reasons that Rio Grande Valley handlers refuse to accept milk in excess of their immediate needs for fluid use and cottage cheese. If producer groups do not move this milk for surplus disposal, handlers may find it more attractive to purchase additional supplies from other order markets because the volume of such purchases can be readily adjusted to immediate needs. It is also evident that surplus disposal by transportation to available manufacturing milk outlets has been very costly due to the distances involved. The cost of this service which benefits all producers on the market has not been shared by all producers sharing in the uniform price of the market.

While production of milk in Midwestern States has declined sharply in recent months, there is no present assurance that this will immediately require Rio Grande Valley handlers to rely upon supplies of producer milk to the extent that they will accept a substantial quantity of milk for uneconomic uses. It is concluded that for a temporary period at least provision should be made to price certain Class II uses of milk to handlers at prices at which they can afford to use the milk with the facilities at hand.

The principal use available to Rio Grande Valley handlers is that of cream for ice cream. The lack of an economic use of skim milk resulting from separation of cream for ice cream is the deterrent which has prevented handlers from using producer milk for this purpose. Separation of 100 pounds of 3.5 percent milk without plant loss results in 8.75 pounds of 40 percent cream and 91.25 pounds of skim milk. At the December 1965 Class II price and butterfat differential, the value of the 91.25 pounds of skim milk would have been 64.1 cents and the value of the 8.75 pounds of cream would have been $2.617, or almost 75 cents per pound of butterfat in cream. For the period March through July 1965 (the period for which substantial evidence was given concerning costs of imported cream) the Class II price averaged $2.985 for 3.5 percent milk and the Class II butterfat differential averaged 6.8 cents. At such prices the skim value would have been 55.2 cents and the value of the cream $2.433, or 69.5 cents per pound of butterfat.

These values of butterfat in cream are fully competitive with the costs shown for imported cream, even after consideration of substantial costs of receiving and separation. In order to encourage handlers to make the maximum use of producer milk as cream in ice cream, it is concluded that for a limited time handlers should not be charged for the skim milk that they must dispose of as livestock feed or by dumping. These are uses for which practically no economic return is realized.

The charge for milk or skim milk which is transported to manufacturing plants outside the area, either by diversion from in-area farms or by transfer from in-area pool plants, should also be substantially reduced at this time. The same reduction should apply if skim milk is used in the marketing area to produce condensed skim milk. This is the simplest form of manufacturing whereby skim milk may be concentrated to provide solids for ice cream. It is possible that with this price reduction local condensing may be stimulated, either by installation of new equipment or reopening of facilities now closed.

These price reductions can best be accomplished at this time by providing credits for the Class II uses specified. These price reductions are provided only for the period through February 1967. As of March 1, 1967, the present Class I pricing provisions of the order expire. It is desirable that both Class I and Class II pricing provisions be reviewed together prior to that time Since the proposed provisions are of a temporary nature, the use of credits provides a more convenient method for accomplishing the intended result than would establishment of a separate class or classes for the Class II uses for which price reductions are provided herein.

The amount of credit per hundredweight on skim milk disposed of for livestock feed or dumped should be the difference between the Class II price for 3.5 percent milk and 35 times the Class II butterfat differential. This rate per hundredweight is the actual value of skim milk in Class II milk, and represents the basis for the values quoted above for 91.25 pounds of skim milk. For transfer or diversions to out-of-area manufacturing plants or skim milk used to produce condensed skim milk, the credit per hundredweight should be 15 cents less. Such uses represent economic uses of the milk or skim milk for which producers should receive some returns. While not subject to allocation priority over nonfluid skim milk products, producer milk should have priority over other source fluid milk products for regular (noncredit) Class II uses. This may be accomplished by limiting the volume on which credits may be computed to that by which producer milk classified as Class II milk exceeds the total use of fluid milk products in regular Class II uses.

By providing a credit to the reporting handler with respect to milk moved to distant manufacturing plants the general purpose of the diversion payment proposed by the cooperative association will be served, in that the amounts of these credits will be shared by all producers through the blend price. The Dairy Farmers Association has been the reporting handler with respect to all milk diverted to such plants, and thus will have their pool obligation reduced by the amount of credit applicable. For milk first received at a pool plant and then transported by the association, a continuation of the arrangements heretofore used would seem to provide the same relief to the association as on diverted milk. A uniform rate of credit, rather than payments on a mileage basis, will simplify administration of the provision, and also encourage the most economic disposal of milk.

The proposal to extend for 2 months the present 13-cent reduction in the Class II price should not be adopted on the basis of this record. While the volume of milk requiring surplus disposal is greater in July and August than in March or April, the credit provisions herein provided may be expected to apply to this increased volume. (The net price charged for the uses designated is the same whether or not the 13-cent adjustment is used in computation of the Class II price.) The 13-cent adjustment is provided on the basis that at certain periods a higher proportion of Class II milk needs to be in lower valued uses than at other periods. Indeed, the provision for reduced prices on these lower return uses, as herein provided, raises a question as to the need for any seasonal adjustment of the Class II price. In view of the fact that the reductions herein provided are for a temporary period, it is concluded that the seasonal adjustment should continue at this time, but not be extended.

2. No change should be made in the quantity of pool milk a producer-handler may receive without becoming a fully regulated handler.

Under the Rio Grande Valley order a handler who markets milk of his own production is exempt from the pricing and pooling feature of the order if he receives no milk from other producers, and no more than 11,000 pounds per month from pool plants.

A producer-handler, who until recently was a fully regulated handler with substantial own farm production, proposed that the limit on pool receipts be the larger of 11,000 pounds or 20 percent of own farm production. He claimed that with the additional receipts thus permitted he could bid on certain military

contracts now set aside for small business. He claims that the only other handlers in the El Paso portion of the marketing area qualified to bid on such set-aside contracts use milk from other states. If successful in obtaining a contract he would use locally produced milk. The evidence makes clear that this producer-handler would increase his own farm production to serve additional civilian business he may secure, but not for military contracts. He considers them subject to too much fluctuation for investment in production resources to supply them.

The 11,000-pound limit is provided to allow a producer-handler to receive some milk in emergencies without opportunity for the market pool to carry all of the reserves necessary for his day-to-day operation. To increase this limit to 20 percent of own farm production in this case would insure that producers whose milk is priced would be carrying in the pool reserve supplies for this producer-handler's benefit.

If this producer-handler desires to participate in military contracts subject to small business set-aside, he may do so either by resuming the status of a fully regulated handler or by increasing his production of milk to supply the increased sales. The counter-proposal of a producers' association that the limit should be the smaller of 20 percent of own farm production or 11,000 pounds should not be adopted on the basis of this record. Such a provision would obviously have no effect upon the operations of the proponent. No evidence was produced concerning the operations of other producer-handlers. There is thus no basis for determining the need for the provision.

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

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

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

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

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

Rulings on exceptions. No exceptions were filed.

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

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

Determination of representative period. The month of January 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 16, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

§ 1138.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley 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.

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs on February 17, 1966, and published in the FEDERAL REGISTER on February 22, 1966 (31 F.R. 3025; F.R. Doc. 66-1884), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. A new § 1138.55 is added to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through February 1967, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

(a) For skim milk in producer milk classified as Class II milk pursuant to

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

§ 1138.41(b) (2) and (3), at a rate per hundredweight equal to the amount by which the Class II price pursuant to § 1138.51(b) exceeds 35 times the butterfat differential specified in § 1138.53(b).

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 15 cents.

(c) The total quantity upon which credits pursuant to this section are computed may not exceed the quantity of producer milk classified as Class II milk for the handler, less the quantity of fluid milk products in Class II uses not specified in paragraphs (a) and (b) of this section for such handler.

2. In § 1138.70, the period at the end thereof is deleted, a semicolon is substituted, the word "and" is inserted immediately thereafter, and a new paragraph (f) is added to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Deduct the amount of any credits computed pursuant to § 1138.55.

[F.R. Doc. 66-2947; Filed, Mar. 18, 1966; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 61, 91, 121]

[Docket No. 7201; Notice 66-6]

FLIGHT MANEUVERS REQUIRED FOR AIRLINE TRANSPORT PILOT CERTIFICATE AND CERTAIN CHECKS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 61 of the Federal Aviation Regulations to revise and update the flight maneuvers required of applicants for ATR certificates and associated ratings and to amend FAR Part 121 to make a comparable revision of the flight maneuvers required in proficiency and certain other flight checks.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 20, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The maneuvers set forth in current FAR Part 61, that a pilot must complete satisfactorily to demonstrate his aeronautical skill to obtain an airline transport pilot certificate or associated rating are basically the same now as they were many years ago when, for example, the low frequency radio range was the only aid available for navigation and instrument approaches. Basically, the same is true of the maneuvers required in FAR Part 121 for proficiency flight checks, and in addition there are presently unjustified differences between the flight maneuvers required under Parts 61 and 121. The Agency believes that the maneuvers necessary to train and evaluate pilots at the level of competence required of an applicant for an ATR, or of a pilot in command or second in command flying in air carrier type operations under FAR Part 121 should be modernized by making them more applicable to the current aircraft types and to the modern navigational and approach aids and acceptable operational procedures. Therefore, this proposal seeks to spell out in the regulations in more detail the minimum standards and procedures required for each maneuver. For example, § 61.147(a)(21) presently requires only that an applicant for an ATR must satisfactorily demonstrate "instrument approach procedures." This brief description of the required flight maneuver gives no indication as to: (1) Kind of approach required; (2) the minimum number of approaches required; (3) the manner in which the maneuver is to be demonstrated; or (4) any variations (such as a simulated powerplant failure) that must be included in the maneuver.

The specific changes proposed are as follows:

1. Presently § 61.27(d) requires that an applicant for an ATR or appropriate rating who fails a flight test need only be retested on the maneuvers failed. In some cases, the Agency has found that an applicant has repeatedly failed one or more maneuvers even though he has under the present requirement been able to concentrate on these specific maneuvers during the additional flight time, practice or instruction required before retesting (see § 61.27(d) (1) and (2)). Since the holder of an ATR with an appropriate rating is qualified to be pilot in command of an aircraft being flown in that kind of air transportation for which the highest level of safety is required, the Agency believes that an applicant for such a certificate or associated rating should not be permitted to pass the flight test in this manner. Therefore, the Agency proposes to require that if any maneuver is failed, the applicant must be retested on that maneuver, and any other maneuvers that the person conducting the test considers necessary to determine the competency of the applicant to obtain the particular certificate or rating. For similar reasons this retesting requirement should also apply to pilot proficiency checks conducted under the requirement of Part 121.

2. In place of the flight maneuvers set forth in §§ 61.147, 121.420, 121.441, and 121.442, the maneuvers set forth below will be required. In any final rule adopted as a result of this proposal comparable changes would be made to the other flight maneuver requirements of Part 121 such as those specified in the training program requirements. The following standards and conditions are proposed to be included in Parts 61, 91, or 121, as appropriate, to apply to flight maneuver checks.

(a) Each person conducting a flight maneuvers check (i.e. an FAA inspector, examiner or an approved check airman) shall exercise the maximum degree of care and judgment consistent with the operation to prevent injury to persons or property directly or indirectly related to the check. For example, an emergency descent may be terminated as soon as the aircraft is established in the descent at the proper speed, and the appropriate initial and entry procedures are completed.

(b) No person may conduct a proficiency flight check unless the pilot seated at the controls, other than the pilot being checked, is fully qualified to act as pilot in command of the aircraft. However, notwithstanding the requirements of § 91.21(b)(1), during performance of maneuvers in Phases A or B, a pilot who has completed an approved air carrier training program and is fully qualified to act as second in command of that aircraft may be seated at the controls.

(c) No person conducting a flight maneuvers check may commence that check unless, prior to takeoff, he has outlined to the person being checked the maneuvers to be demonstrated and any tolerances and limitations appropriate to these maneuvers, with particular reference to emergency maneuvers and procedures and the appropriate safety precautions to be followed.

(d) Wherever specified weight conditions are to be simulated in conducting an ATR or related rating check, the applicant must substantiate, to the person conducting the check, the simulation factors involved.

(e) Whenever a maneuver includes V_1 and V_2 requirements and a nontransport category aircraft is used for a flight check, the comparable requirements of the appropriate regulations apply.

(f) Unless, in a particular case the Administrator requires all maneuvers to be performed, the person giving a type rating or proficiency check to a pilot then employed by a Part 121 certificate holder as a pilot in command or second in command may waive the maneuvers required in Phase B, except takeoffs and landings, when the pilot being checked has successfully completed an approved training course under Part 121.

(g) The maneuvers that must be conducted in flight when an approved simulator is used for a part of a proficiency check are—

(1) ILS instrument approach;

(2) Maneuvering with simulated failure of one or more engines;

(3) Circling approaches; and

(4) Balked landings.

(h) Whenever an applicant for an ATR does not already have an instrument rating he shall as part of the oral

examination comply with § 61.37(c)(1) and as part of the flight check perform these maneuvers required by § 61.37(c)(2) appropriate to the airplane type and not required herein.

For the convenience of the users, the Agency proposes to include the bulk of the material hereinafter set forth in an appendix form.

REQUIRED MANEUVERS

The following maneuvers, unless otherwise specified will be required on ATR and Type Rating Practical Examinations, Pilot-in-Command Proficiency Checks, and Second-in-Command Proficiency Checks:

PHASE A

1. Equipment examination (oral).
2. Preflight inspection.
3. Taxiing, sailing or docking.
4. Powerplant checks.

PHASE B

1. Takeoffs (visual and instrument) and landings.
2. Accuracy approaches and spot landings (single engine ratings only).
3. Area departure and ATC procedures.[1]
4. Climbs and climbing turns.[1]
5. Approach to stalls (stalls—single engine rating only).[1]
6. Steep turns.[1]
7. Area arrival.[1]

PHASE C

1. Instrument approach and missed approach procedures.[1]
2. Maneuvering with simulated failure of one or more engines.[1]
3. Circling approach.
4. Cross wind takeoff and landing.
5. Normal and abnormal procedures pertaining to systems and devices appropriate to the aircraft type.
6. Emergency procedures.
7. No-flap landing (ATR and type ratings only).
8. Judgment.

REQUIRED MANEUVERS

PHASE A

1. *Equipment examination (oral).* (a) The equipment examination must be pertinent to the aircraft type to be flown by the pilot and must include subjects requiring a practical knowledge of the aircraft, its powerplants, systems, components, operational and performance factors, and must be directed, as appropriate, to the normal, abnormal and emergency procedures, and the operations and limitations relative thereto.

(b) The examination must include the appropriate provisions of the FAA-approved Flight Manual.

(c) The examination may not be conducted during the flight portion of the check.

(d) The oral examination is part of the practical examination and must be closely coordinated with and related to the flight portion.

(1) The oral examination may be given to applicants who have completed, as part of an approved air carrier initial training program, an approved simulator course of training in the particular aircraft type, provided such applicants are recommended by their simulator instructors.

(2) The oral examination may also be given to applicants who have completed ground school that is part of an approved training program under Part 121 and have commenced initial flight training and are recommended by their flight instructor.

(3) If the flight check is not satisfactorily completed within 30 days from the date of the oral examination, another oral examination is required.

2. *Preflight inspection.* (a) The pilot must satisfactorily demonstrate a visual inspection of the exterior, interior and cockpit of the aircraft, including the powerplants, propellers (if appropriate), wings, controls and control surfaces, fuselage, landing gear, static vents, lights, antennas, and emergency equipment. The pilot must explain briefly the purpose of checking each item as he proceeds through this inspection. (This item is not required during a proficiency check if a flight engineer is a required flight crewmember for the aircraft type involved.)

(b) The preflight inspection must also include the use of the prestart check list, appropriate control system checks, starting procdures, checks of all radio and electronics equipment, and the selection of proper navigation and communications, radio facilities and frequencies prior to flight.

3. *Taxing, sailing, or docking.* (a) The pilot must satisfactorily demonstrate, as appropriate to the aircraft type, taxiing (in the case of a second in command proficiency check to the extent practical from the second in command crew position), sailing, or docking procedures in compliance with the instructions issued by the appropriate traffic control authority, or the individual conducting the check.

(b) The pilot must satisfactorily demonstrate the proper control of the aircraft through a taxiing, sailing or docking maneuver that is typial of the type of such maneuver that would be likely in a Part 121 operation and that gives consideration to all fixed obstructions, stationary obstacles, or moving surface or airborne traffic that might affect the safety of the operation.

4. *Powerplant checks.* The pilot must satisfactorily demonstrate powerplant checks, appropriate to the aircraft type, that are contained in the FAA-approved Flight Manual, Air Carrier Operations Manual, or the appropriate check lists.

PHASE B

1. *Takeoffs (visual and instrument) and landings*—(a) *Takeoffs visual.* The pilot must perform a normal takeoff, that includes satisfactory performance of the following:

(1) Proper airspeed of the aircraft giving due consideration to the actual or simulated gross weight, meteorological and runway conditions;

(2) Gear and flap management;

(3) Power and propeller control;

(4) Direction, attitude and altitude control; and,

(5) Applicable noise abatement procedures.

(b) *Rejected takeoffs.* The pilot must satisfactorily demonstrate the proper procedures for a rejected takeoff that may be initiated after reaching 75 percent of V_1 speed including, when appropriate to the aircraft type, use of:

(1) Reverse thrust;

(2) Spoilers;

(3) Brakes; and,

(4) Nose wheel steering.

(c) *Takeoffs instrument.* The pilot must satisfactorily demonstrate all elements required in (a) with instrument conditions simulated at or before reaching an altitude of 100 feet.

(d) *Number of required landings.* The pilot must satisfactorily demonstrate:

(1) For ATR and type rating testing: at least three landings to a full stop;

(2) For the initial second in command proficiency check—at least two landings to a full stop;

(3) For all other proficiency checks—at least one landing to a full stop.

At least one of these landings must follow, in sequence, a simulated instrument approach.

(e) *Balked landings.* The pilot must satisfactorily demonstrate from an altitude of approximately 50 feet, or when over the threshold, a balked landing utilizing proper procedures and configurations for the aircraft type.

2. *Accuracy approaches and spot landings* (single engine airplanes only).

(1) The applicant must take a series of three landings from an altitude not to exceed 1,000 feet with the engine throttled, and 180° change in direction; the airplane touching the ground in a normal landing attitude beyond and within 200 feet from a designated line. At least one landing must be accomplished from a forward slip.

(2) One-hundred-eighty degree approaches using two 90° turns with a straight base leg are preferred, although circular approaches are acceptable.

(3) Satisfactory performance is judged on the basis of planning, control of air speed, correction for wind drift on base leg, coordination, and ability to hit the desired mark. Any violent maneuvering or excessive slips, or dangerously slow air speeds are disqualifying.

3. *Area departure and ATC procedures.* The pilot must satisfactorily demonstrate area departure procedures, that must include the following:

(a) Adherence to actual or simulated air traffic control clearances and clearance limitations.

(b) Proper use of available navigation facilities.

(c) Entering, maintaining and leaving holding patterns.

(d) Proper procedures for simulated failure of navigation or communications equipment.

4. *Climbs and climbing turns.* The pilot must demonstrate climbs and climbing turns, that include satisfactory:

(1) Airspeed;

(2) Power settings; and,

(3) Attitude.

[1] Simulated IFR.

5. *Approach to stalls or stalls.* (a) The pilot must satisfactorily demonstrate approaches to stalls including:

(1) One in a takeoff configuration (except when the aircraft uses only a zero flap takeoff configuration);

(2) One in a clean configuration; and,

(3) One in the landing configuration.

(b) At least one approach to a stall must be performed while in a turn with a bank angle between 15 and 30 degrees.

(c) If continuation of flight is permitted with a required stall warning device(s) inoperative, the device may not be used during the maneuver.

(d) In single engine aircraft full stalls are required in the same configurations as approaches to stalls in multiengine aircraft.

6. *Steep turns.* The pilot must satisfactorily demonstrate turns of 45 degrees of bank including:

(a) At least 180 degrees, but not more than 360 degrees, change in heading.

(b) Recovery within 10 degrees of the prescribed heading.

(c) Altitude control within 100 feet plus or minus.

(d) Appropriate power control.

(e) Smoothness and coordination of control movements and power adjustments.

(f) Speed control within 10 knots plus or minus of a predetermined speed.

7. Area arrival. The pilot must satisfactorily demonstrate area arrival procedures including:

(a) Adherence to actual or simulated air traffic control clearances and clearance limitations.

(b) Proper use of available navigation facilities.

(c) Entering, maintaining and leaving holding patterns (not required if satisfactorily demonstrated under Area Departure).

(d) Appropriate speed restrictions.

PHASE C

1. *Instrument approach and missed approach procedures*—(a) *ILS approach.* The pilot must satisfactorily demonstrate ILS instrument approach and missed approach procedures including:

(1) Determination of applicable weather minimums, required radio and visual aids, runway conditions and proper planning.

(2) Proper aircraft configuration, airspeed and altitude over the final approach facility.

(3) Proper airspeed, course and altitude control from final approach facility to touchdown.

(4) Proper control of emergency situations encountered during the approach.

(5) When the applicant elects to use flight director or autocoupler, or both, one approach must be made in the normal configuration, without powerplant failure or other emergency simulation, to 100 feet above the ground or water.

(b) *Other let-down procedures*—(1) *Proficiency checks.* Each pilot must satisfactorily demonstrate approach and missed approach procedures on let-down aids other than ILS if such procedures are approved for use by the certificate holder.

(2) *ATR and rating checks.* Each pilot must satisfactorily demonstrate approach and missed approach procedures on let-down aids other than ILS that he is likely to use. These procedures may be accomplished in a synthetic instrument trainer if observed by a person authorized to conduct flight checks.

(c) Each missed approach required by this paragraph must include:

(1) Proper altitude control and attitude control.

(2) Proper transition from the approach to the climb configuration.

(3) Proper airspeed control.

(4) Familiarity with the prescribed missed approach procedures.

(5) Adherence to alternate air traffic control instructions, if appropriate.

2. *Maneuvering with simulated failure of one or more engines.* (a) The pilot must satisfactorily demonstrate proper control of the aircraft with simulated failure of one or more engines during:

(1) *Takeoff.* At actual or simulated maximum gross weight; simulated failure of the most critical engine between V_1 and V_r (turbojet); or between V_1 and V_2 (other aircraft) and appropriate speeds for non-transport category. (Actual or simulated maximum gross weight is required for ATR and type rating checks only).

(2) *Instrument approach.* Simulated failure of one engine prior to establishing the final approach course and continuing to touchdown.

(3) *Missed approach.* A pullout from a simulated instrument approach in the landing configuration with simulated failure of one engine in sufficient time to permit transition to the approach-climb configuration without jeopardizing safety.

(4) *Maneuvering to a landing.* Simulated failure of 50 percent of the available power units. The simulated loss of power must be on one side of the aircraft (center and one outboard engine on three-engine aircraft).

(b) In addition, an engine failure may be simulated at any time at the discretion of the person conducting the check.

3. *Circling approach.* (a) The pilot must satisfactorily demonstrate maneuvering to a landing under circling approach conditions including:

(1) An approach to a runway normally at least 90 degrees from the heading of the runway on which the landing is to be made;

(2) Circling by visual reference at authorized circling minimums; and

(3) Landing.

(b) On proficiency checks only, when circumstances beyond the control of the pilot prevent the execution of the landing portion of the circling approach, the approach may be made to a point where, in the judgment of the person conducting the check, a landing could have been made to a full stop.

4. *Crosswind takeoff and landing.* The pilot must satisfactorily demonstrate a crosswind takeoff and landing if practicable airport, and traffic conditions including:

(a) Determination of the maximum crosswind components for the aircraft type under the prevailing conditions;

(b) Proper technique for drift control on the final approach;

(c) Proper use of flaps;

(d) Proper touchdown techniques; and

(e) Proper directional control after touchdown.

5. *Normal and abnormal procedures pertaining to systems and devices appropriate to the aircraft type.* The pilot must satisfactorily demonstrate in flight a practical knowledge of the use of the systems and devices appropriate to the aircraft type including:

(a) Anti-icing and de-icing systems;

(b) Autopilot systems;

(c) Automatic or other approach aid systems;

(d) Stall warning devices;

(e) Airborne radar devices;

(f) Stall avoidance devices, stability augmentation devices; and

(g) Other systems, devices, and aids available.

6. *Emergency procedures.* (a) The pilot must satisfactorily demonstrate in flight a practical knowledge of emergency procedures applicable to the aircraft type in which the check is conducted including:

(1) Fire in flight;

(2) Smoke control;

(3) Rapid depressurization;

(4) Emergency descents;

(5) Hydraulic and electrical systems failures and malfunctions;

(6) Landing gear and flap systems failures and malfunctions;

(7) Specific flight characteristics (i.e., dutch-roll, etc.); and

(8) Other emergency procedures outlined in the appropriate FAA-approved Flight Manual.

(b) All of the above items need not be covered during each pilot-in-command or second-in-command proficiency check.

(c) Systems emergency procedures may be demonstrated in an appropriate training device if approved by the Administrator.

7. *No-flap landing.* A no-flap landing to a full stop is required except where the Administrator finds that an aircraft's systems design provides an alternate method for lowering the flaps in the event of failure of the primary flap extension system. In such a case, only an approach to where a successful landing is assured will be required. (Not required for proficiency checks.)

8. *Judgment.* The pilot must demonstrate judgment commensurate with a high level of safety.

These amendments are proposed under the authority of sections 313(a), 601, 602, and 604, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, and 1424).

Issued in Washington, D.C., on March 15, 1966.

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

[F.R. Doc. 66-2897; Filed, Mar. 18, 1966; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-EA-108]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would increase the hours of use of restricted area R-6501, Underhill, Vt.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The FAA has been requested by the Department of the Army to alter R-6501 to permit a greater utilization of this restricted area by a defense contractor. Because of current military requirements, this contractor is required to perform engineering and production firing tests on a variety of weapons under Army and Air Force contracts. These tests, accelerated by the current situation in Southeast Asia, are often conducted on very short notice.

If this action is taken, the time of designation of restricted area R-6501, Underhill, Vt., would be altered to read as follows: "Continuous, Monday through Saturday, other times by a NOTAM issued 24 hours in advance."

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

Issued in Washington, D.C., on March 15, 1966.

H. B. HELSTROM,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-2898; Filed, Mar. 18, 1966; 8:45 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-WE-118]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would increase the hours of use of restricted area R-2525, Vernalis, Calif., from one hour before sunrise to 2200 hours, local time, daily, to continuous.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Agency has been requested by the Department of the Navy to alter R-2525 to permit a greater utilization of this restricted area. The necessity for greater utilization is brought about by an increase in the training requirements for night bombing missions and an increase in the number of squadrons conducting training herein. Under the joint use concept, this restricted area would still be available for nonparticipating aircraft when not being utilized for the purpose for which it was designated.

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

Issued in Washington, D.C., on March 14, 1966.

H. B. HELSTROM,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-2899; Filed, Mar. 18, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229; FCC 66-253]

UHF TELEVISION CHANNELS

Fostering Expanded Use

1. The Commission has received a petition for rule making (RM-917) from the Association of Maximum Service Telecasters, Inc. (AMST) proposing a substantial amendment of the rules governing Television Broadcast Translators in Part 74 of the Commission rules to expand availability and use of such facilities.

2. A part of the proposal would conflict with an outstanding rule making proposal in Docket 14229 proposing to create a new class of local or "community" television service which would operate on Channels 70-83, inclusive, and an additional proposal that some of these channels be assigned for use by high powered TV stations in places where critical needs cannot be met by the assignment of channels below Channel 70.[1] Therefore those parts of the AMST petition which conflict with the proposals in Docket 14229 cannot be treated separately but must be considered simulanteously with other proposed uses of these channels. Other parts of the petition, which deal with such matters as nonduplication of service, intermixture of VHF and UHF signals, location limitations, and preferment in translator licensing proceedings will be handled in later rule making proceedings, including a further notice in Docket 15971, which will be issued shortly. The sections of the AMST petition which relate to Docket 14229 will be treated as a comment in that docket and, briefly, are as follows:

(1) Operation of nonassignment translators on all 70 UHF channels as is now the case with the 12 VHF channels (pp. 7-9);

(2) Reservation of Channels 70-83 for the exclusive use of translators (pp. 10-11);

(3) Limitation of interference to regular UHF stations from translators by a general noninterference test, augmented by revised and appropriate mileage separations (pp. 11-14);

(4) Substitution of appropriate mileage separations among UHF translators for the existing noninterference test (pp. 14-15).

3. In order to facilitate public access to the AMST proposal[2] we are reproducing it herewith so that interested parties may consider it in connection with any comments they may wish to file in Docket No. 14229. This action should not be construed as a finding that the AMST proposal does or does not have merit.

4. To permit interested parties time to comment on the matters contained in the AMST petition and listed above, the time for filing comments in response to the further notice of proposed rule making in Docket 14229 adopted February 9, 1966 (FCC 66-138) is extended to April 29, 1966, and for filing reply comments to May 20, 1966, respectively, as far as the use of Channels 70 and above is concerned. The date for filing comments and reply comments with respect to 9 specific assignments proposed in that further notice on Channels 14 to 69 remains March 28 and April 15, 1966, respectively. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceed-

[1] These proposals were advanced in further notices of proposed rule making in Docket 14229 adopted June 4, 1965, and Feb. 9, 1966 (FCC 65-505 and FCC 66-138).

[2] Filed as part of the original and also is available for public inspection at FCC.

ing, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Parties interested in assignments (other than low-power assignments) to particular communities shall participate only by submitting comments and reply comments as provided in this paragraph.

5. Authority for the institution of this proceeding, and adoption of rules concerning the matters involved, is found in sections 4(i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 9, 1966.

Released: March 14, 1966.

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

[F.R. Doc. 66-2929; Filed, Mar. 18, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-7838]

FEES FOR BROKERS AND DEALERS NOT MEMBERS OF NATIONAL SECURITIES ASSOCIATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b8-2 (17 CFR § 240.15b8-2) and related Forms SECO-4 and SECO-5 (17 CFR § 249.504 and § 249.505) under the Securities Exchange Act of 1934 and more particularly sections 15(b)(8), 15(b)(9), and 23(a) thereof.

The proposed rule establishes fees for brokers and dealers who are registered with the Commission and not members of a registered national securities association[1] as of the effective date of the rule.[2] It is anticipated that such fees will defray the costs incurred by the Commission in its regulation of such brokers and dealers during fiscal 1966 pursuant to the provisions of the Securities Acts Amendments of 1964, Public Law 88-467, enacted August 20, 1964, authorizing the Commission to adopt rules and regulations requiring such brokers and dealers and their associated persons to meet prescribed standards of training, experience, and other qualifications and to assess reasonable fees to defray the costs of regulation incurred thereby. The proposed rule also requires that the fees be paid, and Form SECO-4 (17 CFR § 249.504) (the assessment form) be filed, on or before July 31, 1966.

The fees imposed by proposed Rule 15b8-2 (17 CFR § 240.15b8-2) comprise the following factors: (1) A base fee of $150 for each nonmember broker or dealer; plus (2) $7 for each associated person engaged directly or indirectly in securities activities for or on behalf of the broker or dealer at any time during the fiscal year; and (3) $30 for each office[3] of the broker or dealer open at any time during the fiscal year.

The proposed rule provides that in no case shall any broker or dealer have to pay more than $15,000 by virtue of factors (1) and (2)—the base fee plus the $7 head tax indicated above. The fee of $30 for each office may not be included in the computation of the $15,000 maximum.

Brokers and dealers registered with the Commission and not members of a registered national securities association on the effective date of the proposed rule who had been so registered for less than 6 months will be required to pay half the fee.[4] Similarly, broker-dealers who were both registered with the Commission and not members of such an association for a period of at least 45 days but not more than 6 months during fiscal 1966 will pay only half the fee.

Proposed Rule 15b8-2 (17 CFR § 240.15b8-2) also requires that brokers and dealers registering with the Commission after the effective date of the proposed rule who do not become members of a registered national securities association within 45 days after the effective date of their registration pay a fee of $150. The same $150 fee is required of firms whose membership is terminated in a registered national securities association and who continue to be registered with the Commission for a period of 45 days after such termination of membership. Form SECO-5 (17 CFR § 240.15b8-2) imposes an additional form, must be filed when this fee is paid.

Finally, proposed Rule 15b8-2 (17 CFR §240.15b8-2) imposes an additional fee of $100 upon brokers or dealers who fail to remit any of the other fees as and when required by the proposed rule. This additional fee is to defray the extra administrative costs incurred by the Commission as a result of such failure to comply with the proposed rule.

The text of the proposed rule would be substantially as follows:

§ 240.15b8-2 Fees for registered brokers and dealers not members of a registered national securities association.

(a) Every broker or dealer registered with the Commission and not a member of a registered national securities association on the effective date of this section shall, on or before July 31, 1966, file Form SECO-4 (17 CFR 249.504) and pay to the Commission a fee to defray the costs of regulation pursuant to sections 15(b) (8), (9), and (10) of the Act for the fiscal year beginning July 1, 1965, and ending June 30, 1966. The total amount of such fee shall be the sum of the following: (1) A base fee of $150; plus (2) $7 for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer at any time between July 1, 1965, and June 30, 1966; plus (3) $30 for each office of the broker or dealer which has been open for business at any time between July 1, 1965, and June 30, 1966; *Provided, however,* (i) That any such broker or dealer registered with the Commission for less than 6 months during such period shall pay a fee equal to only one-half the amount due under subparagraphs (1), (2), and (3) of this paragraph; (ii) that any such broker or dealer who has been a member of a registered national securities association for 6 months or more during the period July 1, 1965, to June 30, 1966, shall pay a fee equal to only one-half the amount due under subparagraphs (1), (2), and (3) of this paragraph; and (iii) that the total amount due by reason of subparagraphs (1) and (2) of this paragraph shall not exceed $15,000.

(b) Every broker or dealer registered with the Commission and a member of a registered national securities association on the effective date of this section who, for at least 45 days during the period from July 1, 1965, to June 30, 1966, was both registered with the Commission and not a member of such an association shall, on or before July 31, 1966, file Form SECO-4 (17 CFR § 249.504) and pay to the Commission the fee provided for in paragraph (a) of this section; *Provided, however,* That every such broker or dealer who, for less than 6 months during such period, was both registered with the Commission and not a member of such an association shall pay a fee equal to only one-half the amount provided for in paragraph (a) of this section.

(c)(1) Every broker or dealer who becomes registered as a broker or dealer with the Commission after the effective date of this rule and who does not become a member of a registered national securities association within 45 days after the effective date of such registration, shall within such 45-day period, file Form SECO-5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(2) Every registered broker or dealer whose membership in a registered na-

[1] At present the National Association of Securities Dealers, Inc. ("NASD") is the only such association.

[2] The proposed rule also requires a fee of all brokers and dealers who, although members of a registered national securities association on the effective date of the proposed rule, were, at some time during fiscal 1966, both registered with the Commission and not members of such an association.

[3] The term "office" is defined in the proposed rule to mean every place or establishment owned or controlled by a broker or dealer in or from which the broker or dealer engages in the securities business. A broker or dealer shall be deemed to own or control an office if he pays a substantial portion of the costs thereof, including rent and taxes. The term is not intended to mean the dwelling of an associated person if a broker or dealer does not bear a substantial portion of the cost or expenses of such dwelling.

[4] The fee for such a firm would be: (1) $75 plus (2) $3.50 for each associated person engaged in securities activities, and (3) $15 for each office. Factors (1) and (2) are still subject to a $15,000 maximum, and the $15 office fee is not.

tional securities association is terminated for any reason after the effective date of this section, and who continues to be registered with the Commission for 45 days after such termination of membership shall, within such 45-day period, file Form SECO–5 (17 CFR 249.505) and pay to the Commission a fee of $150.

(d) Every broker or dealer who fails to pay fees as and when required by this section shall pay an additional fee of $100 to defray administrative costs incurred by the Commission as a result of such failure.

(e) Any broker or dealer who is a member of a national securities exchange shall be exempt from this section if (1) he carries no accounts of customers, and (2) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange is in an amount no greater than $1,000.

(f) For the purposes of this section: (1) The term "associated person" shall mean any partner, officer, director, or branch manager of a broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such broker or dealer, and shall include any employee of such broker or dealer (other than employees whose functions are clerical or ministerial), and any broker or dealer conducting business as a sole proprietor.

(2) The term "office" shall mean every place or establishment which is owned or controlled by a broker or dealer in, or from which, the broker or dealer engages in the securities business.

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 372–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

In connection with proposed Rule 15b8–2 (17 CFR § 240.15b8–2), it is proposed that Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations be amended by adding § 249.504 and § 249.505, as follows:

§ 249.504 Form SECO–4, 1966 assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of the form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarter's office or its regional offices.)

§ 249.505 Form SECO–5, Initial assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarter's office or its regional offices.)

(Secs. 15(b)(8), 15(b)(9), and 23(a); 78 Stat. 572–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, on or before April 6, 1966. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 16, 1966.

[F.R. Doc. 66–2902; Filed, Mar. 18, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-376]

CHARLES L. AND B. J. JOHNSON

Notice of Loan Application

Charles L. and B. J. Johnson, Box 18, Anchor Point, Alaska, 98556, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42-foot wood vessel to engage in the fishery for salmon, halibut, shrimp and crabs.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

MARCH 16, 1966.

[F.R. Doc. 66-2916; Filed, Mar. 18, 1966; 8:46 a.m.]

Geological Survey

[Utah 112]

UTAH

Coal Land Classification Order

Additions to Coal Land Classification Order Utah No. 108 of February 26, 1963 (28 F.R. 2198, Mar. 6, 1963), F.R. Doc. 63-2327, are as follows:

a. Under "The following lands, formerly classified as noncoal lands are hereby classified coal lands" these tracts are added:

SALT LAKE MERIDIAN, UTAH

COAL LANDS

T. 38 S., R. 7 W.,
Sec. 30, E½SE¼.
T. 41 S., R. 7 W.,
Sec. 9, lots 5, 6, 7, and 8, E½NE¼.
T. 39 S., R. 8 W.,
Sec. 3, SE¼.
T. 40 S., R. 9 W.,
Sec. 8, E½;
Sec. 9, NE¼SW¼, W½SW¼, NE¼SE¼;
Sec. 10, N½SW¼;
Sec. 15, SE¼NW¼;
Sec. 16, S½SE¼;
Sec. 21, E½NW¼, NE¼SW¼, S½SW¼;
Sec. 28, NW¼;
Sec. 29, E½SE¼.

Also, the acreage totals are amended to read as follows: Total area described aggregates 82,964 acres, more or less. Of this total approximately 20,398 acres are classified as coal lands and about 19,561 are classified as noncoal lands. Further, approximately 41,848 acres formerly classified as noncoal lands have been reclassified coal lands, and about 1,157 acres formerly classified as coal lands have been reclassified noncoal lands.

ARTHUR A. BAKER,
Acting Director.

MARCH 14, 1966.

[F.R. Doc. 66-2900; Filed, Mar. 18, 1966; 8:45 a.m.]

National Park Service

[Order 6]

ASSISTANT SUPERINTENDENT ET AL., LAKE MEAD NATIONAL RECREATION AREA

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $200,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *Procurement and Property Management Officer.* The Procurement and Property Management Officer may execute and approve contracts not in excess of $5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 4. *Supervisory Park Rangers.* The Supervisory Park Rangers, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 5. *Maintenancemen.* The Maintenancemen, Temple Bar, Mohave, and Overton Districts, may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 6. *Revocations.* This order supersedes Order No. 4, issued March 21, 1963.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southwest Region Order 3 (21 F.R. 1494))

Dated: January 17, 1966.

CHARLES A. RICHEY,
Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 66-2901; Filed, Mar. 18, 1966; 8:45 a.m.]

Office of the Secretary

ALASKA

Notice of Filing of Protraction Diagrams for Northern Alaska and of Availability of Lands for Noncompetitive Oil and Gas Leasing

Notice is hereby given that the following approved protraction diagrams will be officially filed in the District and Land Office, Bureau of Land Management, Fairbanks, at 10 a.m., on March 21, 1966.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)
Approved May 17, 1962
UMIAT MERIDIAN

Folio No. 12	Sheet No. 8	Tps. 5-8 S.	Rs. 29-32 E.
Folio No. 12	Sheet No. 9	Tps. 9-12 S.	Rs. 29-32 E.
Folio No. 12	Sheet No. 10	Tps. 9-12 S.	Rs. 25-28 E.
Folio No. 12	Sheet No. 13	Tps. 13-17 S.	Rs. 17-20 E.
Folio No. 12	Sheet No. 14	Tps. 13-17 S.	Rs. 21-24 E.
Folio No. 12	Sheet No. 15	Tps. 13-17 S.	Rs. 25-28 E.
Folio No. 12	Sheet No. 16	Tps. 13-17 S.	Rs. 29-32 E.
Folio No. 13	Sheet No. 12	Tps. 9-12 S.	Rs. 33-36 E.
Folio No. 13	Sheet No. 13	Tps. 13-17 S.	Rs. 33-36 E.
Folio No. 13	Sheet No. 14	Tps. 13-17 S.	Rs. 37-40 E.
Folio No. 13	Sheet No. 15	Tps. 13-17 S.	Rs. 41-44 E.
Folio No. 13	Sheet No. 16	Tps. 13-17 S.	Rs. 45-48 E.

(1) By Public Land Order 3521 of January 9, 1965 (30 F.R. 271), the lands in the above described townships and ranges were opened to oil and gas leasing subject to the filing of approved leasing maps.

(2) The foregoing protraction diagrams, additionally labeled "Official Leasing Map—PLO 3521" and "Revised March 14, 1966, to show leasing blocks" are hereby approved and will be officially filed simultaneously with the protraction diagrams. They constitute the approved leasing maps required by Public Land Order 3521. Only those lands delineated and described as leasing blocks on the official leasing maps are made available for leasing offers by this notice.

(3) On the date the approved leasing maps are officially filed in the Fairbanks District and Land Office, the lands described therein will become available for noncompetitive oil and gas leasing pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181, et seq.), as amended, the regulations in 43 CFR Part 3120, and the provisions of this notice. The provisions of this notice shall supersede any provisions of the regulations with which they may be in conflict.

(a) In accordance with section 1 of Public Land Order 3521 all offers to lease the above described lands must describe the land applied for by block numbers in the specified townships as shown on the approved leasing maps. Each leasing block will be deemed to be a legal subdivision, subject to the restriction on assignments of part of a legal subdivision as set forth in 43 CFR 3128.1.

(b) Offers to lease these lands in the manner set out in paragraph (c) may be filed in the Fairbanks District and Land Office of the Bureau of Land Management from 10 a.m., on March 21, 1966, until 3 p.m., on May 13, 1966. Such offers will be considered as having been simultaneously filed.

(c) Offers to lease must be submitted on a "Special Oil and Gas Drawing Entry Card," Form 4–1720, signed by the applicant. The card will constitute the applicant's offer to lease the described block of land by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on Form 4–1158 for the described block if such a lease is issued to him as a result of the drawing. Provisions of 43 CFR 3123.3(a) concerning multiple filings for one tract apply to this opening. Only one entry card will be drawn for each leasing block. The entry card must be accompanied by a $10 filing fee and the first year's advance rental for the total area as shown on the appropriate approved leasing map. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashier's check. While filing fees for two or more offers may be combined in one check, money order, etc., the advance rental must be submitted separately with each offer. The "Special Oil and Gas Drawing Entry Card" may be obtained from the land offices of the Bureau of Land Management in Fairbanks and Anchorage, Alaska, from the Denver Service Center, Building 50, Denver Federal Center, Denver, Colo., 80225, or from the Office of the Director of the Bureau of Land Management, Washington, D.C., 20240.

(d) Upon the determination of the successful drawee for a particular block, the first year's rental will be earned and deposited in the U.S. Treasury, and will not be returnable. However, if an offeror withdraws his offer to lease prior to the beginning of the drawing or if his offer is rejected, the advance rental will be returned to him. Offerors who are unsuccessful in the drawing will be notified by the return of their respective entry cards.

(e) The acreages shown on the official leasing maps for blocks along the Alaska-Canada boundary do not include a 60-foot wide reserve along the boundary (Proclamation of June 15, 1908 (35 Stat. 2189) and Proclamation of May 3, 1912 (37 Stat. 1741)). Any leases issued for blocks adjoining the Alaska-Canada boundary will exclude the reserved area.

(f) Any lands not included in offers to lease filed during the simultaneous filing period, or in offers which are withdrawn before the drawing, will become subject to leasing, as of 10 a.m. on May 16, 1966, in the usual manner on a priority of filing time basis and in accordance with the regulations in 43 CFR 3120, except that such offers must describe the lands by the leasing blocks as shown on the approved leasing maps.

(g) If a successful drawee is unqualified to receive a lease, the lands in the leasing block shall be included in a special simultaneous filing procedure to be announced at a later date by the Manager, Fairbanks District and Land Office.

(h) The provisions of 43 CFR 3120.6 pertaining to settlers on unsurveyed lands are not applicable to offers filed under the provisions of this notice.

(i) The drawing entry cards of unsuccessful applicants will be made available for public inspection pursuant to the provisions of 43 CFR Part 2, 60 days after the drawing is completed.

(4) Copies of the protraction diagrams listed herein and the approved leasing maps may be purchased at $1.00 per sheet from the Fairbanks District and Land Office, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska, 99701. Copies will not be available at the Bureau's Washington office.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 17, 1966.

[F.R. Doc. 66–2978; Filed, Mar. 18, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY ASCS COMMODITY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby delegate to the Director or Acting Director, Kansas City ASCS Commodity Office, the responsibility to (a) approve an exporter's request for extension of the period of 45 days after date of exportation during which he shall acquire and surrender export wheat marketing certificates as provided in § 778.5(c)(1), (b) determine whether or not an exporter should be required to furnish a bond or letter of credit prior to export in order to secure the purchase of and payment for export wheat marketing certificates and, the form and amount of any such bond or letter of credit as provided in § 778.5(c)(3), and (c) approve an exporter's request for extension of the period during which he shall submit a report of the wheat exported to the Kansas City ASCS Commodity Office as provided in § 778.9. The authority herein delegated shall be exercised in conformity with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on March 16, 1966.

CLIFFORD G. PULVERMACHER,
Director,
Procurement and Sales Division.

[F.R. Doc. 66–2942; Filed, Mar. 16, 1966; 5:07 p.m.]

CONTRACTING OFFICERS, WHEAT SUBSIDY AND MARKET BRANCH, PROCUREMENT AND SALES DIVISION

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby designate the Contracting Officers of the Wheat Subsidy and Market Branch, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, as authorized to register under the regulations sales reported by exporters as provided in § 778.7a and the Chief or Acting Chief of said Branch as authorized, when the facts so warrant, to approve an exporter's request for an extension in time to export as provided in § 778.7a and exercise the authority of the Director under the regulations if the exporter fails to export wheat concerning which a Notice of Registration has been issued. The authority herein delegated shall be exercised in conformity with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on March 16, 1966.

CLIFFORD G. PULVERMACHER,
Director,
Procurement and Sales Division.

[F.R. Doc. 66–2943; Filed, Mar. 16, 1966; 5:07 p.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during March 1966 are as announced by the U.S. Department of Agriculture. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax and linseed oil.

Cheddar cheese, butter, and nonfat dry milk are withdrawn from sale because supplies are temporarily exhausted. If supplies become available during the month, they will be offered for domestic and export sale as indicated under the Dairy Products section of the list. There are no other changes in the list from February.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for March 1966 are 5 percent for U.S. bank obligations and 6 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC. Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Cotton (upland and extra long staple), tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programing.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly sales list.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department regulations (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market

price but not below 108 percent of the 1965 support price for the class, grade, and protein of the wheat plus the amount shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.17	$0.13¾	Minneapolis—No. 1 DNS ($1.58) 108 percent+$0.13¾; $1.84¾. Portland—No. 1 SW ($1.44) 108 percent+$0.13¾; $1.69¾. Kansas City—No. 1 HW ($1.43) 108 percent+$0.13¾; $1.68¾. Chicago—No. 1 RW ($1.49) 108 percent+$0.13¾; $1.74¾.

D. *Availability information.* For information on the disposition of nonstorable wheat, contact the Evanston, Kansas City, Minneapolis, or Portland ACSC grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR–345 (revised August 25, 1964) as amended for export under the wheat export payment-in-kind program. When hard winter wheat is delivered on the West Coast by CCC to cover sales under GR–345, evidence of export must show exportation from West Coast ports. Hard Red Winter wheat exports through Pacific northwest ports will not be eligible for Title I, P.L. 480 sales. HRW wheat exports through Calif. ports are eligible for Title I, P.L. 480 sales.

B. Announcement GR–346 (revised September 8, 1964) as amended for export as flour.

C. Announcement GR–261 (Rev. 2, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR–262 (Rev. 2, Jan. 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR–261 or GR–262.

D. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price support rate[2] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn, 14 percent M.T. 2 percent F.M.)*

Markup in-store received by—	Examples
Truck	
$0.11¼	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06+$0.03 +$0.11¼); $1.20¾. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06+$0.20 +$0.03); 105 percent +$0.11¼; $1.47¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcement:

A. Announcement GR–368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Rev. 2, Jan. 9, 1961), for application to approved CCC barter and credit sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such disposition shall be market price as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 35 cents per cwt.) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29	$0.23¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63+$0.29); $1.92. Kansas City, Mo. (ex-rail) ($1.93+ $0.23¼); $2.16 Agricultural Act of 1949: stat. minimums: Hale County, Tex. ($1.63±$0.35); 105 percent +$0.29; $2.37. Kansas City, Mo. (ex-rail) ($1.93+ $0.35); 105 percent and $0.23¼; $2.63¼.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Rev. 2, Jan. 1961), for application to arrangements for barter, approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate[2] (published loan rate plus 16 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16¼	$0.13¾	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76+$0.16¼); $0.92¼. Minneapolis, Minn. (ex-rail) ($0.99+$0.13¾); $1.12¾. Agricultural Act of 1949; stat. minimums: Cass County, N. Dak. ($0.76+$0.16); 105 percent +$0.16¼; $1.13¾. Minneapolis, Minn. (ex-rail) ($0.99+$0.16); 105 percent +$0.13¾; $1.34¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements except that barley will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Rev. 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1965 price-support rate [2] for the class, grade, and quality of the oats plus the amount shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.14¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 105 percent +$0.14¾; $0.76¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Rev. 2, Jan. 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1965 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.17	$0.13¾	Rollete County, N. Dak. ($0.91); 105 percent +$0.17; $1.13. Minneapolis, Minn. (ex-rail) ($1.24); 105 percent +$0.13¾; $1.44¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements except that rye will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR-368 (revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Rev. 2, Jan. 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Portland and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1965 loan rate plus 5 percent plus 34 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, Revision III, rice export program—payment-in-kind, and under GR-379, Revision I, for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

C. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall", and Under Barter Transactions). No cotton will be delivered prior to August 1, 1966. Cotton may be acquired at its current market price for delivery after August 1, 1966, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton at time of delivery.

Export.

A. *CCC sales for export.* Competitive bid under the terms and conditions of Announcements CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, FARMERS' STOCK OR SHELLED

A. *Domestic crushing or export.*

1. Farmers' stock peanuts may be purchased for crushing into oil or for export of U.S. No. 1 or better shelled peanuts. Any of the peanuts grading less than U.S. No. 1 must be crushed domestically.

2. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

3. Terms and conditions of sales appear in CCC Peanut Announcement 1 (revised) January 4, 1962, Amendments 1 through 4, Supplement 1 and in the lot list and Appendix 1 thereto.

B. *Availability information.* When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to which all bids are submitted.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1965 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 18½	*Cents* 14	Minneapolis	No. 1	$3.43½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

Export.

A. Announcement PS–GR–4, Revision 1, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Rev. 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 16.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 63.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.25 cents per pound—Washington, Oregon, and California. All other States 62.0 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 41.25 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 40.25 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURE STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic & Export Sales), Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121. Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: 264–8439, 8440, 8441.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on March 1, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66–2844; Filed, Mar. 18, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 23(65)–52, 23(65)–44]

NEMA MEET-EN REGELTECHNIEK, ET AL.

Order Denying Export Privileges for Indefinite Period

In the matter of Nema Meet-En Regeltechniek (also known as Nema Kantoren) and Ute Hilma Seitz, its owner, and Waldamar Seitz, 13 Minervalaan, Amsterdam, The Netherlands, respondents; File Nos. 23(65)–52, 23(65)–44.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite pe-

riod because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that the respondent firm Nema Meet-En Regeltechniek, also known as Nema Kantoren, is a dealer in telecommunication equipment and has a place of business in Amsterdam, The Netherlands; that Ute Hilma Seitz is the sole proprietress of said firm; that the respondent Waldamar Seitz, husband of said Ute Hilma Seitz, is the individual responsible for the operations of the firm; that the aforesaid Investigations Division is conducting an investigation into the disposition by said respondents of certain strategic U.S. origin commodities known to have been received by them; that said investigation is to ascertain whether said respondents reexported or traded in said commodities in violation of the U.S. Export Regulations. It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers to said interrogatories as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. This order shall also extend to Ute Hilma Seitz, owner of the firm Nema Meet-En Regeltechniek.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: March 14, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-2907; Filed, Mar. 18, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-91; NDA No. 11-791]

HOFFMANN-LA ROCHE, INC.

Madricidin Capsules; Notice of Withdrawal of Approval of New-Drug Application

Hoffmann-La Roche, Inc., Nutley, N.J., 07110, holder of approved new-drug application No. 11-791, and all amendments and supplements thereto, for the drug "Madricidin Capsules (sulfadimethoxine, 125 mg.; phenindamine tartrate, 10 mg.; acetaminophen, 120 mg.; caffeine, 30 mg.)," has waived opportunity for a hearing on the withdrawal of said application.

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053; 21 U.S.C. 355(e)) and delegated to the Commissioner by the Secretary (21 CFR 2.120; 31 F.R. 3008), finds that:

1. The drug Madricidin Capsules is not safe for use upon the basis of which the application was approved on the ground that there have been a number of reports associating the use of sulfadimethoxine, a component of Madricidin Capsules, with the occurrence of Stevens-Johnson syndrome and a number of deaths resulting therefrom; and

2. New information, evaluated together with the evidence available when the application was approved, shows that substantial evidence is lacking that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, on the basis of the foregoing findings of fact, the approval of new-drug application No. 11-791, and all amendments and supplements thereto, applying to Madricidin Capsules is withdrawn, effective on the date of signature of this document.

Dated: March 11, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2920; Filed, Mar. 18, 1966; 8:47 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition Regarding Pesticide 1,1-Bis(p-Chlorophenyl)-2,2,2-Trichloroethanol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 6F0472) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa., 19105, proposing the establishment of tolerances for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol, as follows:

25 parts per million in or on fresh mint hay (spearmint and peppermint) and in or on pineapple of which not more than 1 part per million shall be in the edible pulp after peel is removed and discarded.

10 parts per million in or on papaya of which not more than 1 part per million shall be in the edible pulp after peel is removed and discarded.

7 parts per million in or on carrot tops.

5 parts per million in or on passion fruit of which not more than 1 part per million shall be in the edible pulp after peel is removed and discarded.

1 part per million in or on carrots (roots only) and guavas.

The analytical method proposed in the petition for determining residues of this insecticide is based on that of Rosenthal, et al., Agricultural and Food Chemistry, vol. 5, July 1957, pages 514–7.

Dated: March 11, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2921; Filed, Mar. 18, 1966; 8:47 a.m.]

VIOBIN CORP.

Notice of Filing of Petition for Food Additive Ethylene Dichloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6C1865) has been filed by VioBin Corp., Monticello, Ill., 61856, proposing the issuance of a regulation to provide for the safe use of ethylene dichloride in the processing of meat meal for animal food whereby the residue of the additive remaining in the meal does not exceed 300 parts per million.

Dated: March 11, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2922; Filed, Mar. 18, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-245]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., l.t., on April 21, 1966, in the Auditorium, Mitchell College, 437 Pequot Avenue, New London, Conn., to consider the application filed under section 104b. of the Act by The Connecticut Light & Power Co., Berlin, Conn., The Hartford Electric Light Co., Wethersfield, Conn., Western Massachusetts Electric Co., West Springfield, Conn., and The Millstone Point Co., Wethersfield, Conn., for a provisional construction permit for a boiling water reactor designed to operate at approximately 1730 megawatts (thermal) to be located at the applicants' site in the town of Waterford, Conn.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Warren E. Nyer, Idaho Falls, Idaho; Dr. Thomas H. Pigford, Berkeley, Calif.; and Arthur W. Murphy, Chairman, New York, N.Y. Dr. John C. Geyer, Baltimore, Md., has been designated as an alternate technically qualified member of the Board.

The following issues will be considered at the hearing:

1. Whether in accordance with the provisions of 10 CFR 50.35(a)—

(1) The applicants have described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components on which further technical information is required;

(2) The omitted technical information will be supplied;

(3) The applicants have proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and

(4) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than April 4, 1966, or, in the event of a postponement of the hearing date specified, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, by April 4, 1966.

The answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants on or before April 4, 1966.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the

Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 18th day of March 1966.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 66-3018; Filed, Mar. 18, 1966; 9:28 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16370]

CAPITOL AIRWAYS, INC.

Enforcement Proceeding; Notice of Change in Place of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding previously assigned to be held in Washington, D.C., on April 12, 1966, is hereby reassigned and will now be held before the undersigned on April 12, 1966, at 10 a.m., e.s.t., in Conference Room B, 30 Church Street, New York, N.Y.

Dated at Washington, D.C., March 15, 1966.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 66-2911; Filed, Mar. 18, 1966; 8:46 a.m.]

[Docket 15353, Agreement CAB 18717; [1] Order E-23362]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Transatlantic Fares

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 15th day of March 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail votes, has been assigned the above designated CAB agreement number.

The agreement relates to transatlantic fares to be effective for a 1-year period from April 1, 1966. It encompasses, among other things, those resolutions tentatively agreed upon at the Bermuda Conference in September/October 1965, but which were not formally adopted at that time. In general, the fare package contemplates the maintenance of the status quo in Mid-Atlantic fares and in North Atlantic normal fares. Revisions are generally confined to promotional fares for travel via the North Atlantic.

The principal elements of the agreement, based on New York-London, as they relate to promotional fares include:

(1) A reduction in the $325 14–21-day fare available in the winter months to $300, the same as applies the rest of the year.

(2) A reduction in the 14–21-day excursion fares by applying to all points beyond London the 25-percent discount from normal economy-class fares that now applies to New York-London travel. This compares with the uniform $99 discount that now applies to points beyond London.

(3) A reduction in the affinity group fares from $325 to $300 eastbound, and $275 westbound, plus extension of the availability of the fares for travel from 4 to 7 months, a reduction in the westbound group size from 25 to 15 persons, and elimination of the restriction prohibiting travel in the eastbound direction during peak travel weeks. Other restrictions will be retained.

(4) The introduction of inclusive tour fares at $30 less than the applicable 14–21-day fares with a minimum tour price of $40 above the basic fares or $340. The 14–21-day fare restrictions will apply.

Additionally, the agreement provides for a continuation of the special fares to Israel ($535, New York-Tel Aviv), for groups of 40 or more with an amendment to permit a reduction in the size of the group to 25 persons from October 15 through February 28. A new 14–21-day excursion fare will be introduced at this fare level ($535) to other Middle East points with stopovers limited to such Middle East points. Also, a 14–21-day excursion fare of $565 will be made available to Middle East points with one European stopover in each direction except eastbound during the restricted periods under the 14–21-day fares. Special fares for U.S. military personnel and/or dependents will be continued.

The Board has earlier indicated that it was prepared to approve the fares which were tentatively agreed at Bermuda. Consistent therewith, we are herein approving the fares resolutions which have now been formally adopted within the framework of IATA. This is not to say that we believe that the fares would be satisfactory for any extensive period, but we do consider that they warrant approval for the 1-year period for which they are intended. The fares contain some elements which should be of significant benefit to the traveling public and, at the same time, improve the carriers' revenues through the generation of new traffic. The tour basing fare would appear to be a promising experiment in the development of new traffic. Many Europeans are now accustomed to using inclusive tour fares. It is believed that these fares and the lower westbound group fares may help in mitigating the severe directional imbalance in traffic that now exists. One of the more noteworthy adjustments is that provided in the 14–21-day fares which extends the 25-percent discount from normal economy-class fares to all points beyond London. Thus, the full benefit of the New York-London reduction will be available for all travel to Europe and points beyond.

Although we consider the agreement warrants approval in the public interest, we are concerned that no reductions are to be effected in normal economy-class fares. We are convinced, as we were prior to the Bermuda Conference, that the economics of transatlantic operations will permit more general fare reductions. In other words, we believe that the majority of economy-class travelers should share in the benefits of the cost reductions and efficiencies achieved by the carriers. Therefore, we strongly urge that the carriers make reductions in the normal economy-class fares at the fall conference in 1966.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that, on the basis of all the facts presently known and the policy set forth in order E–12304 of March 31, 1958, the resolutions incorporated in agreement CAB 18717, as set forth in Appendix A,[1] do not affect air transportation as defined by the Act.

2. The Board does not find the resolutions incorporated in agreement CAB 18717, as set forth in Appendix B,[1] to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions specified with respect to each.

3. The Board does not find the resolutions incorporated in agreement CAB 18717, as set forth in Appendix C,[1] to be adverse to the public interest or in violation of the Act.

Accordingly, It is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of CAB 18717 set forth in finding paragraph 1.

2. That portion of agreement CAB 18717, as set forth in finding paragraph 2, is approved subject to the conditions stated therein.

3. That portion of agreement CAB 18717, set forth in finding paragraph 3, is approved.

Any air carrier party to the agreement, or any interested persons, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

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[1] Except that portion contained in R–6, pertaining to in-flight entertainment.

[1] Appendices filed as part of original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-2912; Filed, Mar. 18, 1966; 8:46 a.m.]

[Docket No. 12285, etc.]

REOPENED NEW YORK-FLORIDA RENEWAL CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on April 12, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served July 28, 1965, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 15, 1966.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 66-2913; Filed, Mar. 18, 1966; 8:46 a.m.]

[Docket No. 14263 etc.]

SERVICE TO WAYCROSS AND ROME CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 12, 1966, at 10 a.m., local time, in the Hilton Inn, 1031 Virginia Avenue, Hapeville, Atlanta, Ga., before the undersigned Examiner.

Dated at Washington, D.C., March 15, 1966.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 66-2914; Filed, Mar. 18, 1966; 8:46 a.m.]

[Docket No. 17107; Order E-23370]

TRANS CARIBBEAN AIRWAYS, INC.

Group Senior Citizen Excursion Fares; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1966.

By tariff marked to become effective March 16, 1966, Trans Caribbean Airways, Inc. (Trans Caribbean), has proposed a round-trip fare of $82 between New York and San Juan, to apply to women at least 62 years old and men at least 65 years old, traveling in groups of 10 or more, subject to a return limit of 30 days. Tickets for the group must be purchased at one time, and each passenger must have an identification card issued by the carrier at a charge of $3.00, which would be valid indefinitely. The fares may be used on DC-8F aircraft scheduled to depart New York or San Juan between 12:01 a.m. Monday and 2 a.m. Friday; the fares may not be used on specific dates during the Fourth of July and Christmas peak travel periods.

No complaints have been filed.

The Board has concluded that these fares of Trans Caribbean should be investigated. The level of fares in the New York-San Juan market is one of the lowest in the airline industry and the instant proposal would result in a substantial discount from regular fares. It has not been shown that fares at this level would compensate the carrier for the full costs of the service or that there are grounds to evaluate the reasonableness of these fares on any other basis. In addition, the proposal raises questions of discrimination with respect to both the limitation to a segment of the public and the disparate treatment accorded men and women. We therefore find that the proposed fares may be unjustly discriminatory, unduly preferential, unduly prejudicial, unjust and unreasonable and should be investigated.

The Board, however, has concluded that it will permit the tariff to become effective, and thus senior citizens will have the benefit of these fares pending investigation. However, the carrier will be expected to maintain complete monthly records of traffic and revenues for use in the investigation ordered herein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof,

It is ordered That:

1. An investigation is instituted to determine whether the fares and provisions on 1st Revised Page 5-M and 11th Revised Page 7-A of Trans Caribbean Airways, Inc.'s C.A.B. No. 26 (Trans Caribbean Airways, Inc., series), and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

3. Copies of this order be filed with the aforesaid tariff and be served upon Trans Caribbean Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[1] Dissenting opinion of member Gillilland filed as part of original document.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-2915; Filed, Mar. 18, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16367; FCC 66M-380]

B&K BROADCASTING CO.

Order Continuing Prehearing Conference

In re application of B&K Broadcasting Co., Selinsgrove, Pa., Docket No. 16367, File No. BP-16183; for construction permit.

On the Hearing Examiner's own motion and with the agreement of counsel for all parties: *It is ordered,* This 14th day of March 1966, that the further prehearing conference presently scheduled for March 21, 1966, is continued to 9 a.m., April 7, 1966.

Released: March 16, 1966.

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

[F.R. Doc. 66-2930; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16031, 16032; FCC 66M-374]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Continuing Hearing

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; for construction permits.

Pending ruling by the Review Board on applicants' joint request for approval of agreement, dismissal of application of Capital News, Inc., and grant of application of Capital Broadcasting Corp.: *It is ordered,* On the Hearing Examiner's own motion, This 15th day of March 1966, that the hearing is further rescheduled from March 21 to April 20, 1966.

Released: March 16, 1966.

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

[F.R. Doc. 66-2931; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16527, 16528; FCC 66-239]

HGR BROADCASTING CO. AND FARMERS BROADCASTING SERVICE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of HGR Broadcasting Co., Kinston, N.C., Docket No. 16527,

File No. BPH-4313; requests: 95.1 mc, No. 236; 50 kw; 256 feet; Farmers Broadcasting Service, Inc., Kinston, N.C., Docket No. 16528, File No. BPH-4623; requests 95.1 mc, No. 236; 49.8 kw; 700 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of March 1966;

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. William S. Page, president and 80 percent stockholder of applicant Farmers Broadcasting Service, Inc., is secretary and approximately 25 percent stockholder of North Carolina Television, Inc., licensee of television broadcast station WITN-TV, Washington, N.C. Although Page has no direct interest in the Tar Heel Broadcasting System, Inc., licensee of Stations WITN(AM) and WITN-FM, Washington, N.C., he is associated with members of the Roberson family of Washington, N.C., who collectively control the corporate licensees of WITN(AM), WITN-FM and WITN-TV. Farmers proposes to install its antenna on the tower which supports the antennas of both WITN-FM and WITN-TV. As a result, the proposed station and WITN-FM will serve a considerable area in common with the area served by the proposal being completely encompassed within WITN-FM's service area. Because of the privity between Page and members of the Roberson family in the operation of WITN-TV, an issue will be specified to determine whether the Farmers proposal is consistent with Commission policy generally requiring "complete divorcement of management, ownership, and other interests between stations in the same class * * * serving substantially the same area" KFBI, Inc., 7 R.R. 1266, 1267 (1952).

3. The areas and populations to be served by the applicants differ substantially in size. Consequently, if the multiple ownership issue is resolved in Farmers' favor, the areas and populations within the respective 1 mv/m contour together with the availability of other FM services (at least 1 mv/m) within such areas will be considered under the standard comparative issue in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.

5. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the Farmers Broadcasting Service, Inc., proposal is consistent with Commission policy requiring divorcement of interests between stations of the same class serving substantially the same area.

2. To determine, in the event issue one is answered in the affirmative, which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein, shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-2932; Filed, Mar. 18, 1966; 8:48 a.m.]

[1] Commissioner Hyde voting for deletion of Issue I; Commissioner Bartley absent.

[Docket Nos. 16525, 16526; FCC 66-238]

JAMES L. HUTCHENS AND FAITH TABERNACLE, INC. (KRVC)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James L. Hutchens Central Point, Oreg., Docket No. 16525, File No. BP-16640; requests: 1400 kc, 250 w, U, Class IV; Faith Tabernacle, Inc. (KRVC), Ashland, Oreg., Docket No. 16526, File No. BP-16745; has: 1350 kc, 1 kw, Day, Class III, requests: 1400 kc, 250 w, 1 kw-LS, U, Class IV, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of March 1966.

1. The Commission has before it for consideration the above captioned and described applications which are mutually exclusive in that simultaneous operation of the proposals would result in mutually destructive interference.

2. The applicant, James L. Hutchens, has submitted together with his personal financial statement, a letter of commitment, signed by his father, Cecil C. Hutchens, showing that he proposes to lend the applicant a maximum of $27,500, said sum to be used to finance the construction and operation of the station proposed.

3. The applicant, Hutchens, also has other applications for construction permits before the Commission and, together with these, has submitted additional letters in which his father has committed himself to lend similar amounts of money for these proposals. In the financial statements submitted therewith, the Commission notes a change in the financial statements of the aforementioned Cicil C. Hutchens, indicating that the financial information submitted with the instant proposal is no longer current. In view of this fact, and the fact that it cannot be determined whether there are sufficient liquid assets available to the lender from the financial statement submitted, appropriate issues are included.

4. The Commission finds that, except as indicated by the issues specified below, the applicants are qualified to construct, own and operate as proposed, and in view of the foregoing, the Commission is unable to find that a grant of either of the aforementioned applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below.

It is accordingly ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the Hutchens proposal, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KRVC and the availability of other primary service to such areas and populations.

3. To determine, with respect to the application of James L. Hutchens:

(a) Whether, in view of lender's (Cecil C. Hutchens) commitment of the same assets for three other applications, lender has sufficient liquid assets to meet his commitment wherein he proposes to lend the applicant up to $27,500 for the construction and operation of the proposed station.

(b) Whether oil and gas lease interest, and oil corporation stock claimed by applicant and lender has any "quick"

cash value to satisfy lender's loan commitments as indicated above, as well as applicant's financial commitments.

(c) Whether, in view of applicant's (James L. Hutchens) financial statement indicating current liabilities in excess of current assets, and in the event evidence adduced with respect to items 3 (a) and (b) above is negative, the applicant, James L. Hutchens, is financially qualified to construct and operate the station as proposed for a period of 1 year.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications for construction permits should be granted.

2. *It is further ordered,* That, in the event either application is granted, 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.

3. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

4. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2933; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16525, 16526; FCC 66M-382]

JAMES L. HUTCHENS AND FAITH TABERNACLE, INC. (KRVC)

Order Scheduling Hearing

In re applications of James L. Hutchens, Central Point, Oreg., Docket No. 16525, File No. BP-16640; Faith Tabernacle, Inc. (KRVC), Ashland, Oreg., Docket No. 16526, File No. BP-16745; for construction permits.

It is ordered, This 11th day of March 1966, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 18, 1966, at 10 a.m.; and that a prehearing conference shall be held on April 15, 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: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 66-2934; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16529, 16530; FCC 66-245]

JAMES J. B. SCANLON (KCAT) AND GEORGE T. HERNREICH (KZNG)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James J. B. Scanlon (KCAT), Pine Bluff, Ark., Docket No. 16529, File No. BP-16296; has: 1530 kc, 250 w, Day, Class II, requests: 1340 kc, 250 w, U, Class IV; George T. Hernreich (KZNG), Hot Springs, Ark., Docket No. 16530, File No. BP-16412; has: 1470 kc, 1 kw, Day, Class III; requests: 1340 kc, 250 w, U, Class IV; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of March 1966:

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive by reason of the fact that the 0.025 mv/m contours of the respective proposals will overlap the 0.5 mv/m contour of the other proposal in contravention of section 73.37 of the Commission's rules.

2. Examination of each application indicates that a substantial question exists as to whether the nighttime limitation contours of the proposed operations would adequately cover the city sought to be served by each as required by § 73.188(a)(1) of the Commission's rules.

3. The Commission finds that the applicants, except as indicated by the issues specified below, are qualified to construct, own and operate their respective stations as proposed. However, due to the mutual exclusivity of the proposals, the applications must be designated for hearing to determine which, if either, would better serve the public interest. The Commission will, therefore, designate the applications for hearing at this time but will order the proceeding held in abeyance temporarily for the reason hereinafter indicated.

4. Simultaneously with the present action, the Commission is dismissing an application (File No. BR-1072) for a renewal of the license of Station KAAB, Hot Springs, Ark. (1340 kc, 250 w, 500 w-LS, U) and an application (File No. BAL-5094) for Commission consent to the assignment of the license of KAAB from the Phoenix Co., Inc., to Broadcasters, Inc. However, the Commission is affording Broadcasters, Inc., an opportunity to file an application for a construction permit specifying essentially the same operating characteristics as in the KAAB authorization. Accordingly, the instant proceeding will be held in abeyance to afford Broadcasters, Inc., a period of sixty (60) days within which to file its application if it elects to do so.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications of James J. B. Scanlon and George T. Hernreich are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KCAT and KZNG and the availability of other primary service to such areas and populations.

2. To determine whether the respective nighttime limitation contours proposed by James J. B. Scanlon and George T. Hernreich would adequately cover the city sought to be served by each as required by § 73.188(a)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

2. *It is further ordered,* That, in the event of a grant of the applications of James J. B. Scanlon or George T. Hernreich, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

3. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

4. *It is further ordered,* That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

5. *It is further ordered,* That the proceeding ordered herein shall be held in abeyance for a period of fifteen (15) days

[1] Commissioner Bartley absent.

from the date of the Commission's order dismissing the application of the Phoenix Co., Inc. (File No. BR-1072), for a renewal of the license of Station KAAB and the application of the Phoenix Co., Inc., and Broadcasters, Inc. (File No. BAL-5094), for Commission consent to the assignment of the license of Station KAAB and that, in the event Broadcasters, Inc., advises the Hearing Examiner of its intention to file an application for construction permit to be consolidated in this proceeding, the hearing shall be held in abeyance pending further order of the Commission.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2935; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16529, 16530; FCC 66M-384]

JAMES J. B. SCANLON (KCAT) AND GEORGE T. HERNREICH (KZNG)

Order Scheduling Hearing

In re applications of James J. B. Scanlon (KCAT), Pine Bluff, Ark., Docket No. 16529, File No. BP-16296; George T. Hernreich (KZNG), Hot Springs, Ark., Docket No. 16530, File No. BP-16412; for construction permits.

It is ordered, This 11th day of March 1966, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 11, 1966, at 10 a.m.; and that a prehearing conference shall be held on April 11, 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: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 66-2936; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16531, 16532; FCC 66-246]

STATE GAZETTE BROADCASTING CO. AND McQUEEN AND CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of State Gazette Broadcasting Co., Dyersburg, Tenn., Docket No. 16531, File No. BPH-4430; requests: 100.1 mc, Number 261; 3 kw; 151.9 feet; McQueen and Co., Inc., Dyersburg, Tenn., Docket No. 16532, File No. BPH-4480; requests: 100.1 mc, Number 261; 3 kw; 194 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of March 1966;

1. The Commission has before it for consideration the above captioned and described applications for construction permits which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The State Gazette Publishing Co., publisher of the Dyersburg daily newspaper, the State Gazette, the only newspaper of general circulation in the community, is owned in equal shares by Asa LeRoy Ward and Russell Bruce who together organized applicant State Gazette Broadcasting Co., licensee of Station WDSG. Robert W. Ward and his wife Jo Ann Ward, son and daughter-in-law of Asa LeRoy Ward, respectively, together now hold all the stock of State Gazette Broadcasting Co. According to State Gazette, "solicitations and services have been made by individuals for both the newspaper and radio" * * * and there is "a mutual feeling of cooperation between the staff members that comes as a result of working in the same building—longtime friendship and normal concern over each other's welfare". Moreover, the Commission has received complaints alleging anitcompetitive practices by the station and newspaper. These practices allegedly include tie-in advertising contracts, free advertising in the newspaper (by way of favorable mention and publicity) to advertisers on station WDSG, suppression or distortion of news concerning the competing station, slanting of news items involving station WDSG, and refusal to print the competitive station's program announcements or to accept them even as paid advertisements.

3. Consequently, evidence regarding the nature of the relationship between the State Gazette and Station WDSG will be considered under the standard comparative issue. Because of the importance of this matter, if McQueen and Co. fails to prosecute its proposal, the Examiner shall enlarge the issues, upon request of the Broadcast Bureau (the only other remaining party), to inquire into possible anticompetitive aspects of the above relationship.

4. State Gazette relies on existing capital and profits from existing operations to supplement a $12,000 bank loan to finance the cost of construction and operation of the proposed station for 1 year which totals $21,180; yet its balance sheet shows a net loss from its existing operation and does not agree with its statement regarding existing capital. Nor has State Gazette made any showing regarding the availability of advertising or other revenue.

5. Similarly taken in the most favorable light, McQueen and Co. shows only $15,376, with which to meet its anticipated cost of construction and operation during the first year of $17,568, and has failed to make any showing regarding availability of advertising or other revenue.

6. The areas for which the applicants propose to provide FM broadcast service are significantly different in size and population and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered under the standard comparative issue in the hearing order below for the purpose of determining whether a comparative preference should accrue to either applicant.

7. The application filed by McQueen and Co., Inc., although substantially complete, nevertheless fails to show the 3.16 mv/m contour as required by § 73.311 of the Commission's rules. In addition the percentages of the time to be devoted to the various classes of programs shown in Paragraph 4(b) of Section IV of the application do not appear to be accurate. Therefore, McQueen and Co., Inc. will be afforded 30 days from the release of this order within which to file corrective amendments.

8. Except as indicated by the issues specified below, each of the applicants is qualified to construct and operate as proposed.

9. Consequently, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether State Gazette Broadcasting Co. has sufficient funds in addition to a $12,000 bank loan, to finance construction and operation of the station for 1 year and thus demonstrate its financial qualifications.

2. To determine whether McQueen and Co., Inc., has available to its funds in addition to the $15,376 shown in its application to finance construction and operation of the station for 1 year and thus demonstrate its financial qualifications.

3. To determine, which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications for construction permit should be granted.

It is further ordered, That McQueen and Co., Inc. shall be afforded 30 days from the release of the order within which to amend its application to correct the percentage figures shown in Section IV, Paragraph 4(b) and to supply a map showing the proposed 3.16 mv/m contour, and that if McQueen and Co., Inc. fails to submit the amendments within the time specified its application will be dismissed with prejudice.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules in person or by attorney, shall, within 20 days of

[1] Commissioner Bartley absent.

the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That if McQueen and Co. fails to prosecute its proposal, the Examiner shall enlarge the issues in this proceeding, upon request of the Broadcast Bureau, by the addition of the following issue: To determine in light of the past and continuing relationship between the newspaper and Station WDSG whether a grant of the State Gazette application would serve the public interest.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2937; Filed, Mar. 18, 1966; 8:48 a.m.]

[Docket Nos. 16531, 16532; FCC 66M-385]

STATE GAZETTE BROADCASTING CO. AND MCQUEEN & CO., INC.

Order Scheduling Hearing

In re applications of State Gazette Broadcasting Co., Dyersburg, Tenn., Docket No. 16531, File No. BPH-4430; McQueen & Co., Inc., Dyersburg, Tenn., Docket No. 16532, File No. BPH-4480; for construction permits.

It is ordered, This 11th day of March 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 11, 1966, at 10 a.m.; and that a prehearing conference shall be held on April 14, 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: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 66-2938; Filed, Mar. 18, 1966; 8:49 a.m.]

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[1] Commissioner Bartley absent.

[Docket Nos. 16421, 16422; FCC 66M-370]

TWIN-STATE RADIO, INC. AND RICHLAND BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Twin-State Radio, Inc., Natchez, Miss., Docket No. 16421, File No. BP-16455; A. S. Johnson trading as Richland Broadcasting Co., Delhi, La., Docket No. 16422, File No. BP-16720; for construction permits.

The Hearing Examiner having under consideration the "Motion for Continuance" filed on March 11, 1966, by Twin-State Radio, Inc., in the above-entitled matter requesting that the procedural dates and the hearing date be continued for a period of 10 days;

It appearing, that counsel for the other applicant joins in this motion, and that the Broadcast Bureau advises that it has no objection to a grant of the request; and

It further appearing, that the applicants have reached an agreement looking toward the dismissal of Twin-State's application and propose to file the joint petition required by § 1.525 of the Commission's rules within a week or 10 days; and

It further appearing, that good cause has been shown for a grant of the requested continuance;

It is ordered, This 14th day of March 1966, that the aforesaid "Motion for Continuance", be, and the same is, hereby granted, and that the procedural dates be changed as follows:

Exchange of all exhibits presently scheduled for March 15, 1966, is continued to March 25, 1966;

Exchange of rebuttal exhibits and notification of witnesses presently scheduled for March 29, 1966, is continued to April 8, 1966; and

Hearing presently scheduled for April 6, 1966, is continued to April 15, 1966.

Released: March 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 66-2939; Filed, Mar. 18, 1966; 8:49 a.m.]

[Docket No. 16533; FCC 66-254]

WASHINGTON BROADCASTING CO. AND WOL, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Washington Broadcasting Co. (Assignor) and WOL, Inc. (Assignee), Docket No. 16533, File Nos. BAL-5418, BALH-780, BALRE-1237; for Assignment of Licenses of Stations WOL AM and FM Washington, D.C.

The Commission has before it (a) the above application; (b) our Memorandum Opinion and Order granting this application, Washington Broadcasting Co., 1 FCC 2d 25, released July 12, 1965; (c) Petition for Reconsideration, Request for Late Acceptance, and Motion for Expedited Consideration filed November 26, 1965, by Atlantic Broadcasting Co. (WUST) and responsive pleadings thereto.

1. On July 12, 1965, we released a Memorandum Opinion and Order, supra, that granted this application and denied WUST's Petition to Deny. WUST's Petition had alleged that the assignee was proposing a major change in programing, i.e., to a "negro oriented" format without a sufficient showing that it had ascertained the needs and interests of the community. Based on the information[1] then before us, we found that the proposed change in programing did reflect a sufficient ascertainment of the needs and interests of the community to be served, and granted the application. On August 10, 1965, WUST filed a Notice of Appeal from the Commission's Memorandum Opinion and Order to the U.S. Court of Appeals for the District of Columbia Circuit. On November 26, 1965, during the pendency of its appeal, WUST filed a Petition for Reconsideration with the Commission. Because of the nature of the questions raised, the Commission petitioned the Court for remand, which was granted on January 26, 1966.

2. The Petition alleges that the "* * * statement on which the Commission relied for its holding is now shown to appear to be riddled with falsehoods, exaggerations and distortions to such an extent that its veracity is now in question." WUST states that it conducted its own investigation and attached a number of affidavits from individuals purportedly interviewed by the assignee. Among the affidavits was one from Reverend S. Everette Guiles, which states, in part:

> I have never met or heard of Mr. Sanders [of WOL, Inc., who allegedly interviewed Reverend Guiles] and no one met or talked with me on May 16 or on any other date about religious programs to be broadcast on Station WOL.

Reverend Guiles filed an additional affidavit on December 3, 1965, with WUST's Supplement to Petition for Reconsideration which stated, in part, that the same Mr. Sanders called him on December 1, 1965, and admitted that the statement he made concerning Reverend Guiles contained in Exhibit XXI of the assignment application was false. According to this Reverend Guiles affidavit, Mr. Sanders said:

> Listen, Reverend, can't you be dishonest for a while to get me off the hook.

On the basis of this and the other affidavits, WUST alleges that the assignee's report of 22 civic leaders (Exhibit XXI to the assignment application) contains misrepresentations which reflect ad-

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[1] Assignee's Exhibit XXI, a Report on Interviews With Civil Leaders, etc.

versely on the applicant and which cast doubt on the validity of the survey.

3. WOL in its "Motion to Dismiss * * *" of December 9, 1965, comments on Reverend Guiles affidavits, and states:

> The statement in Exhibit No. XXI which referred to Reverend Guiles was prepared on the basis of information furnished by Mr. Sanders, who has been employed for several years at Radio Station WWRL. Mr. Sanders has been a trusted employee of WWRL and at the time Exhibit XXI was prepared, WOL, Inc. had no known basis for questioning Mr. Sanders' account of his meeting with Reverend Guiles. After Sanders, in statement (sic) to Mr. Egmont Sonderling, president of Sonderling Broadcasting Corp. and WOL, Inc., to counsel for WOL, Inc., and to Mr. Frank Ward, general manager of Radio Station WWRL, New York City, repeatedly insisted that he was telling the truth, he (Sanders) offered to submit to a polygraph examination. After such examination was completed and analyzed, on December 6, 1965, the examiner informed Mr. Sonderling that although by every other standard Sanders appeared to be truthful, the polygraph indicated that Mr. Sanders became unduly agitated when the relevant questions were put to him. Subsequently, the examiner reported that in absence of a reasonable explanation by Mr. Sanders, the examiner was of the opinion that in answering the relevant questions Sanders was attempting deception. Accordingly, at this time it cannot be stated that WOL, Inc., management knows the truth of Sanders original statement or his affidavit attached hereto.

In his affidavit Mr. Sanders reiterates that he spoke to Reverend Guiles before Exhibit XXI was prepared. There is no categorical denial however of the quoted language contained in the later Reverend Guiles affidavit.

4. WUST further alleges that WOL has not effectuated its program proposals in toto. ("* * * but the interviews which the assignee says it had with representatives of Howard University, the Federation of Civic Associations, the Methodist Ministerial Conference, the Better Business Bureau and the Capital Press Club—and pursuant to which interviews the assignee claimed to have ascertained real and pressing needs—have produced nothing in the way of programing on Station WOL.")

5. WOL, Inc., in its pleading "Motion to Dismiss * * *" supra stated:

> Here, although there are admittedly minor differences in some of the accounts of the interviews, the variations do not alter the basic consideration that the interviews did occur, program needs were discussed and as a result of these interviews many programs have been broadcast. The only possible exception to the foregoing statement is in the case of the conflict between Reverend Guiles and Mr. Sanders. However, when viewed in the overall context of this proceeding, that conflict relating as it does to only one of many interviews, is not of material significance.

6. The assignee denies that it has failed to effectuate its program proposals:

> The aforementioned clearly demonstrates the following (1) that in the relatively short time it has operated Station WOL, WOL, Inc., has broadcast a regular schedule of public affairs programs encompassing a wide diversity of local educational, civic, youth and civil rights organizations; (2) that in this short time period, WOL, Inc., has implemented a substantial number of programs proposed and that further implementation is still in process * * *.

7. Section 405 of the Communications Act provides that a Petition for Rehearing "must be filed within 30 days from the date upon which public notice is given of the order, decision, report, or action complained of." Public Notice of the Commission's action granting the above-entitled application was released July 12, 1965. Thus the WUST Petition was filed about 3 months late. Therefore, we cannot consider the said pleading under the provisions of section 405 of the Act, which requires that such Petition be filed within 30 days from the date of Public Notice of the action protested. Neighborly Broadcasting Co., Inc., 3 RR 2d 744; WPFH Broadcasting Co., 15 RR 542. We will therefore dismiss the WUST Petition for Reconsideration.

8. However, the Petition raises substantial and material issues of fact as to the authenticity of WOL, Inc.'s representations on its survey of community needs and interests. We will, therefore, on our own motion, designate the assignment application for an expedited hearing. The parties have already consummated the grant, and, although there is a sufficient basis for a hearing, there is not a sufficient basis to cause us to exercise our discretion and set aside the grant at this time. The hearing that we will order will determine if the grant should be set aside and the application denied.

9. On the basis of the allegations made by WUST and the response of WOL, Inc., we will not include issues as to the effectuation of WOL program proposals. We note that WUST has conceded that WOL has effectuated its program proposals in part. In any event, the Commission has always allowed its licensees a reasonable opportunity to effectuate programing proposals. Since the assignee has operated the station a short time only, we will not make this area a matter of concern at the hearing. Except as indicated by the issues set forth below, the assignee is legally, technically, and financially qualified to be a licensee of the Commission.

10. *Accordingly, it is ordered,* That WOL, Inc.'s assignment application is designated for hearing at Washington, D.C., at a time to be specified in a subsequent order upon the following issues:

1. To determine the facts as to the preparation of the program survey made by WOL, Inc.

2. To determine if on an overall basis there was an adequate survey to support the major change in programing that WOL proposed.

3. To determine in connection with the programing survey whether the principals, agents, employees, or representatives of the assignee misrepresented facts to the Commission or have in any manner attempted to deceive or mislead the Commission.

4. To determine, in the light of the evidence adduced whether the public interest, convenience, and necessity would be served by affirming that grant of the application or whether the grant should be set aside and the application denied.

11. *It is further ordered,* That the Petition for Reconsideration filed by WUST is hereby dismissed as not timely filed;

12. *It is further ordered,* That Atlantic Broadcasting Co. (WUST), as a party in interest, may participate as a party at the hearing providing it files a timely notice of its intention to appear at such hearing (§ 1.221(e) of the rules);

13. *It is further ordered,* That the burden of proof and burden of proceeding on the issues is placed on WOL, Inc.;

14. *It is further ordered,* That the Hearing Examiner shall expedite the hearing and shall make full use of his authority to utilize, among other procedures, prehearing conferences, the filing of stipulations of facts and issues, incorporation by reference, and such other devices as may be necessary and proper to expedite the hearing;

15. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order;

16. *It is further ordered,* That the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 15, 1966.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 66-2940; Filed, Mar. 18, 1966; 8:49 a.m.]

[FCC 66-234]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of the Western Union Telegraph Co., RM-642; request for increases in its share of divisions of outbound and inbound charges for message telegraph traffic between the continental United States and overseas points for which it performs landline handling in the continental United States.

1. On August 3, 1964, the Western Union Telegraph Co. (Western Union) filed a complaint and petition requesting

[2] Commissioner Hyde dissenting to procedure and favoring an investigatory hearing; Cox dissenting and issuing a statement filed as part of original; Loevinger absent.

that we prescribe, pursuant to sections 201 and 222 of the Communications Act, upward revisions in the sums it is entitled to receive, out of charges collected from the public, for the pickup and delivery in the continental United States of outbound and inbound message telegraph traffic with overseas points. The present landline handling divisions, prescribed by us in 1958,[1] are 5.5 cents per word for telegrams in the several full-rate and urgent press classes; 2.75 cents per word in the several letter-telegram, meteorological, and discounted full-rate Government classes; 1.7 cents per word for messages in the ordinary and deferred press classes; and 25 cents per message for Expeditionary Force messages.[2]

2. Western Union now requests a 2-cent-per-word increase for messages in the full-rate and other classes for which it now receives 5.5 cents; a 1-cent-per-word increase in the letter-telegram and other classes for which it now receives 2.75 cents; an increase of 0.8 cent per word in the ordinary and deferred press classes; and an increase of 10 cents per message for Expeditionary Force messages.

3. In support of its request, Western Union, alleging that present divisions have become unjust, unreasonable, inequitable, and not in the public interest, points out that since August 1, 1958, when the present divisions went into effect, domestic telegraph message rates have been increased on five occasions. It states that additional revenue requirements applicable to landline haul of overseas messages were allocated to such service in the 1958, 1960, 1962, and 1963 domestic rate increases (as well as the 1964 domestic rate increases which were pending at the time of the instant filing) but were not recovered through higher divisions. It alleges that increases in wages and other costs which warranted the increases in domestic rates are equally applicable to the landline haul of overseas messages. In recognition of the lower terminal handling costs for landline haul messages it is not proposing that equal rates apply to the two services but rather that "the same relative relationship that existed between the 1956 domestic rate and the 1958 landline haul rate be reestablished." This, according to Western Union, will require the increases shown above, which it estimates would produce, on the basis of revenues for landline handling for the 12 months ended June 1964 as adjusted for percentage rate increases granted for domestic messages since 1958, an annual revenue increase on landline handlings of about $3,882,000, or 36.4 percent, closely paralleling the 34.96 percent cumulative percentage increase from the above-mentioned five increases in domestic telegraph rates. Western Union further states that at such time as the divisions of charges with respect to outbound and inbound overseas traffic are revised, it will standardize the divisions of charges on traffic it handles in transit through the continental United States between two overseas points by applying thereto the same charges as are prescribed for inbound and outbound traffic.[3] Of the estimated $3,882,000 additional annual revenue, Western Union calculates that traffic handlings with Western Union International, Inc. (WUI), would account for 45.8 percent, those with RCA Communications, Inc. (RCA), would account for 27.3 percent, those with ITT World Communications, Inc. (ITT), would account for 24.1 percent, and the remaining 2.8 percent would result from handlings with the other international record carriers. Further supporting data were attached to the complaint and petition.

4. Public notice of the filing of the Western Union request, which had been served on the interested carriers, was given on August 14, 1964. A formal response was filed by WUI, and informal responses were received from RCA; ITT; Tropical Radio Telegraph Co. (TRT); Press Wireless, Inc. (PW), now owned by ITT; The French Cable Co. (French), which said it had no comment; and United States-Liberia Radio Corp. (US-L). No other comments were received. ITT indicated a belief that Western Union was justified in its request and asked that such request be associated with a then pending ITT petition[4] for message telegraph rate increases. US-L said that if other carriers sought compensatory rate increases, it would probably do so. RCA, WUI, PW, and TRT generally took the position that they could not say if the Western Union request was justified but nonetheless opposed any increase in landline divisions unless such increases were to be passed on to users of overseas message service rather than absorbed by the international record carriers. Such absorption, it was asserted, would jeopardize the financial position of the international record carriers and thus not be in the public interest. Subsequently each of the carriers submitted, at our request, traffic data for the first half of 1964, showing the volume of words by message class exchanged with Western Union and the volume of words by message class it originated and terminated itself; earnings data covering the first 5 months of 1965, with a forecast for the remainder of the year; and investment and rate-base data as of May 31, 1965, with a forecast for the end of the year.

Waiver of hearing. 5. Our authority to order changes in the sums received by Western Union for the landline handling of overseas message telegraph traffic is governed by sections 201 and 222 (with respect to outbound traffic) of the Communications Act, and under both sections the exercise of such authority is predicated on a hearing. Present charges for overseas message telegraph service are generally at the maxima prescribed by us in 1958,[5] which must be revised if we find that any increase in Western Union divisions should not be absorbed by any of the overseas carriers. Our power to prescribe maximum rates stems from section 205 of the Communications Act and, as with our authority to prescribe the aforesaid divisions, is predicated on a hearing.

6. Western Union, however, informally advised us that it would waive any right to a hearing that it might otherwise have, to the extent that we were able to find without hearing that the increases it seeks are justified. Similarly, the overseas carriers informally advised us that they also would waive any rights to a hearing that they might otherwise have, to the extent that we were able to find that there was justification for modification of our maximum rate order so as to permit the filing of tariffs which would reflect any such increases in charges to the public.

7. In view of these representations, the absence of the filing of any comments in the matter other than those indicated above, and the willingness of the carriers to furnish us with relevant information, we undertook an informal review of the matter to determine the merits of the Western Union request for increases in its share of the divisions of charges on overseas message traffic and the merits of the international carriers' position that they should not be forced to absorb any increases to Western Union that we found to be justifiable. As is more fully explained below, we believe, after examining the matter under the principles set out in our 1958 formal decision, that some portion of the increases sought by Western Union should be allowed, and that the international carriers should not be forced to absorb such amounts. The interested carriers have informally agreed to accept our recommendations as a disposition of the matter. We therefore are issuing a proposed order, and will afford time for interested persons to file comments thereto before taking further action.

Landline divisions. 8. In justification of its request for increases in the landline haul divisions, Western Union submitted data showing that with such increases the return on investment before Federal income taxes from its total operations would be less than 6 percent and that the requested increases (36.4 percent) are approximately the same as the total of the increases in the rates for domestic messages (34 96 percent) which have become effective since the last increases in the landline haul divisions. While the earnings data submitted were based on Western Union's projection for the year 1964, a review of subsequent operating data for the year 1965 indicates that the rate of return for the

[1] International Telegraph Message Service Case, 25 FCC 532, 535 (Docket No. 11953, 1958).

[2] The prescribed divisions did not apply to traffic to and from certain British points exchanged with Canadian carriers. Divisions then in effect remained applicable to such traffic.

[3] Our 1958 order did not affect divisions received by Western Union for these handlings. Those shown in International Telegraph Message Service Case, supra note 1, at 546, are presently in effect.

[4] Later withdrawn by ITT.

[5] International Telegraph Message Service Case, supra note 1.

company's total operations would have been less than 6½ percent if the requested increases had been in effect during that year. If 1965 results were further modified to reflect end-of-year rate and wage levels, such return would have been less than 6 percent. Thus, the proposed increases do not present any question as to possible excess earnings on total company operations.

9. However, in response to our inquiry as to the level of earnings on the landline haul segment of its total operations, Western Union presented cost allocation data which indicated that the company is currently operating at a loss on this segment of the business. At the same time, it was also indicated that the rate of return that would accrue from the increases proposed by Western Union would be substantially above that indicated for total operations. In order to remove any possible question that its earnings from its landline haul operations would be excessive, Western Union has agreed to accept one-half of the proposed increases, if such increases would be put into effect without the necessity for a formal hearing. Accordingly, no question is presented as to possible excess earnings from either Western Union's total operations or from its landline haul operations.

10. In view of these considerations, we propose to revise our present order prescribing landline divisions so as to permit Western Union to receive sums for such handling which are increased by one-half of the requested increases.[6] We think that such action will tend to put such divisions in more conformity with statutory standards set out in sections 201 and 222 than are the present divisions, which do not presently appear to meet these criteria.

Overseas telegraph carriers. 11. As we have noted (par. 4), the overseas telegraph carriers indicated that they would not oppose increases in the landline divisions if such increases were reflected in the total outbound per word charge.[7] They alleged, however, that if such revised divisions were not reflected in increased charges, they would suffer unjustifiable losses. We, therefore, examined the revenue requirements of the carriers to determine whether and to what extent such carriers are in a position to absorb the increased division payments to which we believe Western Union to be entitled. This review was made on the basis of the most recent data available to us (9-month period ending September 1965), and in accordance with the standards and criteria we adopted in our last formal rate hearing on overseas message telegraph rates.[8]

12. The additional sums that we propose to allow Western Union for landline handling would, on the basis of estimated 1965 word volume,[9] cost the overseas telegraph carriers as a whole about $1,965,000 annually, with the share of each individual carrier varying with the relative volume of overseas message traffic it exchanges with Western Union. The cost in 1965 to each carrier, related to its annual net operating revenues, would have been as follows:

Carrier	Annual net operating revenues [a]	Additional annual payouts to Western Union	Percent additional payouts to annual revenues
			Percent
ITT	[b] $4,259,000	$411,600	9.66
RCA	[c] 11,089,000	620,700	5.60
WUI	2,194,000	863,400	39.35
French	N.A.	10,100	
Press Wireless	95,000	2,000	2.11
Tropical	1,081,000	57,100	5.28
U.S.-Liberia	N.A.	500	
Total	18,718,000	1,965,400	10.44

N.A.—Not available.

[a] Annualized net operating revenues from all services for the first 9 months of 1965 as reported by the carriers in monthly reports filed with the Commission for September 1965, adjusted for estimated gain or loss on foreign exchange and for estimated taxes on income, other than Federal income taxes, which are reported below the line.

[b] Adjusted to reflect estimated annual effect of (1) the assumption, as of July 1, 1965, ofoperations formerly carried on by a sister-companylin Puerto Rico and U.S. Virgin Islands, and (2) the transfer on Aug. 1, 1965, of ITT's Philippines operations to a subsidiary.

[c] Includes a disallowance of 16 percent of actual royalty payments to its corporate parent, Radio Corp. of America.

13. In the formal proceeding referred to above we followed a bellwether carrier approach under which we determined that RCA was the bellwether for the industry and that its rate of return should not exceed 8.5 percent. On the basis of the outbound traffic volume at that time and the level of earnings of RCA, we prescribed maximum rates for its outbound message telegraph service designed to allow it to earn a return on all operations of not more than that rate. Our order therein separated overseas points into five rate zones and prescribed maximum rates for the various classes of message traffic to each zone, e.g., the maximum rates for full-rate traffic to the five zones were 21 cents, 25 cents, 27 cents, 31 cents, and 34 cents, respectively.

14. Our examination of the financial results of the operations for the first 9 months of 1965 indicated that RCA remains the bellwether carrier and that its rate of return for 1965, on the basis of an annualization of the first 9 months, would be 8.46 percent. For that period, RCA reported operating results for all services as follows:

	9 months data	Annualized
Operating revenues	$37,358,000	$49,798,000
Operating revenue deductions [a]	29,039,000	38,709,000
Net operating revenues	8,319,000	11,089,000
Computed Federal income taxes [b]	3,536,000	4,713,000
Net operating income	4,783,000	6,376,000
Estimated average rate base [c]		75,355,000
Annual rate of return (percent)		8.46

[a] Includes estimates for taxes on income other than Federal income taxes and loss on foreign exchange which are reported below the line and disallowance of 16 percent of actual royalty payments to its corporate parent.

[b] Allowance for Federal income taxes was computed at current rates after adjustment for interest charges on long-term debt advanced by its parent and credit for foreign income taxes. No adjustments were made for credits arising from the use of accelerated depreciation for income tax purposes, nor the filing of a consolidated return with its corporate parent.

[c] Represents the average of actual rate base as of Jan. 1, 1965, and estimated rate base of Dec. 31, 1965.

Adjustment of these figures to reflect an additional $620,700 annual payment to Western Union reduces RCA's current annual net operating income to $6,053,000 and its return to 8.03 percent. In our opinion, RCA should be permitted to recoup substantially all of its additional payouts to Western Union since even after such recoupment its earnings would then still be within the range determined by us to be reasonable in our 1958 proceeding. We will, therefore, amend our 1958 maximum rate order to allow RCA to file rates to recoup most of the additional payouts to Western Union.

15. This action, we should point out, would be an interim measure, since we have initiated a comprehensive review of rates for all services offered by the international record carriers. These carriers are presently, in response to our request, developing uniform principles for allocating plant, expenses, and revenues among the several services. We expect, and the carriers have been so informed, that such principles, after our approval, will be the basis for cost studies to aid us in developing a logical foundation for the evaluation of rates for major services. Thus, our present proposed action will be reviewed in our comprehensive investigation.

Proposed interim rates for outbound telegraph message service. 16. In considering the manner in which rates should be adjusted we were faced with the problem of whether, in view of the dissimilar volumes of traffic handled by the several carriers to the various rate zones, any such adjustments should be proposed for the bellwether carrier without reviewing their effect on the other record carriers. If no carrier performed terminal handling, and the relation of inbound handlings to outbound handlings were the same for all carriers, a uniform increase in rates could compensate all carriers to the same extent. However, since each carrier performs varying degrees of terminal handling itself, and the relation of inbound and outbound traffic varies between carriers, a rate

[6] We propose no change in the divisions for Expeditionary Force messages or Victory Letter telegrams.

[7] Since foreign administrations cannot be expected to raise their charges on messages destined to the United States and give the increase to Western Union, any recoupment by the international carriers must come from increases in charges made in the United States for outbound messages.

[8] International Telegraph Message Service Case, supra note 1.

[9] The 1965 estimated word volumes exchanged with Western Union by the several overseas carriers are based on actual transfers with Western Union for the first half of 1964, as reported by the carriers, adjusted by the relationship between the total word volume handled by the carriers during the first half of 1965 to the word volume report for the first half of 1964.

adjustment designed to allow RCA to recoup a given amount of payouts could result in other carriers recouping relatively more or less, depending on their particular circumstances.

17. While a strict observance of the bellwether approach should perhaps not consider the effect of rate adjustments on carriers other than the bellwether, it appeared to us that the interim relief proposed to be granted herein to RCA should be granted, so far as possible, in such manner as not to unduly affect the other carriers either by giving them a windfall or causing them undue loss. This would maintain the situation reasonably close to that presently existing, pending our reexamination of the entire field. With this in view, we sought to adjust outbound rates on a selective basis having a minimum of distortion in the relationships of present rate steps.

18. The overseas carriers agreed to revisions in our maximum rate order which on 1965 data would return to the overseas carriers as a group about $1,779,000 in additional annual revenues to offset the $1,965,000 in additional annual payouts they would make to Western Union.[10] Adjustments in the several full-rate (ordinary, Government, and United Nations) and urgent press classes would be as follows:

Present rates	Increase [a]	Proposed rates
	Cents	*Cents*
21-cent zone	2	23
25-cent zone	1½	26½
27-cent zone	1	28
31-cent zone		31
34-cent zone		34

[a] The proposed increases do not apply to any U.S. overseas points or to Liberia.

Rates for letter telegrams would continue to be 50 percent of those shown above for full-rate messages, while rates for ordinary press message service could be increased one-half cent for traffic to points in the first three rate zones listed above under our presently effective maximum rate order.[11]

19. The proposed increases do not apply to traffic to overseas U.S. points, since we think rates to such points from the continental United States should remain presently at the same level as rates from such points to the continental United States. Although we could have maintained this equality by raising rates in both directions, this appeared undesirable since it would have provided considerable revenues to those carriers operating at such overseas points as well as the mainland and thus limited our ability to maintain all carriers in relative status quo. We are not proposing any increase in rates from overseas U.S. points to destinations other than the mainland since additional payouts sought to be recovered apply to costs peculiar to mainland handlings. No changes are proposed for Liberia, since a substantial part of the outbound traffic with this point is handled by one carrier which is relatively unaffected by the proposed increased divisions to Western Union, nor are changes proposed for points now taking a 31-cent rate, all of which are in Central and South America, or for points now taking a 34-cent rate, all of which are in Africa, Asia, or Oceania, because the dominance of a particular carrier in handling traffic with these areas similarly would limit our ability to maintain the relative preexisting financial status quo.

20. The estimated additional annual revenues accruing to RCA from the outbound rate adjustments we propose herein should on 1965 figures offset $555,000 of the additional $621,000 payable to Western Union for landline handling and have the following effect on its earnings:

	Operations for first 9 months of 1965 annualized	Annual effect of changes proposed herein	Pro-forma operations after proposed changes
Operating revenues	$49,798,000	[a] ($621,000) [b] 555,000	$49,732,000
Operating revenue deductions	38,709,000		38,709,000
Net operating revenues	11,089,000	(66,000)	11,023,000
Computed Federal income taxes	4,713,000	(32,000)	4,681,000
Net operating income	6,376,000	(34,000)	6,342,000
Average rate base	75,355,000		75,355,000
Annual rate of return (percent)	8.46		8.42

[a] Additional annual payouts to Western Union proposed herein.
[b] Additional annual revenues from outbound rate adjustments proposed herein.

21. The net effect on the net operating revenues of each of the overseas carriers from our proposed action herein is as follows:

Carrier	Net operating revenues for first 9 months of 1965 annualized	Estimated additional annual payouts to Western Union from proposed increase	Estimated additional annual revenues from proposed adjustments in outbound rates	Annual net operating revenues after proposed adjustments
ITT	$4,259,000	$411,600	$422,000	$4,269,000
RCA	11,089,000	620,700	555,000	11,023,000
WUI	2,194,000	863,400	730,000	2,061,000
French	N.A.	10,100	35,000	
Press Wireless	95,000	2,000	11,000	104,000
Tropical	1,081,000	57,100	25,000	1,049,000
United States-Liberia	N.A.	500		
Total	18,718,000	1,965,400	1,779,000	18,506,000

N.A.—Not available.

22. As indicated above, we believe that our proposed interim amendments to our maximum rate order will result in new maximum rates which are just and reasonable, when taking into consideration on present rates the effect of the increases in landline divisions we propose to allow Western Union.

Summary and procedure. 23. We have determined that the present landline divisions received by Western Union should be increased to bring them more into conformity with the criteria set out in sections 201 and 222 of the Act as to fairness, and that it would be just and reasonable, in view of this, for us to amend our presently effective maximum rate order to permit the overseas carriers to file tariff revisions reflecting such increased payouts in Western Union.

24. We therefore propose to amend our existing orders with respect to divisions accruing to Western Union and with respect to maximum charges that can be made to the public for overseas telegraph message service in the manner set forth in Attachment I. We believe; however, that interested entities, as well as members of the using public, should be afforded an opportunity to comment on our proposed action before it becomes final. Accordingly, we shall have our proposed action herein published (as in the case of proposed rule-making generally), in the FEDERAL REGISTER, and shall provide for comments thereon to be filed within a reasonable period thereafter. We shall then take such further action as appears appropriate under the circumstances.

Accordingly, it is ordered, This 9th day of March 1966, that this memorandum opinion and order, including Attachment I, be published in the FEDERAL REGISTER, and that interested persons may submit comments thereon by April 4, 1966, and that the Commission shall then take such action as it deems warranted.

Released: March 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[10] The proposed adjustments in outbound rates will give certain carriers a few thousands of dollars in net revenues (after taxes) in excess of their additional payouts, while leaving others short, in comparatively higher amounts, of their needs. This result was unavoidable, because of the aforementioned dissimilarity of the volumes of traffic handled by the several overseas carriers to each of the rate zones, unless we were to restructure the entire present rate scheme, which we feel should not be done in the context of this proceeding. Other methods for adjusting outbound rates were studied but each resulted in a greater imbalance than the one proposed herein and were accordingly discarded as less desirable.

[11] We are not proposing any increases in the rates for Victory Letter telegrams or Expeditionary Force messages.

[12] Commissioner Bartley absent.

PROPOSED ORDER

It is ordered, This ------ day of ------ 1966, that the Complaint and Petition of the Western Union Telegraph Co. herein is granted to the extent set forth below, and in all other respects is denied;

It is further ordered, That, ------ days after the decision herein becomes effective, the "Formula, Pursuant to section 222(e)(1) of the Communications Act, for the Distribution of Outbound International Traffic Handled by the Western Union Telegraph Co. Following Merger With Postal Telegraph, Inc., prescribed by the Commission, is amended in the following respects:

(a) Change "." at the end of Section X to "," and add "as set forth in Schedule C hereto."; and

(b) Substitute the following table for the present table in "Schedule C—Division of Outbound Charges":

Service classification	Minimum number chargeable words per message [2]	Divisions per word
		Cents
Full rate	7	6.5
Letter telegram	22	3.25
U.S. Government full rate (no discount)	7	6.5
U.S. Government full rate (at discount) [1]	7	3.25
U.S. Government letter telegram	22	3.25
Other government full rate (no discount)	7	6.5
Other government full rate (at discount) [1]	7	3.25
Other government letter telegram	22	3.25
United Nations full rate (no discount)	7	6.5
United Nations full rate (at discount) [1]	7	3.25
United Nations letter telegram	22	3.25
Meteorological	7	3.25
Urgent press	14	6.5
Ordinary press	14	2.1
Deferred press	14	2.1
Victory letter telegram	10	2.75
Expeditionary force messages		[3] 25.00

[1] The "At discount" division shall apply if a discount of 50 percent applies to the through rates. As soon as the discount is eliminated, with respect to any point, the charges applicable to "No discount" traffic shall automatically apply.

[2] Changes have been made to conform with the presently effective International Telegraph Regulations (Geneva Revision, 1958) amended to the International Telecommunications Convention (Buenos Aires, 1952), TIAS 4390.

[3] Per message.

It is further ordered, That ------ days after release of this order, the Western Union Telegraph Co. shall not demand, receive, collect, or retain amounts other than those specified herein for the landline handling within the continental United States of outbound international telegraph message traffic;

It is further ordered, That the carriers which handle international message telegraph traffic out of duly established gateway cities in the continental United States are hereby authorized to file revised tariff schedules providing for the applicable through rates and charges set forth in Revised Schedule I attached hereto and made a part hereof, and that the fourth ordering clause of our decision in International Telegraph Message Service Case, 25 FCC 532, 535 (Docket No. 11953, 1958), is amended insofar as it is inconsistent therewith;

It is further ordered, That since the increases authorized in Revised Schedule I attached hereto were computed on the basis of revenue requirements after allowing for increased payouts to the Western Union Telegraph Co. for both originating and terminating international message telegraph traffic, the authorization set forth hereinabove to file tariff schedules embodying the rates set forth in such attached Revised Schedule I is subject to the condition that each carrier filing such tariffs shall on the effective date thereof revise its division arrangements with the Western Union Telegraph Co. so that such carrier shall make payouts to that company for inbound traffic turned over to the Western Union Telegraph Co. for delivery, which are identical with the sums set forth in the table which is part of the second ordering clause herein, with respect to outbound international telegraph message traffic; and

It is further ordered, That the new tariff schedules authorized to be filed herein shall be filed to become effective not earlier than ------ days after this order is released, and that the carriers affected are hereby given special tariff permission to make such tariff schedules effective as above specified on not less than 1 day's notice to the Commission and the public.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

REVISED SCHEDULE I

Message telegraph rates for the various full-rate classes and urgent press class presently authorized and maximum rates authorized herein for such classes (presently authorized maximum rates for Expeditionary Force messages and Victory Letter telegrams are not affected by changes in maximum rates authorized herein).

Destination	Full rates per word	
	Presently authorized	Maximum authorized herein [1]
West Indies:		
Puerto Rico and U.S. Virgin Islands	$0.21	$0.21
Other places (including Bermuda, Cuba, and Turks Island)	.21	.23
Central America:		
British Honduras	.27	.28
Other places	.31	.31
South America:		
British Guiana	.27	.28
Other places	.31	.31
Europe and Mediterranean Islands:		
United Kingdom and Ireland	.21	.23
Cyprus, Gibraltar, and Malta	.25	.265
Other places (including Azores, Iceland, Greenland, U.S.S.R., and Turkey in Asia)	.25	.265
Africa:		
Spanish North African possessions	.25	.265
Liberia	.25	.25
British Commonwealth points	.27	.28
Other places	.34	.34
Asia:		
Burma, Jordan, and Nepal	.34	.34
British Commonwealth points	.27	.28
Other places, excluding U.S.S.R. and Turkey	.34	.34
Oceania:		
Midway	.21	.21
Hawaii (Oahu Island)	.21	.21
Hawaii (except Oahu Island)	.25	.25
American Samoa	.27	.27
British Commonwealth points	.27	.28
Other places	.34	.34
Other places:		
British Commonwealth points	.27	.28
Other places	.34	.34

[1] Present rates which are in excess of the maximum rates authorized herein are not affected by this schedule.

NOTE.—Letter telegrams may be charged for at not more than 50 percent of the rates specified hereinabove and Government telegrams to which the discount is still applicable may also be charged for at rates which will maintain the same proportion to the rates herein authorized as they now bear to the presently effective full-rate messages, until the discounts are discontinued pursuant to Charges for Communication Service, 14 FCC 523, 538–541 (1950).

[F.R. Doc. 66-2848; Filed, Mar. 18, 1966; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND HELLENIC LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J., 07020.

Agreement 9531, between Seatrain Lines, Inc., and Hellenic Lines, Ltd., establishes a through billing arrangement for movement of cargo from India and Pakistan to Puerto Rico, with transshipment at port of New York in accordance with terms and conditions set forth in the agreement.

Dated: March 16, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-2948; Filed, Mar. 18, 1966; 8:49 a.m.]

SEAWAY FORWARDING CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Seaway Forwarding Co., Cleveland, Ohio, and Pitt & Scott Corp., New York, N.Y. ---------- FF-2888
Geo. W. Wise, Jr., Savannah, Ga., & Pitt & Scott Corp., New York N.Y ---------- FF-2889
J. K. Ebberwein, Savannah, Ga., and Pitt & Scott Corp., New York, N.Y ---------- FF-2890
John S. Connor, Inc., Baltimore, Md., and Bernard Lang & Co., Inc., New York, N.Y. ---------- FF-2891
Inge & Co., Inc., New York, N.Y., and J. T. Steeb & Co., Inc., Portland, Oreg ---------- FF-2892
Morris & Co., Lake Charles, La., and Barr Shipping Co., Inc., New York, N.Y. ---------- FF-2893
Robbins Forwarding Co., New York, N.Y., and E. J. Edwards International, Chicago, Ill. ---------- FF-2894
General Foreign Freight Forwarders, Norfolk, Va., and Common Market Forwarders, Inc., New York, N.Y. ---------- FF-2895
General Foreign Freight Forwarders, Norfolk, Va., and Seven Seas Mercantile Transport, Inc., New York, N.Y. ---------- FF-2896
Davidson Forwarding Co., Inc., Washington, D.C., and James Loudon & Co., Inc., Los Angeles, Calif. (Branches) ---------- FF-2897
North East West South Shipping Co., New York, N.Y., and W. R. Zanes & Co., Houston, Tex. ---------- FF-2898
Dyson Shipping Co., Inc., New York, N.Y., and Lake Shipping Co., Lake Charles, La. ---------- FF-2899
Gallagher and Ascher Co., Chicago, Ill., and W. Heimann, Inc., New York, N.Y. ---------- FF-2900
United Shipping Corp., New York, N.Y., and J. R. Michels, Inc., Houston, Tex. ---------- FF-2901
Wilk Forwarding Co., Jacksonville, Fla., and Pitt & Scott Corp., New York, N.Y. ---------- FF-2902
American Union Transport Forwarding, Inc., New York, N.Y., and E. M. Malone & Co., Panama City, Fla. ---------- FF-2903
Gallagher & Ascher Co., Chicago, Ill., and Major Forwarding Co., Inc., New York, N.Y. ---------- FF-2904
Gallagher & Ascher Co., Chicago, Ill., and Eljay Export Service Co., New York, N.Y. ---------- FF-2905
Gallagher & Ascher Co., Chicago, Ill., and L. Grodwohl & Son, New York, N.Y. ---------- FF-2906
Gallagher & Ascher Co., Chicago, Ill., and G. A. Lopez Forwarding and Shipping Co., Inc., New York, N.Y ---------- FF-2907
Chas. Kurz Co., Philadelphia, Pa., and York Forwarding Corp., New York, N.Y. ---------- FF-2908
Frank P. Dow Co., Inc., Portland, Oreg., and Pitt & Scott Corp., New York, N.Y. ---------- FF-2909
Eastern Freight Forwarders, Mobile, Ala., and Pitt & Scott Corp., New York, N.Y. ---------- FF-2910
J. T. Steeb & Co., Inc., Portland, Oreg., and Cosmos Shipping Co., Inc., New York, N.Y. ---------- FF-2911
Inge & Co., Inc., New York, N.Y., and H. C. Richards Co., Newport News, Va. ---------- FF-2912
Dichmann Wright & Pugh, Inc., Norfolk, Va., and Gerhard & Hey Co., Inc., New York, N.Y. (Intersped, Inc., N.Y.) ---------- FF-2913
Seaport Shipping Co. (Seattle), Seattle, Wash., and M. Weisel & Co., New York, N.Y. ---------- FF-2914
J. T. Steeb & Co., Inc., Portland, Oreg., and Mohegan International Corp., New York, N.Y. ---------- FF-2915
T. A. Provence & Co., Inc., Mobile, Ala., and American Union Transport Forwarding, Inc., New York N.Y ---------- FF-2916

NOTICE OF AGREEMENT SUBJECT TO CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreement have requested in writing that the agreement be terminated.

Crescent Forwarding Service, New Orleans, La., and United Forwarders Service, Inc., New York, N.Y ---------- FF-789

THOMAS LISI,
Secretary.

MARCH 16, 1966.

[F.R. Doc. 66-2949; Filed, Mar. 18, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30—Denver, Colo., Rocky Mountain Area, Disaster 1, Rev. 2]

MANAGER, DISASTER FIELD OFFICE, DENVER, COLO.

Delegation Relating to Financial Assistance Positions

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, Revision 2, 65 FR-12650, is hereby rescinded in its entirety.

Effective date. February 28, 1966.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 66-2903; Filed, Mar. 18, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 149]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 16, 1966.

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 aplication is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to 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 8973 (Sub-No. 7 TA), filed March 14, 1966. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J., 07047, Mail: Post Office Box 93, Ridgefield, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* from Edgewater, N.J., to points in the Washington, D.C., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J., 07102.

No. MC 30605 (Sub-No. 138 TA), filed March 11, 1966. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Post Office Box 56, Wichita, Kans., 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Greenwood helium plant located approximately 12 miles north and 7 miles west of Elkhart, Kans., as an off-route point, in connection with carriers otherwise authorized regular-route operations, for 180 days.

Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla., 74003. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 61979 (Sub-No. 11 TA), filed March 14, 1966. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, N.J., 07305. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium silicate*, in bulk, in epoxy lined pressure differential tank trailer, from Rahway, N.J., to Waverly, N.Y., for 180 days. Supporting shipper: Philadelphia Quartz Co., Public Ledger Building, Philadelphia, Pa. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 363, 1060 Broad Street, Newark, N.J., 07102.

No. MC 64202 (Sub-No. 3 TA), filed March 14, 1966. Applicant: R. J. M. EXPRESS, INC., 525 River Street, Garfield, N.J., 07026. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolls, games, toys, plastic and electric; toys and toy furniture; games or toys; doll dresses and accessories; toy furniture, displays, store or window; paper tags printed*, from the warehouses or plantsites of DeLuxe Reading Corp. located at Elizabeth and Plainfield, N.J., to points in New York, N.Y., and *rejected, refused and damaged shipments*, on return, for 180 days. Supporting shipper: DeLuxe Reading Corp., Elizabeth, N.J., 07207. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 66562 (Sub-No. 2148 TA), filed March 14, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: Elmer F. Slovacek, Suite 2800, 188 Randolph Tower, Chicago, Ill., 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between St. Paul and Ortonville, Minn., from St. Paul over Interstate Highway 494 to junction Minnesota Highway 7, thence over Minnesota Highway 7 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to junction Minnesota Highway 19, thence over Minnesota Highway 19 to junction Minnesota Highways 19 and 67, thence over Minnesota Highway 67 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 212, thence over U.S. Highway 212 to junction U.S. Highway 75, thence over U.S. Highway 75 to Ortonville, and return over the same route, serving the intermediate and/or off-route points of Waconia, Arlington, Gaylord, Winthrop, Gibbon, Fairfax, Morton, Redwood Falls, Echo, Granite Falls, Clarkfield, Dawson, and Madison, Minn., for 180 days. Conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Supporting shipper: The application is supported by statements from twenty-one (21) shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 92633 (Sub-No. 8 TA), filed March 14, 1966. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho, 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash., 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Bovill, Latah County, Idaho, to Bellingham, Wash., and to points in Springfield, Salem, Gardner, St. Helens, Deer Island, and Wauna, Oreg., for 180 days. Supporting shipper: William F. Winkle, sales manager, J. R. Simplot Co., Bovill, Idaho. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash., 99201.

No. MC 103435 (Sub-No. 181 TA), filed March 14, 1966. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane, Wash., 99202. Applicant's representative: George R. LaBissoniere, 533 Central Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, livestock, commodities in bulk, and household goods as defined by the Commission), serving the site of the Lower Granite Project Dam near Wawawai, Wash., and a radius of 20 miles thereof as off-route points in connection with applicant's regular-route operation, for 180 days. Supporting shipper: Green-Winston, Post Office Box 203, Pullman, Wash., 99163. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash., 99201.

No. MC 110525 (Sub-No. 774 TA), filed March 14, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa., 19335. Applicant's representative: Edwin H. Van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics* (synthetic, other than liquid), in tank or hopper vehicles, from Delaware City, Del., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, for 180 days. Supporting shipper: Stauffer Chemical Co., 380 Madison Avenue, New York, N.Y. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa., 19106.

No. MC 110525 (Sub-No. 775 TA), filed March 14, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa., 19335. Applicant's representative: Edwin H. Van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Storage Facilities of Allied Chemical Corp. at Cincinnati, Ohio, to points in Indiana, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Custom House, Second and Chestnut Streets, Philadelphia, Pa., 19106.

No. MC 116843 (Sub-No. 4 TA), filed March 14, 1966. Applicant: N & N TRANSPORTATION CO., INC., 239 Clinton Road, North Brunswick, N.J., 08900. Applicant's representative: William J. Augello, Jr., 2 West 48th Street, New York, N.Y., 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ballotini and glass*, beaded, crushed, ground, or powdered, from Carlstadt, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, and *materials and supplies used in the manufacture and sale of glass beads*, on return from the destination States listed above to Carlstadt, N.J., for 180 days. Supporting shipper: Potters Bros., Inc., Post Office Box 14, Carlstadt, N.J., 07070. 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 124359 (Sub-No. 3 TA), filed March 14, 1966. Applicant: WILHELEN, INC., 1409 16th Avenue, Greeley, Colo. Applicant's representative: W. R. Stevens (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stair treads, floor and wall tile, linoleum and other floor coverings and related materials and supplies used in the installation thereof*, from Chicago, Ill., Marcus Hook, Pa., Newark, Trenton, and Kearny,

N.J., and Middlefield, Ohio, to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., for 150 days. Supporting shipper: Raymond C. Price, vice president, the Western Corp., 201 South Cherokee Street, Denver, Colo., 80223. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 125664 (Sub-No. 3 TA), filed March 14, 1966. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. Applicant's representative: Thomas F. Kilroy, Colorado Building, 1341 G Street NW., Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment, basketball goals, and backboards, toys, movie screens, velocipedes, snow shoes, rope, lawn furniture, porch swings, table and chairs, boards, chalk, or bulletin, and parts thereof*, in straight or mixed shipments, from West Point, Miss., Jamestown, Linesville, and Greenville, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Shepco, Division of Blazon, Inc., Rempel Manufacturing, Inc., a subsidiary of Blazon, Inc., Blazon, Inc. Reply to: 8505 Delmar Boulevard, St. Louis 24, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 128014 TA, filed March 14, 1966. Applicant: RICKS & SONS DISTRIBUTING CO., INC., Boykins, Va. Applicant's representative: Jno C. Goddin, 10 South 10th Street, Richmond, Va., 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flaked tall oil rosin*, in bags and drums, in insulated vans, from Severn, N.C., to New Market and Trenton, N.J., for 150 days. Supporting shipper: Carolina Oil Products, Post Office Box 33, Severn, N.C. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2923; Filed, Mar. 18, 1966; 8:47 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 4th day of March A.D. 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to providing changes in the tenure requirements of Commissioners for election to the Office of Vice Chairman and reflecting changes in assignment of work resulting from Presidential Reorganization Plan No. 3 of 1965:

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302, and 31 F.R. 242), be and is hereby, further amended in the following particulars:

Under the heading Terms, Duties, and Responsibilities of the Chairman, Vice Chairman, and Senior Commissioner Present, Item 3.1 is amended by striking the remainder of the second sentence after "election" and inserting in lieu thereof "the Chairman must have served 3 full years as a member of the Commission and the Vice Chairman must have served 2 full years as a member of the Commission."

Under the heading Assignment of Duties to Individual Commissioners, paragraph (c) of Item 6.2 is amended by inserting "and" before "(5)", replacing the final semicolon with a period, and deleting "and (6) reports made by the Director of Locomotive Inspection pursuant to section 7 of the Locomotive Inspection Act."

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2924; Filed, Mar. 18, 1966; 8:47 a.m.]

[Notice 1315]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68586. By order of March 15, 1966, the Transfer Board approved the transfer to John H. Cottier & Son, Inc., Garden City Park, N.Y., of the operating rights in certificate No. MC-67167 (Sub-No. 6) issued April 9, 1958, to Edward D. Fee, doing business as E. D. Fee Transfer, and acquired by E. D. Fee Transfer, Inc., pursuant to No. MC-FC-68209, authorizing the transportation, over irregular routes, of: Livestock, and horses, other than ordinary, and in the same vehicle, paraphernalia used in the care and exhibition of same, between named counties in Pennsylvania, on the one hand, and, on the other, points in Ohio, West Virginia, and Kentucky. William D. Traub, 10 East 40th Street, New York, N.Y., 10016, representative for transferee. Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2925; Filed, Mar. 18, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 16, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40360—*Liquid caustic soda to Coosa Pines, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8822), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Plaquemine, La., to Coosa Pines, Ala.

Grounds for relief—Market competition, and rate relationship.

Tariff—Supplement 2 to Southwestern Freight Bureau, agent, tariff ICC 4668.

FSA No. 40361—*Substituted service—CRI&P for Transcon Lines.* Filed by J. D. Hughett, agent (No. 80), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Memphis, Tenn., on the one hand, and Amarillo, Tex., and Oklahoma City, Okla., on the other, on traffic originating at such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

Tariff—Supplement 8 to J. D. Hughett, agent, tariff MF-ICC 403.

FSA No. 40362—*Class and commodity rates from and to West Columbus, Miss.* Filed by O. W. South, Jr., agent (No. A4865), for interested rail carriers. Rates on property moving on class and commodity rates, between West Columbus, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2926; Filed, Mar. 18, 1966; 8:47 a.m.]

[Third Rev. S.O. 562; Pfahler's ICC Order No. 201–A]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD

Order Vacated

Upon further consideration of Pfahler's ICC Order No. 201 (The Chicago, Milwaukee, St. Paul & Pacific Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 201, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 3 p.m., March 14, 1966.

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., March 14, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–2927; Filed, Mar. 18, 1966; 8:47 a.m.]

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