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Census Bureau
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Register Administrative Committee
Federal Trade Commission
Fish and Wildlife Service
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Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
Labor Department
Land Management Bureau
National Bureau of Standards
Securities and Exchange Commission
United States Information Agency
Wage and Hour Division

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AUTHORITY: The provisions of this subpart issued under sec. 602(9), 79 Stat. 1210.

§ 751.101 Definitions.

As used in this subpart and in all agreements, forms, documents, and procedures in connection therewith, the following terms shall have the following meanings:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "community," "county," "county committee," "person," "sharechopper," "tenant," "operator," "producer," "farm," and "cropland," shall have the meaning assigned to them in the regulations governing Reconstitution of Farms, Allotments, and Bases, 7 CFR Part 719, as amended.

(b) "Administrator" means the Administrator or Acting Administrator of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Director" means the Director or Acting Director of the Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "State" means any one of the States of the United States.

(e) "Agreement" means a Cropland Adjustment Agreement, including notice of cost-share approval.

(f) "ACP" means the Agricultural Conservation Program formulated under section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(g) The "State ACP Development Group" consists of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, the Forest Service official having jurisdiction of farm forestry in the State, and, in States in the Appalachian region in which a program is developed under section 203 of Public Law 89-4 with the assistance of the State ACP Development Group upon request of the Governor of the State, a representative recommended by the Governor and designated by the Secretary.

(h) "Tame hay" means a stand of grasses or legumes on cropland which does not require annual tillage and which has been seeded within 5 years preceding the date of the agreement and from which a hay crop other than hayseed was mechanically harvested in each of the 3 years preceding the first year of the agreement period: *Provided*, That (1) a hay crop need not have been harvested in each of the 3 years preceding the first year of the agreement period if such a stand of grasses or legumes has been seeded within the last 2 years and followed another crop which at the time of reseeding would have met the 3-year harvesting requirement and (2) a hay crop need not have been harvested in any of the 3 years in which the failure to harvest hay was caused by flood, drought, or other natural disaster.

(i) "Conservation Reserve Program" means the program set forth in regulations issued pursuant to the Soil Bank Act, 7 CFR Part 750.

(j) "Cropland Conversion Program" means the program formulated under section 16 of the Soil Conservation and Domestic Allotment Act, as amended, under which farmers and ranchers enter into agreements providing for changes in cropping systems and land uses, 7 CFR Part 751.

(k) "Great Plains Conservation Program" means the program authorized by the Act of August 7, 1956, 70 Stat. 1115–1117 (16 U.S.C. 590p(b)), 7 CFR Part 601.

§ 751.102 Purposes.

The cropland adjustment program is a program to be carried out during the calendar years 1966, 1967, 1968, and 1969 for the purposes of reducing the costs of farm programs, assisting farmers in turning their land to nonagricultural uses, promoting the development and conservation of the Nation's soil, water forest, wildlife, and recreational resources, and establishing, protecting, and conserving open spaces and natural beauty. To carry out such purposes, the Secretary is authorized to enter into agreements with farmers to divert cropland normally used for the production of allotment crops, feed grains, and other specified crops to approved practices and uses. Under such agreements, the Secretary will (a) make annual adjustment payments to producers with respect to the acreage diverted and (b) share the costs of establishing approved practices and uses on such acreage.

§ 751.103 Administration.

(a) The cropland adjustment program will be administered in the field by State and county committees under the general direction and supervision of the Administrator. Members of county committees are authorized to approve cropland adjustment agreements on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto, and do not have authority to modify or waive any of the provisions of any agreement entered into hereunder except to the extent specifically authorized in this subpart.

(b) The State committee shall be responsible for developing recommendations and requirements which are needed to adapt the program to the conditions in the State. The State committee, in developing the practices for which costs will be shared, may consult with the ACP Development Group, the State forester, any State agency for wildlife and conservation, and the president of the land-grant college. Other appropriate State and Federal agencies within the State may be invited to participate in the deliberations.

(c) The county committee shall be responsible for developing recommendations and requirements needed to adapt the program to the conditions in the county. The ACP Development Group and representatives of other appropriate State and Federal agencies within the county may be invited to participate in the deliberations.

§ 751.104 Geographical applicability.

The cropland adjustment program will be applicable in all the States except Alaska and Hawaii.

§ 751.105 State programs.

These regulations together with such State supplementation as is needed to adapt the program for use in the State shall be the State program. The State supplementation shall include the approved practices (including specifications), rates of cost-sharing, and such conditions and requirements as are needed to assure an effective program in the State. The State supplementation shall be approved by the Director.

§ 751.106 County programs.

The State program together with any county supplementation which may be needed to adapt it for use in the county shall be the county program. The county supplementation shall be approved by the State committee. Copies of bulletins setting forth the State and county programs will be available in the office of the county committee.

§ 751.107 State allocations.

Each State shall be furnished an annual program allocation by the Deputy Administrator.

§ 751.108 Cropland adjustment program bases.

(a) For each farm participating in the program, the county committee shall determine cropland adjustment program bases for wheat, tobacco, peanuts, rice, upland cotton, extra long staple (ELS) cotton, and feed grains (corn, barley, and grain sorghums). The base for feed grains shall be an acreage equivalent to the feed grain base established under the feed grain program and the bases for each other commodity shall be equivalent to the allotment established under the regulations governing the establishment of allotments. Nothwithstanding the provisions of this paragraph (a) and § 751.117 the sum of the bases determined under this paragraph and the conserving base shall not exceed the total cropland on the farm.

(b) The county committee shall also determine (1) a nonallotment base which shall be determined by subtracting the sum of the conserving base and the cropland adjustment program bases determined under paragraph (a) of this section from the total cropland on the farm and (2) if requested by the producers on the farm, a tame hay base which shall be the acreage of cropland which has been devoted to tame hay on the farm.

(c) Notwithstanding any other provision of this section, no cropland adjustment base shall be established for a new farm allotment or a new farm feed grain base.

§ 751.109 Awarding cropland adjustment agreements.

(a) Producers wishing to be considered for a cropland adjustment program agreement shall file a request therefor with the county committee not later than a date established by the Deputy Administrator, showing the base he desires to divert under the program, the acreage to be designated, and the proposed use to which the land is to be devoted. In order to be eligible for participation, producers must agree to divert cropland adjustment program bases as shown below:

(1) On a farm with a cropland adjustment program base for wheat, upland cotton, ELS cotton, tobacco, peanuts, rice, or feed grains, producers must agree to divert all of at least one such base. In addition, producers may agree to divert all of any one or more of such bases, all the tame hay base, or all or any part of the nonallotment base.

(2) On a farm with no cropland adjustment program base for wheat, upland cotton, ELS cotton, tobacco, peanuts, rice, or feed grains, but with a tame hay base, producers must agree to divert all of such tame hay base. In addition, producers may agree to divert all or any part of the nonallotment base.

(3) Farms with no cropland adjustment base for allotment crops, feed grains, and tame hay base are not eligible for the program.

(4) Upland cotton shall not be included in the program for 1966 if the county committee determines with the approval of the Deputy Administrator that there should not be diversion from such crop under the program in 1966.

(5) Producers on farms with an established fallow rotation system may designate for zero adjustment payment an acreage of summer fallow land up to the acreage of wheat and barley designated as diverted under the agreement.

(6) Notwithstanding any other provision of this paragraph (a), less than the entire cropland adjustment base for allotment crops or feed grains may be accepted for agreement if (i) the acreage of cropland eligible for designation is less than such base or (ii) the acreage which could be devoted to the crops of such base under the conservation reserve program, the great plains program, or the cropland conversion program is less than such base, and (iii) the producers agree to divert an acreage of such base equal to the acreage of cropland eligible for designation or the acreage which could be devoted to such crops under the programs specified in (ii), as applicable, and agree to a permitted acreage of zero for such base.

(b) Subject to the acreage ceilings provided in § 751.110 and to the extent of funds allocated to the county, agreements shall be approved in the order in which they are filed with the county committee: *Provided*, That the county committee in order to provide an opportunity for participation by a maximum number of producers, may limit the approval of requests for agreements in a manner approved by the Deputy Administrator.

(c) If an application has been made with respect to land not constituting a farm as defined in the regulations governing Reconstitution of Farms, Allotments and Bases, 7 CFR Part 719, as amended, the reconstitution must be made before an agreement may be approved.

§ 751.110 Acreage ceilings.

The total acreage placed under agreement in any county or community shall be limited to a percentage of the total eligible acreage in such county or local community which the Deputy Administrator determines would not adversely affect the economy of the county or local community. In determining such percentage, the Deputy Administrator shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community.

§ 751.111 Cropland adjustment program agreement.

(a) A cropland adjustment agreement shall be executed for each participating farm. The agreement shall be signed by (1) the owner of the farm, (2) the farm operator, and (3) by each other person who as tenant or sharecropper is to share in the adjustment payment.

(b) There shall be only one agreement for a farm.

(c) The final date for signing and filing the agreement with the county committee shall be the date established by the Deputy Administrator, except that the State committee may authorize the county committee to approve an agreement signed or filed after the prescribed date where it is established that failure to sign or file the agreement was not due to the fault or negligence of the producers involved.

(d) Each agreement shall be signed by a member of the county committee on behalf of the Secretary.

§ 751.112 Responsibility of agreement signers.

(a) The owner is responsible for compliance with the agreement and for any refunds or deductions for failure to comply fully with the terms of the agreement while he is a party to the agreement.

(b) Each other person signing the agreement is jointly and severally responsible with the owner for compliance with the agreement and for any refunds or deductions for failure to comply fully with the terms of the agreement while he is a party to the agreement.

§ 751.113 Agreement period.

(a) The agreement period shall be not less than 5 nor more than 10 years. Where odd and even year conserving bases are established, the period shall be for an even number of years and for not less than 6 years.

(b) The agreement shall become effective for the first year of the agreeement on January 1 or the date of approval, whichever is later, and shall end on December 31 of such year. Each

subsequent year of the agreement period shall be on a calendar year basis with the agreement period ending on December 31 of the last year. A practice started before the agreement is approved but after the request has been filed shall be considered as having been started during the agreement period.

(c) All of the land placed under agreement in any one year shall have an agreement period for the same number of years.

(d) An agreement period specified in the agreement which is less than the maximum agreement period authorized under this section may, prior to December 31, 1969, be increased up to such maximum period if the county committee approves such longer period as being in the interests of the program.

§ 751.114 Eligible farm.

A farm is eligible for participation in the program if the farm was operated during the year preceding the first year of the agreement period i.e., crops were planted for harvest or were harvested or there was grazing on the farm during the normal grazing season. The farm will be considered to have been operated during such year if (a) acreage was diverted under the conservation reserve, cropland conversion, upland cotton, feed grain, or wheat programs and the county committee determines that no crops were planted for harvest or were harvested because of participation in such a program, (b) a conservation reserve contract with respect to the farm expired on December 31 of the second year preceding the first year of the agreement period and the county committee determines that no crops were planted for harvest or harvested in the year preceding the first year of the agreement period because of anticipated participation in a land use adjustment program for such year, or (c) the county committee determines that crops were not planted for harvest or harvested on the farm because of flood, drought, or other natural disaster.

§ 751.115 Annual adjustment payments.

(a) Producers on the farm shall be eligible for an annual adjustment payment on acreage designated as diverted from the production of crops under the program except as provided in § 751.109 (a)(5). Annual adjustment per unit payment rates determined by the Administrator to be fair and reasonable, taking into account the diversion from the cropland adjustment program bases and other obligations undertaken by the producers, shall be furnished to each county. Annual adjustment per acre payment rates for each county shall be determined upon the basis of such unit rates in accordance with instructions issued by the Administrator.

(b) The farm annual adjustment per acre payment rate for the cropland adjustment program bases shall be established by the county committee by multiplying the farm yield for the commodity by the county annual adjustment per unit payment rate determined under paragraph (a) of this section. The farm annual adjustment per acre payment rate may be increased by an amount determined by the county committee to be appropirate in relation to the benefit to the general public of the use of the designated acreage if the producer agrees on a form prescribed by the Administrator to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(c) It has been determined by the Administrator that the farm annual adjustment per acre payment rate computed as provided in this section will not exceed 40 per centum of the estimated value of the crops or types of crops which might otherwise be grown, on the basis of prices in effect at the time the agreement is entered into.

(d) The adjustment payment shall be divided among landowners, tenants, and sharecroppers in the manner agreed upon by them as representing their respective contribution to the crop diversion required by the agreement except that the county committee shall refuse to approve any agreement with respect to which it considers the proposed division of the adjustment payment is not fair and equitable. The applicable adjustment payment and the division of the adjustment payment shall be specified in the agreement.

(e) Each producer signing the agreement may choose to receive his share of the adjustment payment (1) in equal annual payments during the years of the agreement perior, or (2) when the county committee determines that it will best serve the interests of the program, in such installments as may be agreed to by the producers on the farm and the county committee: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

§ 751.116 Cost-shares for authorized practices.

(a) Subject to conditions and limitations in this subpart, cost-sharing may be authorized for eligible practices needed on the designated acreage during the period of the agreement. Such authorization shall be made on a form prescribed for that purpose and shall be a part of the agreement. Payment of the cost-shares shall be made only upon application submitted on a form prescribed by the Administrator.

(b) The rates of cost-sharing for a county shall not exceed the rates of cost-sharing for comparable practices under the agricultural conservation program. Where practices less costly than those under the agricultural conservation program can be developed that will satisfactorily meet required uses under the cropland adjustment program, rates shall be established consistent with the lower cost of such practices.

(c) The rates of cost-sharing shall be revised when necessary during the agreement period to reflect substantial changes in current costs in carrying out the practices from those used in establishing the rates of cost-sharing in effect at the time the agreement was approved. The revised rates shall be effective for practice approvals issued after the revisions.

(d) Practice specifications and requirements shall be the same as the practice specifications and requirements for comparable practices in the agricultural conservation program, except for such modifications as are needed to effectuate the purposes of the cropland adjustment program. Practice specifications should reflect the use of the minimum application of seed and minerals and use of inexpensive varieties of seed which will produce a cover suitable for protection of the land from erosion for the agreement period. Practices shall be carried out under specifications and requirements which are applicable at the time the notice of practice approval is issued.

(e) The Forest Service and the Soil Conservation Service shall have the same technical responsibilities for cropland adjustment program practices they have for the same or similar agricultural conservation program practices and these responsibilities shall be exercised in the same way.

(f) The establishment or installation of a practice shall be deemed to include the replacement, enlargement or restoration of practices if all of the following conditions exist: (1) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem; (2) the failure of the original practice was not due to the lack of proper maintenance; and (3) funds are available.

(g) The sharing of costs will be subject to the condition that the practices be maintained for the period of the agreement for the purpose for which cost-sharing was authorized: *Provided*, That if the designated acreage is to be devoted to trees, recreation, water impoundments, or long-term wildlife practices, the practice shall be maintained for a period ending 10 years after the beginning of the agreement period.

(h) In addition to the provisions contained in the subpart, cost-sharing under the cropland adjustment program shall also be subject to the following regulations of the agricultural conservation program in effect at the time the notice of practice approval is issued (7 CFR 701.1–701.97, as amended): Section 701.7 *Adaptation of practices;* § 701.8 *Practice specifications;* § 701.9 *Use of liming materials and commercial fertilizers for vegetative cover;* § 701.11 *Rates of cost-sharing;* § 701.12 *Items of cost on which rates of cost-sharing may be based;* § 701.16 *Method and extent of approval;* § 701.18 *Repair, upkeep, and maintenance of practices;* § 701.23 *Practices involving the establishment or improvement of vegetative cover;* § 701.24 *Failure to meet minimum requirements;* § 701.25 *Conservation materials and services;* § 701.26 *Practices carried out with aid from ineligible persons;* § 701.27 *Division of Federal cost-shares;* § 701.30 *Persons eligible to file application for*

payment of Federal cost-shares; § 701.33 *Compliance with regulatory measures;* and § 701.38 Misuse of purchase orders. For purposes of applying such agricultural conservation program regulations to the cropland adjustment program, the term "program" shall mean the "cropland adjustment program."

§ 751.117 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, shall be applicable to the cropland adjustment program.

§ 751.118 Designation and use of acreage diverted.

(a) Cropland diverted from the production of crops under the program shall be specifically identified and designated for the period of the agreement.

(b) (1) Except as otherwise provided in subparagraph (2) of this paragraph, land eligible for designation must be cropland which was:

(i) Intensively cultivated during at least one of the 4 years immediately preceding the first year of the agreement period;

(ii) Devoted to a conservation use, other than a water storage facility or trees, under the conservation reserve program, cropland conversion program, great plains conservation program, or 1963 land use adjustment agreement, which terminated or expired with respect to such land not more than 4 years immediately preceding the first year of the agreement period;

(iii) Devoted to a hay crop (for hay, green chop, silage or pasture) during all 4 years immdiately preceding the first year of the agreement period in a normal rotation pattern and is at least equal in productivity to the land on the farm which would qualify under (i) above; or

(iv) Designated and approved as diverted acreage under upland cotton, feed grain, or wheat programs for 1961 or subsequent years but prior to the first year of the agreement period, except acreage devoted to trees or to a water storage.

(2) The following land is not eligible for designation:

(i) Land which is designated as diverted under any other program;

(ii) Land which is harvested in the first year of the agreement period prior to designation as diverted acreage, except as provided in paragraph (d) of this section;

(iii) Turn rows, drainage ditches, wet low-lying areas, droughty knobs or banks, other areas which normally would not produce a crop and strips of less than four normal rows in skip-row planting patterns;

(iv) Land which the county committee determines the producer reasonably could not expect to use for the production of the crops being diverted because of its physical condition or other reason;

(v) Land which at the time the diverted acreage is designated is expected to be utilized in the first year of the agreement period for industrial development, housing, highway construction, or other use;

(vi) Land devoted to nonagricultural use;

(vii) Land devoted in the first year of the agreement period to asparagus, strawberries, or bush fruits (including new plantings of such crops);

(viii) All land on a farm on which a conservation reserve contract has been canceled since January 1 of the year preceding the first year of the agreement period because of a scheme or device to exceed the $5,000 payment limitation under the conservation reserve program unless the Deputy Administrator determines that participation in the program would not be against the public interest;

(ix) National wildlife refuges;

(x) Land intended to be used for a specific nonfarm use in a later year, which would not be devoted in the first year of the agreement period to an agricultural use;

(xi) Land owned by the United States or a State or local government (or agency or political subdivision thereof) except (a) any land upon which a homestead or desert land entry has been made and is in good standing and (b) cropland owned and operated by a State, county, or local government which the owner (State, county, or local government) establishes to the satisfaction of the county committee that it has adequate equipment or other facilities readily available for the successful production of row crops and small grains and that the production of such crops is a normal practice for such land;

(xii) Land in an orchard or vineyard; and

(xiii) Land with respect to which the ownership has changed during the 3-year period preceding the first year of the agreement period unless (a) the new ownership was acquired by will or succession as a result of the death of the previous owner; (b) the new ownership was acquired prior to January 1, 1964; (c) the new ownership was acquired prior to January 1, 1965, upon the exercise of an option to purchase entered into prior to January 1, 1964; (d) the new ownership was acquired prior to January 1, 1965, to replace eligible land from which the producer was displaced as a result of the acquisition of such land by a Federal, State, or local agency having the right of eminent domain; or (e) the new ownership was acquired prior to January 1, 1965, and the county committee determines that (1) the land was acquired by the producer for purpose of farming and not for the purpose of placing it in the program and (2) the producer carried out normal farming operations on the land after the date of acquisition: *Provided,* That a producer shall not be prohibited from entering into an agreement if such producer has operated the land to be designated for as long as three years preceding the first year of the agreement and has control of such land for the agreement period. (These provisions shall not prohibit the continuation of an agreement has once been entered into under this subpart.)

(xiv) Land offered for agreement with respect to which the productivity is substantially below that of the average land on the farm: *Provided,* That the producer shall be given an opportunity to designate other land which more nearly reflects the productivity of the average land on the farm.

(c) The designated acreage shall be devoted to the use specified in the agreement. The practices shall be established and maintained for the duration of the agreement: *Provided,* That with the approval of the county committee the designated acreage may be devoted to access roads, fire lanes, firebreaks, or other fire prevention measures for the protection of the designated acreage, adjoining land, or the farm buildings, or any other use approved by the Deputy Administrator if such uses are maintained at no expense to the Government in a manner to prevent erosion: *Provided, further,* That the destruction of the vegetative cover is authorized (1) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, (2) during the last 3 years of the agreement period for carrying out summer fallow operations or planting of small fruit or bush fruit, or (3) during the last 3 years of the agreement period for the planting of orchard and vineyard crops.

(d) During the period of the agreement, no crop shall be harvested from the designated acreage and such acreage shall not be grazed unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing or harvesting of such acreage, determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to appropriate reduction in the rate of adjustment payment. The restriction against harvesting shall not apply to a crop which matured and normally would be harvested in the year preceding the first year of the agreement period unless harvesting of the crop in such year would have been in violation of a Federal agricultural program.

(e) The conservation practices eligible to be carried out on the designated acreage are as follows:

CA–1. *Establishment of perennial grasses or legumes.* (Does not include annual or biennial varieties.)

CA–2. *Establishment of short-term cover.* (Annuals and biennial varieties are eligible, but only where they will furnish adequate protective cover for the duration of the agreement.)

CA–3. *Improvement of perennial cover.* (An inadequate stand of acceptable perennial grasses or legumes are on the land and improvement will serve purpose of CA-1.)

CA–4. *Establishment of stand of trees.* (Same as ACP practice A–7.)

CA–5. *Establishment of food plots or habitat for wildlife.* (Annual, biennial, or perennial varieties. Shrubs or other woody varieties for habitat.)

CA–6. *Development or restoration of shallow water areas for wildlife.* (Same as ACP practice G–2.)

CA–7. *Construction of dams or ponds for wildlife.* (Same as ACP practice G–3.)

CA–8. *Other wildlife practices.* (Same as ACP practice G–4.)

CA–9. *Preservation of open spaces.* (To be developed as needed to achieve program objectives.)

CA–10. *Preservation of natural beauty.* (To be developed as needed to achieve program objectives.)

CA–11. *Prevention of air pollution.* (To be developed as needed to achieve program objectives.)

CA–12. *Prevention of water pollution.* (To be developed as needed to achieve program objectives.)

CA–13. *Establishment of picnic and sports recreation area.* (For developing uses such as trap shooting, ball fields, tennis courts, and golf courses.)

CA–14. *Establishment of camping and nature recreation areas.* (For developing uses such as camp sites, parking areas, nature trails, hiking trails, and riding trails.)

CA–15. *Establishment of summer water sports recreation areas.* (For constructing reservoirs for uses such as swimming, boating, water skiing, wading, and beaches.)

CA–16. *Establishment of winter sports recreation areas.* (For uses such as ski trails, toboggan runways, and ice skating.)

CA–17. *Management of established acceptable cover.* (This practice involves maintenance of a cover which will provide adequate protection from wind and water erosion for the agreement period and for which no cost-sharing is made.

(f) Cost-sharing for practices CA–13, CA–14, CA–15, and CA–16 shall be limited to earthmoving and establishment of vegetative cover, including trees and shrubs, except that for golf courses it shall be limited to vegetative cover on fairways. Any facilities, such as picnic tables, diving boards, bathhouses, and boats, which are necessary for the successful functioning of the applicable enterprise, shall be provided by the producer without cost-sharing.

(g) The designated acreage shall not be devoted to such nonagricultural uses as industrial or residential developments, mining operations, gravel pits, stone quarries, and road rights-of-way. A list of nonagricultural uses which are authorized on the designated acreage shall be available at the county ASCS office.

(h) Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county, and (ii) the specifications for the uses and practices, including any supplementation or modification of such uses and practices.

§ 751.119 Control of erosion, insects, weeds, and rodents.

The producer shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the designated acreage. If the county committee determines that the measures carried out by the farmer are not adequate, it shall prescribe and require the application of such other or additional measures as are needed.

§ 751.120 Determination of compliance.

(a) Determination of the acreage devoted to crops and the acreage designated shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or of the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to crops and the acreage which the operator designated as being devoted to approved practices and uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 751.121 Permitted acreage on cropland adjustment program base crops diverted under the program.

The number of acres permitted to be devoted to feed grains or any allotment crop with respect to which an acreage is designated as diverted under the agreement shall be zero. The number of acres permitted to be devoted to nonallotment crops shall not exceed the acreage determined by subtracting the number of acres of nonallotment base crops designated as diverted under the agreement from the nonallotment base. Notwithstanding any other provision of this section, any acreage which could be devoted to allotment crops and feed grains under the agreement and which is not devoted to such crops may be devoted to nonallotment crops.

§ 751.122 Compliance with the feed grain base and acreage allotments.

(a) The feed grain base and the acreage allotments for the farm with respect to which an acreage of such crops is not designated as diverted under the agreement shall not be exceeded.

(b) The producer shall not exceed the feed grain base and the acreage allotments with respect to any other farm in which he has an interest. The producer shall not be considered as exceeding the feed grain base or acreage allotments on any other farm if he satisfies the county committee that he did not have control of the managerial operations of the noncomplying farm, that he has made a reasonable effort to encourage compliance with the requirements of this paragraph, and that it was through no fault of his own that such farm was not in compliance. In applying the provisions of this paragraph, a landowner or landlord cannot escape responsibility for any allotment or feed grain base being exceeded by leasing for cash or other consideration all or part of a farm. For purposes of this paragraph, the individuals or entity in each category listed below shall be considered as one producer and fully responsible for the actions of any other individual or entity in that category: (1) A partnership and any member of the partnership; (2) a corporation and the majority stockholder of such corporation; (3) an estate and an heir of the estate with over a 50 percent interest in the estate; (4) a trust and a beneficiary of the trust with over a 50 percent interest in the trust; (5) minor children and the parent, guardian, or other individual legally responsible for the minor; and (6) husband and wife, except that the husband and wife may be considered as a separate producer on any farm if the spouse receiving program benefits does not share to any degree in the crops or proceeds thereof from the noncomplying farm, managerial control of the noncomplying farm by either husband or wife is in no way shared by the spouse, and no changes have been made in the operations or managerial control of the noncomplying farm which would tend to defeat the purposes of this paragraph (b). Any executor, trust officer, or farm manager responsible for the management of a farm shall be considered as a producer on the farm when he receives a percentage of the farm income exceeding 10 percent of the crops or proceeds for such management services.

§ 751.123 Provisions relating to tenants and sharecroppers.

(a) No agreement shall be entered into with a producer if it shall appear—

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the agreement in proportion to the number of acres in the respective producer units of such commodity farmed by such tenants or sharecroppers; or

(2) That the landlord or operator has, in anticipation or because of participating in the cropland adjustment program, reduced the number of tenants and sharecroppers on the farm, or the shares of the allotment or base made available to tenants or sharecroppers (if a tenant or sharecropper leaves the farm voluntarily, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of participating in the program); or

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any agreement hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any payment to be paid to him under the agreement; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the payment or any other right or privilege of his under the agreement to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's producer unit in contemplation of the signing of the agreement; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper

of his payment or any other right under the agreement.

(b) The agreement shall be deemed to be in noncompliance if any of the conditions set forth in paragraph (a) of this section occurs after the signing of the agreement.

(c) In addition, no agreement shall be approved if the State or county committee determines for any reason that disapproval is necessary to protect the interests of tenants or sharecroppers.

§ 751.124 Refunds or forfeitures for noncompliance.

(a) Except as otherwise provided in paragraph (c) of this section, no adjustment payment shall be made to any producer for any year with respect to any farm on which it is determined that for such year:

(1) There has been a failure to comply with the permitted acreage of cropland adjustment program bases diverted under the program as provided in § 751.121;

(2) There has been a failure to maintain the conserving base as provided in § 751.117;

(3) There has been a failure to comply with the feed grain base and acreage allotments as provided in § 751.122: *Provided*, That if the failure to comply is determined under paragraph (b) of § 751.122, the refund or forfeiture shall not be applicable with respect to adjustment payments paid or payable to producers other than those covered by the provisions of such paragraph;

(4) There has been a failure to comply with the prohibition as to harvesting a crop from or grazing the designated acreage as provided in § 751.118(d);

(5) There has been a failure to devote the designated acreage to the use specified in the agreement or to establish and maintain the authorized practice on the designated acreage as provided in § 751.118(c);

(6) The designated acreage has been devoted to an unauthorized use as set forth in § 751.118(g);

(7) There has been a failure to control erosion, insects, weeds, and rodents on the designated acreage as provided in § 751.119; or

(8) There has been a failure to comply with the provisions relating to tenants and sharecroppers as provided in § 751.123.

(b) Except as provided in paragraph (c) of this section, if for any year noncompliance is determined under subparagraph (4), (5), (6), or (7) of paragraph (a) of this section, all cost-share payments paid or payable under the agreement through the year for which noncompliance is determined shall be forfeited or refunded.

(c) The regulations governing the making of payments when there has been a failure to comply fully with the program, Part 791 of this Chapter, shall be applicable to the cropland adjustment program.

(d) The agreement shall be terminated in any case in which the provisions of this section have required a refund or forfeiture of the entire annual adjustment payment under the agreement for the year and it is determined that the circumstances of the noncompliance were of such nature as to warrant termination. In case of such termination, the producers must refund all adjustment payments and cost-share payments made under the agreement, plus interest as provided under § 751.134.

§ 751.125 Nondiscrimination.

The regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, 7 CFR Part 15, as amended, shall be applicable to the cropland adjustment program.

§ 751.126 Practices defeating purposes of program.

If the county committee finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the program, it may withhold, or require to be refunded, all or any part of the annual adjustment or cost-share payments which otherwise would be due him under the program. It shall be considered a practice defeating the purposes of the program if the producers do not make available for public use a recreation resource development for which costs are shared or any annual adjustment payment is made.

§ 751.127 Filing of false claims.

The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a refund of the payments received by him with respect to which the fraudulent representation was made.

§ 751.128 Depriving others of payments.

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the payment due that person under the program, it may withhold in whole or in part from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the payment which otherwise would be due him under the program.

§ 751.129 Modification of an agreement.

(a) Reconstitution of farms shall be made in accordance with the regulations governing reconstitution of farms, 7 CFR Part 719, as amended.

(b) If the farm is reconstituted because of purchase, sale, change of operation, or otherwise, the agreement shall be modified in accordance with instructions issued by the Deputy Administrator with respect to any resulting farm containing all or any part of the original designated acreage. Such modified agreement or agreements shall reflect the changes in the number of acres in any resulting farm, the designated acreage, the conserving base, the cropland adjustment program bases, interested producers, and division of payments. If producers who were not signatories to the original agreement are required to sign such modified agreement or agreements in accordance with § 751.111(a) but are not willing to become parties to the modified agreement or for any other reason a modified agreement is not entered into, the agreement shall be terminated with respect to the designated acreage not continued in the program, and all unearned adjustment payments and cost-share payments shall be forfeited or refunded. The producers on the farm prior to the reconstitution shall be jointly and severally responsible for refunding the unearned payments previously made. For purposes of this paragraph, adjustment and cost-share payments shall be considered as unearned in an amount computed by multiplying the total amount of adjustment payments paid or payable and the total amount of cost-share payments paid under the agreement with respect to the designated acreage which is not continued in the program by the percentage which the unexpired period of the agreement is of the total period of the agreement: *Provided*, That the year in which the reconstitution occurs shall be considered as part of the unexpired period unless the reconstitution occurs after the start of the normal planting season and there is full compliance with the agreement for the entire year.

(c) Except in cases in which the farm is reconstituted, if the ownership or operation of the farm changes in such a manner that the agreement no longer contains the signatures of producers required to sign the agreement in accordance with § 751.111(a), the agreement shall be modified in accordance with instructions issued by the Deputy Administrator to reflect the new interested producers and new divisions of payments. If such producers are not willing to become parties to the modified agreement or for any other reason a modified agreement is not entered into, the agreement shall be terminated and all unearned adjustment payments and cost-share payments shall be forfeited or refunded. The producers on the farm prior to the change of ownership or operation shall be jointly and severally responsible for refunding the unearned payments previously made. For purposes of this paragraph, adjustment and cost-share payments shall be considered as unearned in an amount computed by multiplying the total amount of adjustment payments paid or payable and the total amount of cost-share payments paid under the agreement by the percentage which the unexpired period of the agreement is of the total period of the agreement: *Provided*, That the year in which the change of ownership or operation of the farm occurs shall be considered as part of the unexpired period unless the change of ownership or operation occurs after the start of the normal planting season and there is full compliance with the agreement for the entire year.

(d) Upon request of the producers and approval of the county committee, an agreement may be modified to change or

add practices, to change the agreement period as authorized in § 751.113(d), or to make other changes which are not inconsistent with this subpart and applicable State and county supplementation.

(e) If the sale or lease of all or any part of a cotton allotment under section 344a of the Agricultural Adjustment Act of 1938, as amended, occurs during a period in which the farm is covered by a cropland adjustment program agreement, the agreement shall be subject to an appropriate adjustment in accordance with instructions issued by the Deputy Administrator, but no adjustment shall be made in the agreement of the farm to which the allotment is transferred.

(f) Notwithstanding any other provision of this section, a number of acres of cropland equal to the tobacco acreage allotment which is leased and transferred in accordance with Part 724 of this Chapter from a farm subject to a cropland adjustment agreement, which might otherwise be devoted to nonconserving crops, shall be considered to be devoted to nonconserving crops on the farm from which the allotment is leased and transferred and shall not be devoted to any other nonconserving use during the period for which the tobacco allotment is leased and transferred.

(g) When authorized by the Administrator, the agreement may be modified to incorporate or reflect the provisions of any cropland adjustment program for any subsequent year.

(h) The Deputy Administrator may authorize other agreement modifications determined to be desirable to carry out the purposes of the program or facilitate its administration.

§ 751.130 Transfer of interest in an agreement.

(a) If during the period covered by an agreement, a producer acquires an interest in all or part of a farm he may, with the consent of the remaining parties to the agreement and approval of the county committee, become a party to the agreement and share in payments thereunder. By becoming a party to the agreement, he also becomes jointly and severally responsible for compliance with the terms of the agreement and liable for any deductions or refunds for failure to comply with the agreement that occurs after he acquires the interest in the farm.

(b) If an agreement signer ceases to be an owner, tenant, or sharecropper on the farm during the agreement period, he thereby ceases to be a party to the agreement. However, this will not relieve him of his liability for deductions and refunds for failure to comply with the terms of the agreement while he was a party to the agreement.

§ 751.131 Successors-in-interest.

In case of death, incompetency, or disappearance of any producer, any payment due him shall be paid to his successor, as determined in accordance with the provisions of the regulations in 7 CFR Part 707, as amended.

§ 751.132 Termination of agreements.

(a) The agreement may be terminated upon mutual agreement of the agreement signers and the county committee and approval of the State committee if the county committee determines (1) that the operator of the farm is physically handicapped to such an extent that he could not reasonably be expected to carry out the terms and conditions of the agreement and that to require him to do so would work an undue hardship on him or (2) that the operator is or was at the time he signed the agreement mentally unstable and could not reasonably be expected to comply with the agreement. In case of such terminations, adjustment payments shall be forfeited or refunded in an amount computed by multiplying the total amount of adjustment payments paid or payable under the agreement by the percentage which the unexpired period of the agreement is of the total period of the agreement: *Provided*, That the entire year in which the agreement is terminated shall be considered part of the unexpired period of the agreement for purposes of such computation. Adjustment payments will be made for year of termination. Cost-share for practices performed prior to termination will be paid.

(b) The agreement may be terminated by the county committee upon request by all parties to the agreement upon forfeiture of all adjustment and cost-share payments under the agreement and repayment of any such payments previously made.

(c) The Deputy Administrator may consent to the termination of an agreement in cases where the parties to the agreement are unable to comply with the terms of the agreement due to conditions beyond their control, in cases where compliance with the terms of the agreement would work a severe hardship on the parties to the agreement, or in cases where termination of the agreement would be in the public interest, provided the parties to the agreement refund such part of the adjustment and cost-share payments made under the agreement as the Deputy Administrator determines appropriate.

(d) The agreement may also be terminated for noncompliance in accordance with § 751.124(d).

§ 751.133 Agreement not in conformity with regulations.

If it is discovered, after an agreement is approved by the county committee, that, through a misunderstanding of the program by a producer acting in good faith, the agreement is not in conformity with these regulations, a new agreement shall be filed or the original agreement corrected to meet all requirements of the program. If the producers currently eligible to sign the new or corrected agreement are unwilling to do so, the agreement shall be terminated and all annual adjustment and cost-share payments paid or payable under the agreement shall be forfeited or refunded except as may be allowed by the Deputy Administrator under the provisions of § 751.136.

§ 751.134 Liability for interest.

(a) Where a refund is required under § 751.129 (b) and (c), interest shall be payable at the rate of 6 per centum per annum from the dates of the payments of the amounts required to be refunded to the date the refund is made.

(b) Where a refund is otherwise required, interest shall be payable at the rate of 6 per centum per annum on the amount of the refund due from the date of written notice to persons liable for such refund to the date the refund is made, except that there shall be no interest due on any amount of such refund which is remitted to the office of the county committee within 30 days from the date of such notice.

§ 751.135 Appeals.

Any person may obtain reconsideration and review of determinations made under this subpart in accordance with the appeal regulations, 7 CFR Part 780 (29 F.R. 8200), as amended.

§ 751.136 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to the cropland adjustment program.

§ 751.137 Preservation of cropland, crop acreage and allotment history.

The cropland, crop acreage, and allotment history applicable to the acreage diverted from the production of crops in order to establish or maintain cover or other approved practices shall be preserved, for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program, for the period covered by the agreement and an equal period thereafter so long as the approved practice is maintained on the land.

§ 751.138 Payments not subject to claims.

Any payments due any person shall be determined and allowed without regard to State law and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor, except as provided in § 751.140.

§ 751.139 Assignments.

Any producer who may be entitled to any cost-share payment or annual adjustment payment may assign his rights thereto in accordance with the regulations governing assignment of payment under the agricultural conservation program, 7 CFR Parts 701 and 709, as amended.

§ 751.140 Setoffs and withholdings.

Setoffs and withholdings shall be handled in accordance with the regulations issued by the Secretary governing setoffs

and withholdings, 7 CFR Part 13, as amended.

§ 751.141 Delegation of authority.

No delegation in this subpart to a State or county Committee shall preclude the Administrator, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

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

Effective date. Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 3, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-2394; Filed, Mar. 4, 1966; 12:45 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 6]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 2686, as amended, 29 F.R. 7662, 30 F.R. 4750, 30 F.R. 9088, 30 F.R. 9877 and 30 F.R. 15032 and containing the General Regulations Governing Price Support for the 1964 and Subsequent Crops of Grains and Similarly Handled Commodities are hereby further amended to eliminate the application for price support for 1966 and subsequent crops, establish new loan fees, to provide an optional early delivery and other minor changes in program operations.

1. Section 1421.50 is amended to eliminate the requirement of an approved application as a condition precedent to obtaining price support on 1966 and subsequent crops and reads as follows:

§ 1421.50 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support loans and purchases for the 1964 crop and each subsequent crop of barley, corn, dry edible beans, flaxseed (except direct purchases under the Texas Flaxseed Purchase Program), grain sorghum, oats, rice, rye, soybeans, and wheat: *Provided, however,* That price support shall be made available for a commodity of a particular crop only if a supplement to this subpart is issued applicable to such crop. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodity. Price support payment-in-kind regulations, where applicable, will be issued separately. With respect to 1964 and 1965 crops, an eligible producer is required as a condition precedent to a price support loan or purchase to obtain approval of an application filed with the county office. For 1966 and subsequent crops an application will not be required. Farm storage loans will be evidenced by notes and secured by chattel mortgages and security agreements. Warehouse storage loans will be evidenced by note and security agreements and secured by the pledge of warehouse receipts representing an eligible commodity in approved warehouse storage. On and after the loan maturity date for the commodity, the producer may sell to CCC any or all of his eligible commodity which is not security for a price support loan by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in these regulations, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

2. Paragraph (e) of § 1421.52 is amended to change reference to State committee to county committee and reads as follows:

§ 1421.52 Eligible producers.

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(e) *Approval by county committee.* If a producer has been convicted of a criminal act, or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity or for other reasons, the producer may be denied price support until the county committee is satisfied that both he and the commodity offered for price support meet the eligibility requirements of the program and that CCC will be fully protected against any possible loss.

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3. Paragraph (a) of § 1421.53 is amended to remove the requirement that producers file an application for price support for 1966 and subsequent crops. Paragraph (c) is amended to delete the word "proportionately" in the last sentence of the paragraph and change the reference from the "applicable supplement" to "Part 1425 of this Chapter." Paragraph (e) is amended to change "applying for" to "requesting." The amended portions of § 1421.53 read as follows:

§ 1421.53 Eligibility requirements.

(a) *Requesting price support.*—(1) *For 1964 and 1965 crops.* To obtain price support on the 1964 and 1965 crops of an eligible commodity, a producer must file an application on a form prescribed by CCC no later than the final availability date specified in the applicable commodity supplement. Approval of an application by a representative of the county committee shall be a condition precedent to a producer's eligibility for price support through loans from and purchases by CCC.

(2) *For 1966 and subsequent crops.* To obtain price support on 1966 and subsequent crops of an eligible commodity, a producer must request a loan on, or notify the ASCS county office of his intention to sell, his eligible commodity no later than the date specified in the applicable commodity supplement. The county committee may extend such date with respect to a producer for good cause shown by the producer.

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(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested. Commodities obtained through payment-in-kind certificates or by purchase shall not be eligible for price support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the approved association or its member associations or must always have been in them and former producers whom they succeeded before the commodity was harvested. Commodities acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the association or its member association do not retain the right to share in the proceeds from the marketing of the commodity as provided in Part 1425 of this Chapter.

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(e) *Doubtful cases.* Any producer in doubt as to whether his interest in the commodity complies with the requirements of this section, before requesting price support, should make available to the county committee all pertinent information which will permit a determination to be made by CCC.

4. Paragraph (a) of § 1421.54 is amended to correct the titles of documents and reads as follows:

§ 1421.54 Miscellaneous requirements.

(a) *Revenue stamps.* Farm Storage Note, Chattel Mortgage and Security Agreements, and Warehouse Storage Note and Security Agreements, must have State and documentary revenue stamps affixed thereto where required by law.

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5. Paragraph (a) of § 1421.55 is amended to remove the requirement that producers file an application for price support for 1966 and subsequent crops and reads as follows:

§ 1421.55 Program availability, disbursement and maturity of loans.

(a) *Where to request price support.*—(1) *For 1964 and 1965 crops.* Application for price support should be made at the local ASCS county office. An approved cooperative marketing association must make application at the ASCS county office for the county in which the principal office of the association is located unless the State committee designates some other ASCS county office.

(2) *For 1966 and subsequent crops.* A producer should request price support at the local ASCS county office. An approved cooperative marketing association must request price support at the ASCS county office for the county in which the principal office of the association is located unless the State committee designates some other ASCS county office.

* * * * *

6. Section 1421.60 is amended to change title to "Fees and charges" and to provide the loan service fee and delivery charge for 1966 and subsequent crops and reads as follows:

§ 1421.60 Fees and charges.

(a) *For 1964 and 1965 crops.*—(1) *Application fee.* A producer shall pay a fee of $3.00 for each application for price support. This application fee is not refundable.

(2) *Additional service charges.* A service charge, in addition to the application fee, shall be paid by producers on the quantity of the commodity delivered to CCC. The rate will be set forth in applicable commodity supplements. In the case of farm-storage loans, identity preserved and modified commingled warehouse storage loans, and purchases, such service charge shall be paid at time of settlement. In the case of commingled warehouse storage loans such service charge shall be deducted from loan proceeds. The charge paid on any commodity redeemed (excluding the amount of the application fee) will be credited to the producer's account.

(b) *For 1966 and subsequent crops.*—(1) *Loan service fee.* A producer shall pay a fee of $4.00 for each farm storage loan disbursed and $2.00 for each warehouse storage loan disbursed. The loan service fee is not refundable.

(2) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of the commodity delivered to CCC. The rate will be set forth in the applicable commodity supplements. In the case of farm-storage loans, identity preserved and modified commingled warehouse storage loans, and purchases, such delivery charge shall be paid at time of settlement. In the case of commingled warehouse storage loans, such delivery charge shall be deducted from loan proceeds and will be credited to the producer's account on any quantity redeemed.

7. Paragraph (a) of § 1421.64 is amended to change "service charges" to "applicable fees and charges" and reads as follows:

§ 1421.64 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm-storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to such installment(s).

* * * * *

8. Paragraph (b) of § 1421.67 is amended to change the word "production" appearing in the paragraph title to "commodity" so that the title reads as follows:

§ 1421.67 Farm-storage loans.

* * * * *

(b) *Commingling eligible and ineligible commodity.*

* * * * *

9. Paragraph (d) of § 1421.69 is amended to permit the county committee to call a loan and order delivery of a farm-stored commodity for the reasons stated therein and reads as follows:

§ 1421.69 Liquidation of farm-storage loans.

* * * * *

(d) *Delivery before maturity date.* When considered necessary to protect the interests of CCC or when requested by the producer, the county committee may call the loan and accept delivery of a commodity prior to the loan maturity date.

10. Section 1421.71 is amended to authorize early delivery of the commodity for purchase upon request of the producer and to remove the requirement that producers file an application for price support for 1966 and subsequent crops, and reads as follows:

§ 1421.71 Purchases from producers.

(a) *For 1964 and 1965 crops*—(1) *Quantity eligible for purchase.* An eligible producer whose application for price support has been approved by CCC may sell to CCC any or all of the eligible commodity covered by the application, other than the quantity mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse-storage loan. The producer is not obligated, however, to sell any quantity of his commodity to CCC.

(2) *Notifying county office of intention to sell.* A producer must advise the county office of his intention to sell within the period prescribed by the county office in a notice mailed to the producer, unless otherwise approved by a representative of the county committee.

(3) *Delivery period.* The producer must make delivery of the commodity within the period of time after the loan maturity date as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any other provisions of this § 1421.71, in the case of a farm stored commodity covered by an approved application, the county committee may, on request of a producer, accept delivery of and purchase an eligible commodity prior to the applicable loan maturity date.

(b) *For 1966 and subsequent crops.*—(1) *Quantity eligible for purchase.* An eligible producer who has properly notified the ASCS county office of his intent to sell to CCC may deliver any or all of the eligible commodity which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan.

(2) *Delivery period.* The producer must make delivery of the commodity within the period of time after the loan maturity date as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any other provisions of this § 1421.71, in the case of an eligible farm stored commodity not under loan, the county committee may, on request of a producer, accept delivery of and purchase the eligible commodity prior to the applicable loan maturity date.

11. Paragraph (a) of § 1421.72 is amended to include basis for settlement with producer, paragraph (g) is amended to specify when storage deduction will be made for early delivery of 1966 and subsequent crops, and the title of paragraph (h) is amended to add "and not redeemed". The amended paragraphs (a), (g), and (h) shall read as follows:

§ 1421.72 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases made under this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. Settlement will be made on the basis of the grade, quality and quantity of the commodity delivered by the producer. In the case of dry edible beans, paragraphs (b), (c), (e), (g), and (h) of this section shall not apply, and in the case of rice, paragraphs (b), (c), (e), (f), (g), and (h) of this section shall not apply.

* * * * *

(g) *Storage deduction for early delivery.*—(1) *For 1964 and 1965 crops.* A deduction for storage shall be made from the settlement value of a commodity if

the producer elects to deliver a farm-stored 1964 or 1965 crop commodity under a price support loan or purchase to CCC prior to the loan maturity date for the commodity or if the maturity date is accelerated by CCC and delivery is made prior to the latest maturity date originally applicable to the loan or purchase, except that no such deduction shall be made for any such early delivery (i) if the loan maturity date is accelerated solely for the convenience of CCC, or (ii) if it is determined by CCC at the time of delivery that the commodity will be sold rather than stored, or (iii) if the loan maturity date is accelerated under a general acceleration of producer loans or purchases in a particular area. When applicable, the deduction for storage shall be made for the period from the date of delivery until the latest maturity date originally applicable to the loan or purchase in accordance with the schedule of deductions for warehouse charges as provided in the commodity supplement.

(2) *For 1966 and subsequent crops.* If a farm-stored 1966 or subsequent crop commodity is delivered in advance of the applicable loan maturity date upon request of the producer as provided in §§ 1421.69 and 1421.71, a deduction for storage charges shall be made. The deduction shall be made for the period from the date of delivery to the applicable maturity date for the commodity in accordance with the schedule of deductions for warehouse charges in the commodity supplement.

(h) *Warehouse-storage loans called prior to maturity and not redeemed.*

* * * * *

12. Section 1421.76 is amended to add a definition of "request for price support" as paragraph (h) reading as follows:

§ 1421.76 Definitions.

* * * * *

(h) *Request for price support.* The term "request for price support" as used herein shall mean a request for loan or notice of intent to sell to CCC as applicable.

13. Section 1421.78 is amended to delete reference to the Evanston ASCS Commodity Office and reads as follows:

§ 1421.78 ASCS Commodity Office and Data Processing Center.

The Kansas City ASCS Commodity Office, Post Office Box 205, Kansas City, Mo., 64141, will serve all States.

Accounting, recording, and reporting for all States will be handled through the Data Processing Center, Kansas City, Mo., 64141, Post Office Box 205.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 2, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-2363; Filed, Mar. 7, 1966; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Trade Association Resolution by Wholesalers Suggesting Pricing and Business Policies to Their Suppliers

§ 15.15 **Proposed trade association resolution by wholesalers suggesting pricing and business policies to their suppliers.**

(a) A trade association composed of wholesalers of rebuilt products has requested an advisory opinion from the Commission as to the legality of a proposed Resolution suggesting certain conduct to the trade association of rebuilders who supply the wholesalers. The Resolution would provide, among other things, that rebuilders should give wholesalers 120 days notice in writing of any change in the allowance to be granted for used products turned in for rebuilding purposes; that during this period the wholesalers should receive credit at the old rate on such returned products; and that the rebuilders should incorporate a 30-percent gross profit for the wholesalers when establishing prices for the used products in view of the fact that the wholesalers give an allowance to the retailers who turn in the used products for rebuilding purposes. The association added that there was no agreement not to do business with those rebuilders who declined to follow the practices contained in the Resolution.

(b) The Commission advised that it could not give approval to the adoption of the Resolution. Though the Resolution may be motivated by a purpose to remove evils affecting the industry, it appears to go further than is reasonably necessary to accomplish such result. Even if it were accompanied by disclaimers, there is implicit in the Resolution too grave a danger that it will serve as a device whereby the concerted power of the members of the association is brought to bear to coerce the members of the rebuilders' trade association to conform their pricing policies to the restrictive standards of the Resolution, or at the very least as an invitation to enter into agreements among themselves to do so.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 7, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-2366; Filed, Mar. 7, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6879]

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

Dividend and Interest Information Reporting

On May 11, 1965, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under sections 6042, 6044, and 6049 of the Internal Revenue Code of 1954 (relating to returns regarding payments of dividends, patronage dividends, and interest, respectively) to permit the reporting of dividend and interest payments on an account basis for 1965 and 1966, and to make certain other liberalizing changes was published in the FEDERAL REGISTER (30 F.R. 6488). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Paragraph (a)(1) of § 1.6042-2, as set forth in paragraph 1 of the notice of proposed rule making, is changed by revising subdivision (ii) thereof.

PAR. 2. Paragraph (b) of § 1.6042-4, as set forth in paragraph 2 of the notice of proposed rule making, is changed.

PAR. 3. Section 1.6042-4 is amended by revising paragraph (c)(1) of such section.

PAR. 4. Paragraph (b) of § 1.6044-5, as set forth in paragraph 4 of the notice of proposed rule making, is changed.

PAR. 5. Section 1.6044-5 is amended by revising paragraph (c)(1) of such section.

PAR. 6. Paragraph (a)(1) of § 1.6049-1, as set forth in paragraph 5 of the notice of proposed rule making, is changed by revising subdivision (ii) thereof.

PAR. 7. Paragraph (b) of § 1.6049-3, as set forth in paragraph 6 of the notice of proposed rule making, is changed.

PAR. 8. Section 1.6049-3 is amended by revising paragraph (c)(1) of such section.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: February 28, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to permit the reporting of dividend and interest payments on an account basis for 1965 and 1966, and to make certain other liberalizing changes,

the Income Tax Regulations (26 CFR Part 1) under sections 6042, 6044 and 6049 of the Internal Revenue Code of 1954, relating to returns regarding payments of dividends, patronage dividends, and interest, respectively, are amended as follows:

PARAGRAPH 1. Section 1.6042–2 is amended by revising paragraphs (a)(1) and (c) thereof. These revised provisions read as follows:

§ 1.6042–2 Returns of information as to dividends paid in calendar years after 1962.

(a) *Requirement of reporting*—(1) *In general.* (i) Every person who makes payments of dividends (as defined in § 1.6042–3) aggregating $10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of dividends paid during the calendar year 1963 or 1964, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more classes of stock files a separate Form 1099 with respect to each such class of stock on which $10 or more of dividends are paid to such other person during the calendar year. Thus, if during 1963 a corporation pays to a person dividends totalling $15 on its common stock and $20 on its preferred stock, it may file separate Forms 1099 with respect to the payments of $15 and $20. If the dividends on the preferred stock totalled $5 instead of $20, no return would be required with respect to the $5. In addition, in the case of dividends paid during the calendar year 1965 or 1966, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more separate stock ownership accounts (regardless of whether the payments are made on only one class of stock) files a separate Form 1099 with respect to each such stock ownership account on which $10 or more of dividends are paid to such other person during the calendar year.

(ii) Every person who during a calendar year after 1962 receives payments of dividends as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such dividends, the name and address of the person on whose behalf received, the total of such dividends received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(*a*) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(*b*) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner; or

(*c*) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return,

but only if the name, address, and identifying number of the record owner are included on or with the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

* * * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * * *

PAR. 2. Section 1.6042–4 is amended by revising paragraphs (b) and (c)(1) thereof. These revised provisions read as follows:

§ 1.6042–4 Statements to recipients of dividend payments.

* * * * * *

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and include a legend stating that such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirement of this section for the furnishing of a statement to any person, including the legend requirement of this paragraph, may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6042–2, or a reasonable facsimile thereof, in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

(c) *Time for furnishing statements*—(1) *In general.* Each statement required by this section to be furnished to any person for a calendar year shall be furnished to such person after November 30 of the year and on or before January 31 of the following year, but no statement may be furnished before the final dividend for the calendar year has been paid. However, the statement may be furnished at any time after September 30 if it is furnished with the final dividend for the calendar year.

* * * * * *

PAR. 3. Paragraph (d) of § 1.6044–2 is amended to read as follows:

§ 1.6044–2 Returns of information as to payments of patronage dividends with respect to patronage occurring in taxable years beginning after 1962.

* * * * * *

(d) *Time and place for filing.* The return required under this section on Forms 1096 and 1099 for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year, with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * * *

PAR. 4. Section 1.6044–5 is amended by revising paragraphs (b) and (c)(1) thereof. These revised provisions read as follows:

§ 1.6044–5 Statement to recipients of patronage dividends.

* * * * * *

(b) *Form of statement.* The written statement required to be furnished to a person with respect to whom a return of information is made under § 1.6044–2 shall—

(1) Show the aggregate amount of payments shown on the return as having been made to such person and include a legend stating that such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the cooperative making the return.

The requirements of this section for the furnishing of a statement to any person, including the legend requirement of this paragraph, may be met by the furnishing to such person of a copy of the Form 1099 filed pursuant to § 1.6044–2, or a reasonable facsimile thereof, in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

* * * * * *

(c) *Time for furnishing statements*—(1) *In general.* Each statement required by this section to be furnished to any person for a calendar year shall be furnished to such person after November 30 of the year and on or before January 31 of the following year, but no statement may be furnished before the final payment for the calendar year of an amount described in § 1.6044–3 has been paid. However, the statement may be furnished at any time after September 30 if it is furnished with the final payment for the calendar year.

* * * * * *

PAR. 5. Section 1.6049–1 is amended by revising paragraphs (a)(1) and (c)

thereof. These revised provisions read as follows:

§ 1.6049–1 Returns of information as to interest paid in calendar years after 1962.

(a) *Requirement of reporting*—(1) *In general.* (i) Every person who makes payments of interest (as defined in § 1.6049–2) aggregating $10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of interest paid during the calendar years 1963 to 1966, inclusive, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of interest to another person on two or more accounts, insurance contracts, or investment certificates files a separate Form 1099 with respect to each such account, contract, or certificate on which $10 or more of interest is paid to such other person during the calendar year. In the case of evidences of indebtedness described in section 6049(b)(1)(A), separate Forms 1099 may be filed as provided in the preceding sentence with respect to holdings in different issues. Thus, if during 1963 a bank pays to a person interest totalling $15 on one account and $20 on a second account, it may file separate Forms 1099 with respect to the payments of $15 and $20. If the interest on the second account totalled $5 instead of $20, no return would be required with respect to the $5.

(ii) Every person who during a calendar year after 1962 receives payments of interest as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such interest, the name and address of the person on whose behalf received, the total of such interest received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(*a*) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(*b*) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner; or

(*c*) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return, but only if the name, address, and identifying number of the record owner are included on or with the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

* * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * *

PAR. 6. Section 1.6049–3 is amended by revising paragraphs (b) and (c)(1) thereof. These revised provisions read as follows:

§ 1.6049–3 Statements to recipients of interest payments.

* * * * *

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and include a legend stating that such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirements of this section for the furnishing of a statement to any person, including the legend requirement of this paragraph, may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6049–1, or a reasonable facsimile thereof, in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

* * * * *

(c) *Time for furnishing statements*—(1) *In general.* Each statement required by this section to be furnished to any person for a calendar year shall be furnished to such person after November 30 of the year and on or before January 31 of the following year, but no statement may be furnished before the final interest payment for the calendar year has been paid. However, the statement may be furnished at any time after September 30 if it is furnished with the final interest payment for the calendar year.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 66–2281; Filed, Mar. 7, 1966; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Persons Entering To Perform Duties as Members of Religious Organizations

In the February 5, 1966, issue of the FEDERAL REGISTER (31 F.R. 2436), there was published a proposal to amend Part 60 of Subtitle A of Title 29 of the Code of Federal Regulations by adding a "Group IV" to Schedule A thereof.

Interested persons were given 10 days in which to file statements of data, views, or argument in regard to this proposal. None were received. Accordingly, the proposal is hereby adopted to read as set forth below.

As the only function of this amendment is to relieve a restriction upon immigration, delay in its effective date is not required (5 U.S.C. 1003(c)). Accordingly, effective immediately, the following material is added to Schedule A of 29 CFR Part 60:

Group IV: Persons coming to the United States solely to perform duties required of them as members of bona fide religious organizations in the United States, provided that such duties are related solely to nonprofit operations of such organizations.

(79 Stat. 911)

Signed at Washington, D.C., this 1st day of March 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66–2369; Filed, Mar. 7, 1966; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 19—United States Information Agency

PART 19–1—GENERAL

Miscellaneous Amendments

Part 19–1 is amended to clarify the applicability of these procedures and establishes policy for awards in connection with construction contracts.

Subpart 19–1.1—Introduction

Sections 19–1.101 and 19–1.104 are amended to read as follows:

§ 19–1.101 Establishment of USIA procurement policies and procedures.

This subpart establishes U.S. Information Agency (USIA) procurement policies and procedures (Chapter 19) as prescribed by the Director of USIA, to provide uniform policies and procedures

applicable to procurement of personal property and nonpersonal services (including construction) for USIA activities.

§ 19–1.104 Applicability.

Chapter 19 applies to all purchases and contracts made by the U.S. Information Agency for the procurement of personal property and nonpersonal services (including construction) within the United States.

Subpart 19–1.3 is added as follows:

Subpart 19–1.3—General Policies

§ 19–1.302 Procurement sources.

§ 19–1.302–50 Construction contracts with design architect-engineers.

No contract for construction of a project shall be awarded to a firm which designed the project, except with the approval of the Director, USIA.

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

Issued: March 1, 1966.

BEN POSNER,
Assistant Director, United States Information Agency (Administration).

[F.R. Doc. 66–2362; Filed, Mar. 7, 1966; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101–43.3—Utilization of Excess

ELECTRONIC DATA PROCESSING EQUIPMENT

This amendment broadens the application of § 101–43.313–5.

In § 101–43.313–5(a) the material following the introductory text is revised to read as follows:

§ 101–43.313–5 Electronic data processing equipment.

(a) • • •

(1) The provisions of this § 101–43.313–5 are applicable to all electronic data processing equipment capable of performing those applications listed in the Code Sheet for Applications, Attachment A of Bureau of the Budget Circular No. A–55 (Revised) of November 15, 1963, when such equipment is:

(i) Government-owned or Government-leased.

(ii) Leased or purchased by Government contractors under cost-reimbursement contracts and subcontracts when the total costs of such equipment are applied as a direct charge to such contracts (equipment used in performance of multiple contracts and the cost of which constitutes an indirect expense charged to overhead is excluded);

(iii) Supplied to a contractor as Government-furnished equipment; or

(iv) Installed in Government-owned contractor-operated facilities.

(2) Included under the provisions of this § 101–43.313–5 is general purpose commercial type equipment that is a part of a weapons system or used in research, development, test and evaluation, or classified programs. However, specialized equipment designed for use exclusively in the foregoing systems or programs is excluded.

(3) Governmentwide policy for the selection and acquisition of Automatic Data Processing (ADP) equipment is contained in Bureau of the Budget Circular No. A–54. Consistent with the policy contained therein, executive agencies shall acquire available Government-owned or -leased electronic data processing equipment in lieu of purchase or lease from sources outside of the Government of new or used equipment where technically feasible and determined economically advantageous to the Government.

• • • • •

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

Effective date. This regulation is effective June 1, 1966.

Dated: February 25, 1966.

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

[F.R. Doc. 66–2383; Filed, Mar. 7, 1966; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3939]

[Montana 072150]

MONTANA

Revocation of Withdrawals for National Forest Campground and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Orders No. 1692 of July 25, 1958, and No. 1718 of August 15, 1958, so far as they withdrew the following described national forest lands for a recreation area and campground, are hereby revoked:

PRINCIPAL MERIDIAN

PUBLIC LAND ORDER NO. 1692

Ten Mile Recreation Area

T. 9 N., R. 5 W.,
Sec. 17, W½NW¼SW¼ and NW¼SW¼SW¼.

PUBLIC LAND ORDER NO. 1718

Lincoln Gulch Campground

T. 13 N., R. 9 W.,
Sec. 20, SE¼SE¼SE¼;
Sec. 29, NE¼NE¼NE¼.

The areas described aggregate approximately 50 acres in the Helena National Forest.

2. At 10 a.m. on April 7, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66–2347; Filed, Mar. 7, 1966; 8:45 a.m.]

[Public Land Order 3940]

[New Mexico 0558791]

NEW MEXICO

Partial Revocation of Executive Order No. 6583 of February 3, 1934

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6583 of February 3, 1934, which withdrew the public lands in certain described areas in the State of New Mexico for the purpose of aiding the State in making exchange selections as provided by the act of June 15, 1926 (44 Stat. 746–748), is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 8 W.,
Sec. 27, lot 5.

The tract described contains 43.44 acres in Socorro County.

2. The State of New Mexico has waived the preference right of application afforded it by R.S. 2276, as amended (43 U.S.C. 852).

3. At 10 a.m. on April 7, 1966, the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 7, 1966, shall be considered as simultaneosuly filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The lands have been open to location for metalliferous minerals and to applications and offers under the mineral leasing laws. They will become subject to location for nonmetalliferous minerals at 10 a.m. on April 7, 1966.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66–2348; Filed, Mar. 7, 1966; 8:46 a.m.]

[Public Land Order 3941]

[Wyoming 0321485]

WYOMING

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of July 10, 1903, August 15, 1906, November 25, 1914, February 24, 1915, and April 29, 1937, withdrawing lands for reclamation purposes are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 114 W.,
Sec. 16, lots 4 and 7;
Sec. 21, lots 2, 3, 7, 8, 10, 11, NW¼SE¼.
T. 48 N., R. 116 W.,
Sec. 10, lots 1 to 4, incl.;
Sec. 15;
Sec. 16, E½E½;
Sec. 17, S½S½.
T. 41 N., R. 117 W.,
Sec. 23, lots 1 and 2;
Sec. 24, lots 1, 2, 6, N½NW¼.
T. 48 N., R. 117 W.,
Secs. 19, 30, 31.

The areas described aggregate 3,379.45 acres in Teton County. With exception of lot 6 and N½NW¼, section 24, T. 41 N., R. 117, the lands are either in the Targhee National Forest, the Grand Teton National Park or are nonpublic. The N½NW¼ is part of the river bed of the Snake River. Lot 6 contains 0.01 acre of public domain.

2. At 10 a.m. on April 7, 1966, the national forest lands shall be open to such form of disposition as may by law be made of national forest lands.

3. Until 10 a.m. on August 31, 1966, the State of Wyoming shall have a preferred right of application to select the public land as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the land shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 31, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66-2849; Filed, Mar. 7, 1966; 8:46 a.m.]

[Public Land Order 3942]

[Fairbanks 034620]

ALASKA

Withdrawal for Department of the Air Force Facilities

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Department of the Air Force for an air field, supporting installations, and buffer zones.

INDIAN MOUNTAIN AREA

Beginning at a point which bears N. 9°55'-40" E., 2007.05 feet; N. 26°12'30" E., 2,640 feet from U.S.E.D. Station "Strip No. 2". Said station found at approximate latitude 65°-59' N., approximate longitude 153°43' W.

From the point of beginning, by metes and bounds; S. 61°47'30" E., 2,640 feet to a point; thence S. 28°12'30" W., 1,860 feet, more or less, to a point; thence N. 79°25'27" E., 3,225 feet, more or less, to a point; thence N. 73°45' E., 4,220 feet, more or less, to a point that is 1,425 feet from the centerline of the airstrip as extended eastward and measured at right angles thereto; thence S. 10°34'33" E., 2,850 feet, more or less, to a point; thence S. 85°15" W., 4,220 feet, more or less, to a point that is 1,000 feet from the centerline or the aforementioned airstrip as extended and measured at right angles thereto; thence S. 79°25'27" W., 4,620 feet, more or less, to a point; thence S. 28°-12'30" W., 850 feet, more or less, to a point; thence N. 61°47'30" W., 5,280 feet to a point; thence N. 28°12'30" E., 5,280 feet to a point; thence S. 61°47'30" E., 2,640 feet to the point of beginning.

Containing approximately 1,058.51 acres

2. This order shall be subject to the withdrawal made by Public Land Order No. 1910 of July 17, 1959, so far as the latter order withdrew as "Tract D" 130.-25 acres by metes and bounds, lying within the area described in paragraph 1 of this order.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66-2350; Filed, Mar. 7, 1966; 8:46 a.m.]

[Public Land Order 3943]

[Fairbanks 031915]

ALASKA

Withdrawing Lands for Protection of Public Recreation Values

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30, U.S.C.), but not from leasing under the mineral leasing laws, and reserved for protection of public recreation values:

RICHARDSON CLEAR CREEK AREA

Unsurveyed land at approximate latitude 64°12' N., and approximate longitude 146°10' W., described by perimeter:

TRACT 1

All lands within one-half mile of Clear Creek or any of the channels of that stream between a point which bears S. 69°0' E., at a distance of 295 chs. from VABM "Top" 1579 and a point marked by the confluence of Clear Creek and a slough of the Tanana River. Excluding what will be when surveyed lots 1, 2, and 3, U.S. Survey 4224 and lots 1 through 11, inclusive, U.S. Survey 4163.

The tract described contains approximately 1,700 acres.

TAYLOR HIGHWAY AREA

Unsurveyed land described by perimeter:

TRACT 2

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the left limit of the South Fork of the Fortymile River, said point found at approximate latitude 64°04' N., approximate longitude 141°46' W.

From the initial point, Southwesterly, along the centerline of the Taylor Highway, approximately 10 chs.; Northerly, parallel to the course of the South Fork of the Fortymile River, aprpoximately 40 chs.; Easterly to a point on the left limit of said River, approximately 10 chs.; Southerly along the left limit of said River, approximately 40 chs., to the point of beginning.

The tract described contains approximately 40 acres.

TRACT 3

Beginning at a point on the centerline of the Taylor Highway at the intersection of this centerline and the right limit of the West Fork of the Dennison Fork of the Fortymile River, said point found at approximate latitude 63°53' N., approximate longitude 142°14' W.

From the initial point, Southerly along the centerline of the Taylor Highway, approximately 20 chs.; Westerly approximately 40 chs.; Northerly to a point on the right limit of the West Fork of the Dennison Fork of the Fortymile River, approximately 20 chs.; Easterly along the right limit of said River, approximately 40 chs. to the point of beginning.

The tract described contains approximately 80 acres.

TRACT 4

Beginning at a point on the centerline of the Taylor Highway where this centerline intersects with the centerline of the roadway known as "The Boundary Cutoff", said point found at approximate latitude 64°09' N., approximate longitude 141°20' W.

From the initial point, Easterly along the centerline of the Taylor Highway, approximately 10 chs.; Southerly approximately 20 chs.; Westerly approximately 20 chs.; Northerly approximately 20 chs.; Easterly along the

centerline of the Taylor Highway, approximately 10 chs., to the point of beginning.

The tract described contains approximately 40 acres.

Tracts 1 through 4 described in the foregoing aggregate approximately 1,860 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor is it intended to bar selection of the lands by the State of Alaska as authorized by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the act of July 7, 1958 (72 Stat. 339).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66–2351; Filed, Mar. 7, 1966; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Alabama

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Alabama:

ALABAMA

County;	Place for Filing;	Beginning Date.
•	•	•

Greene; (1) Eutaw—U.S. Post Office; November 8, 1965; (2) Boligee—trailer at U.S. Post Office; March 8, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

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

[F.R. Doc. 66–2400; Filed, Mar. 7, 1966; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Motor Carrier Annual Report Form A (Class I Carriers of Property)

Order. At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 20th day of October A.D. 1965.

The matter of annual reports of class I motor carriers of property being under consideration, and the changes to be made by this order being minor changes in the data to be furnished resulting principally from revisions in the Commission's Uniform System of Accounts for Classes I and II Common and Contract Motor Carriers of Property, rulemaking procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1 under this part and title, be, and it is hereby, revised to read as follows:

§ 205.1 Annual reports of class I carriers of property.

Commencing with reports for the year ended December 31, 1965, and thereafter, until further order, all class I motor carriers of property, as described in § 182.01–1 of this chapter, viz, carriers with average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (Property), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

It is further ordered, That copies of this order and of Motor Carrier Annual Report Form A (Property) shall be served on all class I motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, 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 in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–2379; Filed Mar. 7, 1966; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce.

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

MISCELLANEOUS AMENDMENTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment adds standard reference material 4948, and changes the price of Oil OB.

The following amends Title 15 CFR Part 230:

1. Section 230.8–5 *Radioactivity standards* (b) (3) *Beta, gamma and electron-capture solution standards* is amended to add standard 4948 as follows:

Sample No.	Radionuclide	Calibration radiation	Activity at time of calibration	Approximate weight of solution	Price
4948	Ce-Pr-144	β^-	1.5×10^5 dps/g (12–65)	3.3 g	$80.00

2. Section 230.8–8 *Viscometer calibrating liquids* is amended to change the price of Oil OB to $37.50.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 18, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66–2337; Filed, Mar. 7, 1966; 8:45 a.m.]

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

RADIOACTIVITY STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment revises standard reference material 4932–C.

The following amends Title 15 CFR Part 230:

Section 230.8–5 *Radioactivity standards* (b) (3) *Beta, gamma and electron-capture solution standards* is amended to revise standard 4932–C as follows:

[1] Report filed as part of original document.

Sample No.	Radionuclide	Calibration radiation	Activity at time of calibration	Approximate weight of solution	Price
4932-D	Hg-203	γ	2.1×10^{4}dps/g (1-66)	5.1 g	$50.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 23, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66-2338; Filed, Mar. 7, 1966; 8:45 a.m.]

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

ISCC–NBS CENTROID COLOR CHARTS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER. The amendment changes the price of standard reference material No. 2106.

The following amends Title 15 CFR Part 230:

Section 230.8–11 *ISCC–NBS centroid color charts* is amended to change the price of the charts from $3.00 to $5.00.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: February 9, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66-2339; Filed, Mar. 7, 1966; 8:45 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. CCL-3]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

The following revisions and amendments, effective as specified, are hereby made to § 399.1 *Commodity control list.*

Section 399.1 is amended to extend the requirement for validated export licenses to ship the following commodities to Country Groups T, V, W, X, Y, and Z. In addition, a GLV dollar value limit of $100 is established for shipment of these same commodities to Country Groups T and V under the provisions of General License GLV.

Export control commodity No. and commodity description	
21110	Cattle hides, whole.
21110	Cattle hides, except whole.
21120	Calf skins and kip skins.
61150	Cattle hide and kip side upper leather, grain, except patent and metallized.
61150	Cattle hide and kip side sole, belting, welting, grain, offal, rough, russet, and crust leather.
61150	Cattle hide and kip side leather, n.e.c.
61150	Calf and whole kip upper leather, except lining, patent and metallized.
61150	Calf and whole kip leather, n.e.c., except patent and metallized.

Saving clause exception. Shipments of the listed commodities removed from General License G–DEST as a result of changes set forth above and which were on dock for lading, on lighter or laden aboard an exporting carrier prior to 12 Noon, e.s.t., March 7, 1966, may be exported under the previous General License G–DEST provisions up to and including April 7, 1966. Any such shipment not laden aboard the exporting carrier on or before April 7, 1966 requires a validated license for export.

Effective: 12 Noon, e.s.t., March 7, 1966.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-2517; Filed, Mar. 7, 1966; 12:17 p.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

RETESTS OF SUGAR; REVIEW OF CUSTOMS TEST

Notice of Proposed Rule Making

Correction

In F.R. Doc. 66-2220 appearing at page 3347 in the issue for Thursday, March 3, 1966, the signature "Lester D. Johnson" is inserted before the title *Commissioner of Customs.*

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-SO-59]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Federal airway structure in the Atlanta, Ga., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The FAA has conducted an extensive study of the flow of traffic to improve arrival and departure routings and air traffic control procedures in the Atlanta terminal area. As a result of this study, the FAA proposes the following amendments to Part 71 of the Federal Aviation Regulations:

1. Redesignate VOR Federal airway No. 5 segment from Dublin, Ga., to Chattanooga, Tenn., via Rex, Ga.; intersection of Rex 345° T (334° M) and Chattanooga 118° T (117° M) radials, including a west alternate segment from Dublin to Rex via Macon, Ga.; intersection of Macon 335° T (334° M) and Rex 140° T (139° M) radials; and a west alternate segment from Rex to Chattanooga via intersection of Rex 268° T (267° M) and Atlanta, Ga., 347° T (346° M) radials; intersection of Atlanta 347° T (346° M) and Chattanooga 152° T (151° M) radials.

2. Redesignate VOR Federal airway No. 18 segment from Tuscaloosa, Ala., to Augusta, Ga., via Birmingham, Ala.; Anniston, Ala.; Rex, Ga.; intersection of Rex 090° T (089° M) and Augusta 278° T (279° M) radials; including a south alternate segment from Birmingham to Augusta via the intersection of Birmingham 114° T (111° M) and Brookwood, Ala., 083° T (080° M) radials; Atlanta; and intersection of Atlanta 098° T (097° M) and Augusta 263° T (264° M) radials.

3. Redesignate VOR Federal airway No. 20 segment from Montgomery, Ala., to Spartanburg, S.C., via La Grange, Ga.; Atlanta; Rex; Anderson, S.C., including a north alternate segment from Montgomery to Atlanta via the intersection of Montgomery 033° T (030° M) and Atlanta 248° T (247° M) radials, and a north alternate segment from Atlanta to Spartanburg via Norcross, Ga.; intersection of Norcross 055° T (054° M) and Spartanburg 244° T (246° M) radials.

4. Redesignate VOR Federal airway No. 35 segment from Athens, Ga., direct to Asheville, N.C.

5. Redesignate VOR Federal airway No. 51 segment from Dublin, Ga., to Crossville, Tenn., via Rex.

6. Redesignate VOR Federal airway No. 54 segment from Fort Mill, S.C., direct to Pinehurst, N.C.

7. Redesignate VOR Federal airway No. 66 segment from Brookwood, Ala., via Atlanta (4 miles N and 3 miles S of centerline from Brookwood to 3 miles W of Birmingham 180° radial); Rex; intersection of Rex 090° T (089° M) and Athens, Ga., 238° T (238° M) radials; Athens; Fort Mill, to Raleigh-Durham, N.C.

8. Redesignate VOR Federal airway No. 97 segment from Albany, Ga., via Atlanta; intersection of Atlanta 007° T (006° M) and Knoxville, Tenn., 198° T (199° M) radials to Knoxville, including an east alternate segment from Albany to Atlanta via intersection of Albany 010° T (009° M) and Rex 173° T (172° M) radials; intersection of Rex 173° T (172° M) and Atlanta 147° T (146° M) radials, and an east alternate segment from Atlanta to Knoxville via Norcross, Ga., and Harris, Ga.

9. Redesignate VOR Federal airway No. 194 segment from Norcross via the intersection of Norcross 055° T (054° M) and Anderson, S.C., 267° T (267° M) radials; Anderson; intersection of Anderson 065° T (065° M) and Charlotte, N.C., 240° T (242° M) radials; Charlotte; Liberty, N.C.; to Raleigh-Durham.

10. Redesignate VOR Federal airway No. 222 segment from Norcross via intersection of Norcross 010° T (009° M) and Toccoa, Ga., 230° T (230° M) radials; to Toccoa.

11. Redesignate VOR Federal airway No. 241 segment from Columbus, Ga., via intersection of Columbus 086° T (085° M) and Atlanta 198° T (197° M) radials; to Atlanta, including a west alternate segment from Columbus to Atlanta via intersection of Columbus 019° T (018° M) and Atlanta 233° T (232° M) radials, and an east alternate between Columbus and Atlanta via intersection of Columbus 086° T (085° M) and Atlanta 198° T (197° M) radials; intersection of Columbus 041° T (040° M) and Atlanta 198° T (197° M) radials; intersection of Columbus 041° T (040° M) and Atlanta 174° T (173° M) radials.

12. Redesignate VOR Federal airway No. 243 segment from Atlanta via intersection of Atlanta 347° T (346° M) and Chattanooga 152° T (151° M) radials to Chattanooga.

13. Redesignate VOR Federal airway No. 454 segment from Columbus via intersection of Columbus 019° T (018° M) and Atlanta 233° T (232° M) radials; Atlanta; Rex; intersection of Rex 090° T (089° M) and Greenwood, S.C., 240° T (241° M) radials; to Greenwood.

14. Designate VOR Federal airway No. 311 from Norcross via the intersection of Norcross 055° T (054° M) and Anderson 267° T (267° M) radials; Anderson; Greenwood; to Columbia, S.C.

15. Designate VOR Federal airway No. 321 from Gadsden, Ala., via the intersection of Gadsden 130° T (128° M) and Atlanta 264° T (263° M) radials to Atlanta.

16. Designate the Atlanta VORTAC and the Anderson VOR as low altitude reporting points.

17. Revoke the following low altitude reporting points:

a. Ben Hill Intersection.
b. Bobby Jones Intersection.
c. Royston, Ga.
d. Porterdale Intersection.

The actions proposed herein would improve air traffic flow in the Atlanta terminal area by providing for the separation of through traffic from traffic arriving and departing the Atlanta terminal area. The alignment of V-97 between Norcross and Knoxville is proposed via the Harris, Ga., VOR (Airspace Docket No. 65-SO-5 (30 F.R. 9008)).

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 1, 1966.

JAMES L. LAMPL,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-2341; Filed, Mar. 7, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-6]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Jamestown, N.Y., control zone for Jamestown Municipal Airport.

With the establishment of a remoted air-ground communications facility at Jamestown Airport, the airport now qualifies for a part-time control zone designation. Air Traffic services will be provided by Erie, Pa., approach control and weather observations will be taken by Allegheny Airlines personnel.

Interested persons may submit such written data or views as they may desire. Communications should 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 in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of Jamestown, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations which would designate a control zone for Jamestown, N.Y., described as follows:

Within a 5-mile radius of the center, 42°09'10" N., 79°15'30" W., of Jamestown Municipal Airport, Jamestown, N.Y.; within 2 miles each side of the Jamestown, N.Y., VOR 071° and 251° radials extending from the 5-mile radius zone to 7 miles east of the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone shall be in effect 0700 to 2200 hours Monday through Friday, 0700 to 1700 hours Saturdays and 0900 to 2200 hours Sundays, local time.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on February 18, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-2342; Filed, Mar. 7, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 388]

ARIZONA

Notice of Filing of Plat of Survey

FEBRUARY 28, 1966.

1. Plat of Survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., April 5, 1966:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 12 W.,
Secs. 1 through 36.

The areas described aggregate 23,027.05 acres of public land.

2. The northwest portion of the township described is nearly level with the remainder of the township consisting of rolling land and small hills. The soil is a fine, sandy clay in the flat areas and shallow, stony soil in the hilly areas. The general drainage is to the south. There is a scattered growth of palo verde and ironwood trees in the major wash areas, while creosote brush and scattered catclaw, saguaro and other cacti are prominent in the more level areas.

The land is primarily used for very limited grazing of livestock.

3. All rights of the State of Arizona to Sections 2, 16, 32, and 36, have been conveyed to the United States.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application, and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on April 5, 1966, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of the Federal Regulations.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 66-2367; Filed, Mar. 7, 1966; 8:47 a.m.]

[Group 392]

ARIZONA

Notice of Filing of Plats of Surveys; Correction

FEBRUARY 28, 1966.

In F.R. Doc. 66-1799, published Vol. 31, F.R. 2973, the first legal description on line 11, third column, of lands involved in the notice, under T. 37 N., R. 7 W., Sec. 6, reads:

SE¼SW¼.

This description is hereby corrected to read as follows:

SE¼NW¼.

The area correctly described above aggregates 40.00 acres of public land.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 66-2368; Filed, Mar. 7, 1966; 8:47 a.m.]

OREGON AND WASHINGTON

Change of Location of Land Office

MARCH 1, 1966.

Notice is hereby given that the Oregon Land Office, Bureau of Land Management, in Portland, Oreg., will be closed to the public March 9, 10, and 11, 1966, to move to 729 Northeast Oregon Street, Portland, Oreg. The office will reopen at the new address at 10 a.m., March 14, 1966. All filings for public lands in the States of Oregon and Washington after 3 p.m., March 8, should be addressed to the Oregon Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg., 97232. Any applications, payments, or other documents received at that location during this period will be deemed as having been filed simultaneously at 10 a.m., P.s.t., March 14, 1966, in accordance with Title 43, Code of Federal Regulations, §§ 1821.2-1 through 1821.2-3.

GARTH H. RUDD,
Acting State Director.

[F.R. Doc. 66-2357; Filed, Mar. 7, 1966; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 1, 1966.

Notice is hereby given that effective April 4, 1966, the following protraction diagram, approved June 25, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 7

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 6 S., R. 20 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, E½;
Sec. 22, N½NE¼;
Sec. 23, N½;
Sec. 24, N½.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. McCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-2352; Filed, Mar. 7, 1966; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 1, 1966.

Notice is hereby given that effective April 4, 1966, the following protraction diagram, approved June 25, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the

land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 8

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 S., R. 19 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 20 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 21 E.,
Sec. 3, W½;
Secs. 4 to 6, inclusive;
Sec. 7, NE¼, W½;
Sec. 8, N½NW¼;
Sec. 9, NE¼, E½NW¼;
Sec. 10, W½NW¼.
T. 8½ S., R. 21 E.,
Sec. 31.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-2353; Filed, Mar. 7, 1966; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 1, 1966.

Notice is hereby given that effective April 4, 1966, the following protraction diagram, approved June 25, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 9

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 20 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 9 S., R. 21 E.,
Sec. 19, SW¼;
Sec. 29, W½ SE¼;
Secs. 30 to 32, inclusive;
Sec. 33, W½.
T. 10 S., R. 20 E.,
Sec. 1;
Sec. 2, E½;
Sec. 12, N½, SE¼.
T. 10 S., R. 21 E.,
Sec. 3, NW¼;
Sec. 4, N½, SW¼;
Secs. 5 and 6;
Sec. 7, NW¼.
T. 10½ S., R. 21 E.,
Secs. 31 to 36, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-2354; Filed, Mar. 7, 1966; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 1, 1966.

Notice is hereby given that effective April 4, 1966, the following protraction diagram, approved June 25, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 18

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 S., R. 13 E.,
Sec. 1;
Secs. 2 and 3, excluding mineral surveys;
Secs. 4 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 4 S., R. 14 E.,
Secs. 3 and 4, excluding mineral surveys;
Secs. 5 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 5 S., R. 13 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 5 S., R. 14 E.,
Secs. 1 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 20, inclusive.
T. 6 S., R. 13 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Sec. 24.
T. 6 S., R. 14 E.,
Secs. 1 and 2;
Sec. 3, NE¼, S½;
Sec. 7, S½;
Secs. 10 to 15, inclusive;
Sec. 17, NW¼, S½;
Secs. 18 to 20, inclusive;
Secs. 22 to 27, inclusive;
Sec. 28, W½;
Secs. 29 and 30;
Sec. 32, N½, SE¼;
Sec. 33, W½;
Sec. 34, N½, SE¼;
Sec. 35.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside Calif.

HALL H. MCCLAIN,
District and Land Office Manager.

[F.R. Doc. 66-2355; Filed, Mar. 7, 1966; 8:46 a.m.]

[Montana 072452]

MONTANA

Order Providing for Opening of Public Lands

FEBRUARY 28, 1966.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 USC 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 7 N., R. 54 E.,
Sec. 24, SE¼.
T. 7 N., R. 55 E.,
Sec. 19, Lots 1, 2, 3, and 4, E½, and E½W½.

The area described contains 787.32 acres.

2. The lands are located in Custer and Fallon Counties. Topography is level to rolling and the lands are used for livestock grazing.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., on April 5, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont., 59101.

EUGENE H. NEWELL,
Acting Land Office Manager.

[F.R. Doc. 66-2356; Filed, Mar. 7, 1966; 8:46 a.m.]

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, 99556, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42-foot overall length 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 August 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 no-

tice. 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 2, 1966.

[F.R. Doc. 66-2343; Filed, Mar. 7, 1966; 8:45 a.m.]

[Docket No. Sub-C-10]

RALSTON PURINA CO.

Notice of Hearing

Ralston Purina Co., Van Camp Division, 840 Van Camp Street, Long Beach, Calif., 90802, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 170-foot overall length steel vessel to engage in the fishery for tuna.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on April 15, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

MARCH 2, 1966.

[F.R. Doc. 66-2344; Filed, Mar. 7, 1966; 8:45 a.m.]

[Docket No. Sub-B-48]

TRAWLER JEANNE D'ARC, INC.

Notice of Hearing

Trawler Jeanne d'Arc, Inc., Tillson Wharf, Rockland, Maine, 04841, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 114-foot overall length wood vessel to engage in the fishery for groundfish, scallops, lobsters, and flounder.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on April 21, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

MARCH 2, 1966.

[F.R. Doc. 66-2345; Filed, Mar. 7, 1966; 8:45 a.m.]

[Docket No. S-345]

RONALD DIVERS WATSON

Notice of Loan Application

Ronald Divers Watson, Route 1, Box 398, Marysville, Wash., 98270, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a 37.5-foot overall length wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 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 2, 1966.

[F.R. Doc. 66-2346; Filed, Mar. 7, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of 13 U.S.C. 181, 224, and 225, to conduct a First Quarter 1966 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1966 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies. Only those companies which do not report in sufficient detail to other Federal agencies will be required to report in this survey. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available for nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 66-2340; Filed, Mar. 7, 1966; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF NEW HAMPSHIRE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On January 26, 1966; February 2, 1966; February 9, 1966; and February 16, 1966, the U.S. Atomic Energy Commission published for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New Hampshire for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The effective date proposed by the State of New Hampshire for the agreement is May 16, 1966. Republication of the proposed New Hampshire agreement is necessary to reflect the recently established proposed effective date.

A résumé, prepared by the State of New Hampshire and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed New Hampshire regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and sug-

gestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962; 27 F.R. 1351; April 3, 1965; 30 F.R. 4352 and September 22, 1965; 30 F.R. 12069. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 3d day of March 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEW HAMPSHIRE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of New Hampshire certified on _____, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on May 16, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Concord, State of New Hampshire, in triplicate, this day of _____.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

For the State of New Hampshire.

JOHN W. KING,
Governor.

WILLIAM A. STYLES,
AUSTIN F. QUINNEY,
EMILE SIMARD,
ROBERT L. MALLAT, JR.,
JAMES H. HAYES,
Executive Council.

NEW HAMPSHIRE RADIATION PROTECTION AND RADIATION CONTROL PROGRAM

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

The following narrative sets forth a brief description of the history, practices, capabilities, and proposed activities of the New Hampshire State Radiation Control Agency (hereafter referred to as "the Agency") of the New Hampshire State Department of Health and Welfare, Division of Public Health Services, as they relate to the assumption of certain regulatory functions of the U.S. Atomic Energy Commission and to the control of all sources of ionizing radiation, including naturally occurring isotopes and radiation producing machines.

The U.S. Atomic Energy Commission is authorized by section 274 of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of a State to transfer to the State certain functions of licensing and regulatory control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass. The transfer of responsibility with respect to these sources of ionizing radiation is made upon the determination by the Atomic Energy Commission that the State has the competency to administer licensing and regulatory authority of such sources.

The New Hampshire regulatory program for the control of sources of ionizing radiation will be conducted in such a manner as to effectively protect the public health and safety, and to further the economic growth of the State through the encouragement of the constructive and safe and proper uses of radiation. The program will be maintained so as to ensure compatibility with the regulatory program of the U.S. Atomic Energy Commission and with the programs of other agreement States insofar as possible.

Authority. The New Hampshire General Court, in 1963, enacted enabling legislation (RSA125, Chapter 229) designating the New Hampshire Department of Health and Welfare, Division of Public Health Services, as the New Hampshire State Radiation Control Agency, with the authority to promulgate, amend, and repeal codes and rules and regulations, subject to public hearing; to require the registration of sources of radiation as may be necessary to prohibit and prevent

unnecessary radiation exposure; to enter at all reasonable times upon any private or public property for the purpose of determining whether there is compliance with or violations of the provisions of RSA 125 and the rules and regulations issued thereunder; and to conduct inspections and surveys of radiation sources and their shielding and immediate surroundings.

RSA 125 further authorizes the Governor and Council, on behalf of the State, to enter into an agreement with the U.S. Atomic Energy Commission providing for the discontinuance of certain licensing responsibilities of the Federal Government with respect to sources of ionizing radiation and the assumption thereof by the State.

History. The New Hampshire State Department of Health and Welfare became involved with radiological health in 1938 when the Division of Industrial Hygiene was established. The Department's activities in this field were limited initially to the industrial uses of X-ray and radium for the most part, with some work being done in hospitals and in physicians' and dentists' offices on request.

Emphasis on radiation safety became greater with the advent of the atomic energy program and the availability of radioisotopes in the late 1940's; and in 1950 one of the Division engineers attended a 6-week course in radiation safety at the Brookhaven National Laboratory. The Division staff also took advantage of the training programs in radiological health and safety sponsored by the U.S. Department of Health, Education, and Welfare at Cincinnati, Ohio.

Division personnel were employed on a part-time basis in the Radiological Defense Program of the New Hampshire Civil Defense Agency in the early 1950's and were authorized to acquire and use Cobalt 60 sources in the training of radiological monitors within State departments in 1953. Two of these personnel attended an instructor's school sponsored by the Federal Civil Defense Administration and one engineer was temporarily attached to the Civil Effects Test Group of the AEC's Operation Plumbob at Mercury, Nev., in 1957. These personnel have since participated on a part-time basis in a formal training program for community radiological monitoring teams and have been licensed by the AEC for the use of a 5-curie Cobalt 60 source and a 120-curie Cesium 137 source, for instrument calibration purposes.

When the AEC's licensing program was established in 1957, Division personnel began accompanying the Commission's inspectors on joint inspections of licensed users of radioisotopes in both the industrial and medical fields. At about this time inspections and surveys of the medical uses of X-ray were intensified and in 1959 a survey of all dental office personnel in the State was conducted at the request of the New Hampshire Dental Society.

Training in health physics has been furthered by the attendance of two of the Division personnel, a chemist and an engineer, at a 10-week course at the Oak Ridge Institute of Nuclear Studies in 1964 and training in the AEC's licensing procedures was accomplished through a 2-week course at the AEC offices in Bethesda, Md.

The recommendations of the National Bureau of Standards with regard to radiation shielding and limits of radiation exposure for humans have been adhered to until the present time and primary emphasis has been placed on radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission.

Personnel. The backgrounds of training and experience in radiation of persons employed in the future to fill vacancies on the New Hampshire Radiation Control Agency staff will be equivalent to those of the present prospective staff. Following are the résumés of the backgrounds of the proposed Agency staff:

FORREST H. BUMFORD

EDUCATION

University of New Hampshire—1937, B.S., Mech. Eng.
Special courses in Industrial Hygiene, Radiological Defense, and Radiological Health, USPHS—DOD—AEC.

MILITARY

U.S. Army Reserve 1936–1944 (1st Lieut.).
U.S. Public Health Service (R), Active Duty 1941–1946 (Lieut., S.G.).
U.S. Public Health Service (R), 1946–Date (Comm.).

EXPERIENCE

1937–1940—The Trane Co., La Crosse, Wis., Heating, Ventilating and A.C. Engineer.
1940–1941—State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Industrial Hygiene Engineer.
1941–1946—U.S. Public Health Service, Industrial Hygiene Engineer, Stationed N.H., District of Columbia, Tenn.
1946–1947—State of Ohio, Youngstown, Ohio, District Industrial Hygiene Engineer.
1947–1952—State of New Hampshire, Concord, N.H., Industrial Hygiene Engineer, Acting Director of Division 1951.
1952–Date—State of New Hampshire, Director, Division of Industrial Hygiene or Bureau of Occupational Health.

RADIATION EXPERIENCE

1941–Date—Experience in industrial, diagnostic, therapeutic, and fluoroscopic X-ray machines—safety and health. Health and safety in use of radium in hospitals, clinics, and industry.
1951–Date—State RADEF Officer in Civil Defense program. Charge of radiological defense for State; training of monitors and care and maintenance of instruments.
1957–Date—Hold AEC licenses for use of sealed sources for use in training and calibration of instruments, including multicurie (5) Cobalt 60 sources, Cesium 137 source (120 curie), including leak testing.
1961–Date—Appointed Director, State Radiation Control Agency, Division of Public Health, Departmept of Health and Welfare.

RICHARD S. DUMM

EDUCATION

University of New Hampshire—1951, B.S., Agr. Engineering.
Special courses:
- Industrial Ventilation, Michigan State Univ., 1954 (1 week).
- Radiological Defense Instructor, OCDM, 1957 (1 week).
- Civil Effects Test Group, AEC Nevada Test Site, 1957 (2 weeks).
- Civil Defense for Food and Drug Officials, USFDA, 1963 (1 week).
- Radiological Health Physics, Oak Ridge Institute of Nuclear Studies, 1964 (10 weeks).

MILITARY

Enlisted USNR Nov. 1943–June 1946 (27 mos. active).
Enlisted USNR Apr. 1950–Jan. 1952 (12 mos. active).
Commissioned USNR Jan. 1952–date (13 mos. active).

EXPERIENCE

U.S. Naval Reserve (active) Feb. 1951–Mar. 1953.
State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Apr. 1953–date.

RADIATION

Health and safety of medical and industrial uses of X-ray and radium; 1953–date.
Teaching radiological defense to local town and city organizations; 1957–date.
Special courses (see Education).

JOHN R. STANTON

EDUCATION

St. Anslem's College, Manchester, N.H.—1955, A.B. Chemistry. Member St. Anslem's Chemical Society, 1952–55.

MILITARY

Two years active duty with U.S. Army, 1955–57; duty, weather observer. Seven years with New Hampshire National Guard, 1957 to date.

SPECIAL TRAINING

Weather Observer School, Fort Monmouth, N.J., 1956 (13 weeks).
Industrial Hygiene Chemistry Course—DOH USPHS Cincinnati, Ohio, 1963 (2 weeks).
Dust Evaluation Techniques Course—DOH USPHS Cincinnati, Ohio, 1963 (1 week).
Civil Defense for Food and Drug Officials course—USFDA, Concord, N.H., 1963 (1 week).
Radiological Health course—AEC—ORINS—Oak Ridge, Tenn., 1964 (10 weeks).

EXPERIENCE

Chemist (Highway Materials Testing)—New Hampshire Department of Public Works and Highways, 1957–1962. Immediate Supervisor, Paul S. Otis. Principal duties: chemical analysis of paints, tar, asphalt and other highway construction materials.
Industrial Hygiene Chemist—Occupational Health Service, New Hampshire Department of Health and Welfare, 1962 to present. Immediate Supervisor, Forrest H. Bumford. Principal duties: (1) Chemical analysis of trace metals, solvents and metabolic products of toxins using infrared spectroscopy, ultraviolet spectrophotometry and gas chromatography; (2) monitoring of daily air samples for beta activity.

GOVERNOR'S RADIATION ADVISORY COMMITTEE

Robert Normandi, Ph. D., Chairman, Professor of Biology and Radiation Biology, St. Anslem's College, Manchester, N.H. Holds AEC license.
Frank Lane, M.D., Chief Roentgenologist, Mary Hitchcock Memorial Hospital, Hanover, N.H., Radiation Safety Officer, Mary Hitchcock Memorial Hospital, Hanover, N.H. Charge of 1,000 curie cobalt 60 teletherapy units. Holds AEC licenses.
Laurence Bixby, M.D., Roentgenologist, Dover City Hospital, Dover, N.H., Roentgenologist, Frisbie Memorial Hospital, Rochester, N.H.
John Lockwood, Sc. D., Chairman, Department of Physics, University of New Hampshire, Durham, N.H. Considerable experience with various isotopes and member of University Radiation Committee. Holds AEC license.
J. Copenhaver, Ph. D., Chairman, Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Gene Likens, Ph. D., Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Richard D. Brew, President, Brew Co., Concord, N.H. Representing industrial interests on committee.
Paul Simpson, Sanders Associates, Nashua, N.H. Representing industrial interests on committee.
Leonard Hill, Comptroller, State of New Hampshire, State House, Concord, N.H. Representing Governor on State Committee.

The committee membership will be changed somewhat after January 1966, to give a more balanced membership amongst the various professions concerned with radiological health. This committee will keep the Governor and Council informed on matters relative to radiation problems within the State.

They will also recommend programs and policies to the Radiation Control Agency and act as advisors to the Director of the Agency. They or certain members of the committee will also serve the Agency as an isotope committee similar to that in use by the AEC.

Licensing and registration. The State program provides for the issuance of both specific and general licenses for radioactive materials. The specific license will be issued to authorize the possession of such quantities of special nuclear material, source material, byproduct material, and other naturally occurring radioactive materials, such as radium, as are not generally licensed or exempted from licensing under the regulations General licenses are established in the regulations for the possession of such quantities of certain radioactive materials as are considered to be unlikly to present a hazard to the health and safety of the public under the filing of applications with the Agency or the issuance of licensing documents to the particular persons using the radioactive material.

Persons possessing less than certain quantities of radioactive materials, as stated in the regulations, or who possess items containing certain specified radioactive materials are exempted from the licensing requirements of the regulations.

The program also requires that persons having possession of any source of ionizing radiation other than exempt radioactive material and radioactive material licensed under the regulations, including machines or devices capable of producing ionizing radiation, shall register such machines or devices with the Agency on a form provided by the Agency.

The Agency is responsible for evaluating applications for and the issuing of licenses. Provision has been made, however, for a radiation advisory committee to assist the Agency in evaluations which require technical consultation. The board will consist of persons highly qualified in the fields of the medical uses of radiation, physics, and industry whenever possible. In addition, the Agency will utilize the applicable licensing criteria of the U.S. Atomic Energy Commission in making its evaluations.

Inspection. Inspections of activities using radiation sources will be made on a periodic basis. The most hazardous uses of radiation will be inspected at least once in each 6-month period, and other uses on a less frequent basis, depending upon the relative hazard. All licensed or registered activities will be inspected at least once in each 2-year period.

Announcement of an intended inspection may or may not be made prior to its execution.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipment, facilities, and handling or storage of radioactive material, the procedures, in effect, including actual operation, and interviewing of personnel actually involved. The inspector will review the user's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the controlled area. He will review the user's records of receipts, transfers, and inventory of licensed materials, if any. He may physically check the inventory. He will examine records concerning any disposal of radioactive material which might have been made. He may make measurements of radiation levels. Prior to the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his superior and the licensee or registrant of all the facts and circumstances observed during the inspection, including recommendations for the abatement of noncompliance matters. The report will provide the basis for any necessary enforcement action by the Agency.

In addition, there will be investigations of incidents and complaints involving licensed or registered sources of radiation to determine the cause, and measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and the steps the licensee or registrant is taking to ensure that a recurrence of the incident will not take place.

Enforcement. Minor items of noncompliance, such as improper signs, failure to label, etc., will be included in the inspector's report and, if the licensee or registrant agrees to correct these irregularities at the time of the inspection, the corrective action taken will be reviewed with the licensee or registrant during the next periodic inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to accomplish corrective action prior to a time fixed by the director of the Agency, which time shall be not more than ten days subsequent to formal written notification of the item of noncompliance by the Agency. The licensee or registrant will be required to inform the Agency in writing, usually within 15 days of formal notification, as to corrective action taken and the date it was accomplished. In these cases, the Agency's representative will either conduct a prompt follow-up inspection or the matter will be reviewed during the next regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Agency will take such administrative actions as are available to it.

Where administrative enforcement of the rules and regulations of the Agency does not prove successful, a civil action may be instituted on behalf of the Agency for injunctive relief to prevent the violation of the provisions of the rules and regulations.

The director of the Agency has legal authority, in an emergency situation, to issue an order reciting that such an emergency does, in fact, exist and requiring that such action as he deems necessary be taken to meet the emergency. Any person to whom such an order is directed is required by law to comply with the order immediately.

Any person who receives a notice of violation of the regulations of the Agency and an order of abatement of the violation, or who is required to comply immediately with the orders of the director of the Agency, in an emergency situation, may apply for a hearing before the director of the Division of Public Health Services, New Hampshire State Department of Health and Welfare, and a hearing will be afforded within 15 days.

Any person who wilfully violates any of the provisions of the rules and regulations of the Agency, or who violates an order of the Agency, may be guilty of a crime and upon conviction may be punished by a fine or imprisonment or both, as provided by law.

Reciprocity. The Agency will exempt persons from the licensing requirement of the regulations who use, transfer, possess, or receive byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass pursuant to a license issued by the U.S. Atomic Energy Commission or by another agreement state provided that such persons notify the Agency immediately of the presence of such materials within the state.

Compatibility. It is the policy of the State of New Hampshire to institute and maintain a regulatory program for sources for ionizing radiation so as to provide for a system consonant insofar as possible with the standards and regulatory programs of the Federal government and with those of other agreement States.

[F.R. Doc. 66-2396; Filed, Mar. 7, 1966; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-387]

ACCIDENT NEAR CINCINNATI AIRPORT

Notice of Hearing

In the matter of investigation of accident involving aircraft of U.S. Registry N1996, which occurred near the Greater Cincinnati Airport, November 8, 1965.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1 p.m., l.t., on Tuesday, March 15, 1966, in the auditorium, 3d floor, College of Law, University of Cincinnati, Cincinnati, Ohio.

Dated this 2d day of March 1966.

[SEAL] DONALD W. MADOLE,
Chief,
Hearing and Reports Division.

[F.R. Doc. 66-2376; Filed, Mar. 7, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16476-16478; FCC 66M-314]

ARTHUR A. CIRILLI ET AL.

Order Scheduling Hearing

In re applications of Arthur A. Cirilli, trustee in bankruptcy (WIGL), Superior, Wis., Docket No. 16476, File No. BR-4080, BRRE-7740, for renewal of license of station WIGL (including AM remote pickup KG-5235); Quality Radio, Inc. (WAKX), Superior, Wis., Docket No. 16477, File No. BP-16497, for construction permit; Arthur A. Cirilli, trustee in bankruptcy (Assignor), and D. L. K. Broadcasting Co., Inc. (Assignee), Docket No. 16478, File No. BAL-5627, BALRE-1336, for assignment of license of station WIGL (including AM remote pickup KG—5235);

It is ordered, This 2d day of March 1966, that Isadore A. Honig shall serve as presiding officer in the above-entitled proceeding; that the hearings therein shall be convened on April 11, 1966, at 10 a.m.; and that a prehearing conference shall be held on March 30, 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 3, 1966.

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

[F.R. Doc. 66-2385; Filed, Mar. 7, 1966; 8:49 a.m.]

[Docket Nos. 16209, 16210; FCC 66M-304]

ELYRIA-LORAIN BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Elyria-Lorain Broadcasting Co., Docket No. 16209, File Nos. BR-2173, BRH-571, for renewal of licenses of stations WEOL-AM and FM, Elyria, Ohio; and Loren M. Berry Foundation (Transferor) and The Lorain County Printing & Publishing Co. (Transferee), Docket No. 16210, File No. BTC-4707, for transfer of control of Elyria-Lorain Broadcasting Co.

At the hearing in this proceeding as of this date, counsel for The Lorain Journal Co. announced its withdrawal as a party participant, and as set out in a Memorandum Opinion and Order (FCC 66M-261) released February 18, 1966: *It is ordered*, This 1st day of March 1966, that the hearing herein will reconvene on March 16, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 1, 1966.

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

[F.R. Doc. 66-2386; Filed, Mar. 7, 1966; 8:49 a.m.]

[Docket No. 16495; FCC 66-207]

DOMESTIC NONCOMMON CARRIER COMMUNICATION-SATELLITE FACILITIES

Notice of Inquiry Regarding Establishment by Nongovernmental Entities

1. The Commission has before it an application filed by the American Broadcasting Co., Inc. (ABC), for the establishment of a domestic TV program distribution system using a synchronous satellite. An opposition to the application has been filed by the Communications Satellite Corporation and a reply thereto has been filed by ABC. Under the proposal, programs would be transmitted from earth stations located in New York City and Los Angeles to ABC-owned and affiliated stations throughout the United States, including Hawaii and Alaska, and Puerto Rico and the Virgin Islands. The application also proposes to provide facilities for the interconnection of noncommercial educational TV stations in these same areas.

2. The ABC application is technically defective as it fails to comply with various provisions of Parts 2, 21, and 74 of the Commission's rules and regulations. The Commission has, therefore, informed ABC that its application cannot be accepted for filing at this time and the application is being returned to ABC without prejudice to an appropriate refiling thereof in light of the outcome and disposition of the inquiry that we are instituting.

3. The Commission has a statutory responsibility to study new uses for radio and generally encourage the larger and more effective use of radio in the public interest (e.g. section 303(g) of the Communications Act of 1934, as amended). However, proposals for the construction and operation of communication-satellite facilities by entities for the purpose of meeting their private or specialized domestic communication requirements present significant questions as to the compatibility of such proposals with the purposes, policies and objectives of the Communications Satellite Act of 1962 and as to their technical and economic feasibility. Therefore the Commission believes that the public interest would be served by obtaining the views and comments of interested parties on these questions as a means of determining what further actions, if any, are warranted by the Commission in this area.

4. Accordingly, comments are invited on the following specific questions:

(a) Whether, as a matter of law, the Commission may promulgate policies and regulations, looking toward the authorization of non-governmental entities to construct and operate communication-satellite facilities for the purpose of meeting their private or specialized domestic communications requirements. This proceeding is not concerned with the question of whether communications common carriers may be authorized to construct and operate communication-satellite facilities for domestic purposes. (Parties submitting comments in this matter should do so in separate legal briefs);

(b) The effect or impact of any such authorizations upon the policies and goals set forth by the Communications Satellite Act and upon the obligations of the United States Government as a signatory to the Executive Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System;

(c) Whether, as a matter of policy, it would be in the public interest to grant such authorizations considering:

(1) The amount of frequency spectrum now available for the communication satellite service under the Commission's rules;

(2) The extent to which terrestrial facilities are or may be available to provide the services contemplated;

(3) The potential economic effects on common carriers; and

(4) The potential benefits (e.g. improved quality and reduced cost of service) which might result from the grant of such authorizations;

(d) Is it technically feasible to accommodate the space service contemplated, in light of the requirement:

(1) That the power flux density produced at the earth's surface in the band 3700–4200 Mc/s by emissions from a space station employing wide-deviation frequency (or phase) modulation, not exceed -149 dbW/m^2 in any 4 kc/s band for all angles of arrival, nor a total of -130 dbW/m^2 for all angles of arrival;

(2) That the power flux density produced at the earth's surface in the band 3700–4200 Mc/s by emissions from a space station employing other than wide-deviation frequency (or phase) modulation, not exceed -152 dbW/m^2 in any 4 kc/s band for all angles of arrival;

(3) That earth stations receiving signals from space stations in the band 3700–4200 Mc/s be so located with respect to the existing common carrier microwave complex in that band that they are not subjected to harmful interference from such terrestrial microwave systems;

(4) That transmitting earth stations in the band 5925–6425 Mc/s:

(a) Not exceed a mean effective radiated power of 45 dbW in any 4 kc/s band in the horizontal plane; and

(b) Not cause harmful interference to the existing common carrier microwave complex in the same band.

(e) Other relevant matters to which the respondents wish to address themselves.

5. It is recognized that the matters raised are unique and complex and the respondents should be afforded adequate time in which to prepare meaningful comments. Accordingly, it is requested that comments be submitted to the Commission by August 1, 1966, and reply comments by October 1, 1966. An original and 19 copies of all comments and reply comments and briefs shall be furnished the Commission. The Commission will consider all such comments, reply comments and briefs, as well as other relevant information before it, prior to taking further action in this matter.

Adopted: March 2, 1966.

Released: March 3, 1966.

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

[F.R. Doc. 66-2387; Filed, Mar. 7, 1966; 8:49 a.m.]

[Docket No. 16088, etc.; FCC 66R-60]

THEODORE GRANIK, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Theodore Granik, Washington, D.C., Docket No. 16088, File No. BPCT-3453; All American Television Features, Inc., Washington, D.C., Docket No. 16089, File No. BPCT-3459; T.C.A. Broadcasting, Inc., Washington, D.C., Docket No. 16091, File No. BPCT-3498; Colonial Television Corp., Washington, D.C., Docket No. 16092, File No. BPCT-3549; for construction permit for new television broadcast station (Channel 50).

1. Before the Review Board for consideration are the petitions to enlarge issues, filed November 1, 1965, by TCA Broadcasting, Inc. (TCA), and All American Television Features, Inc. (All American), each requesting financial qualifications issues against Colonial Television Corp. (Colonial). TCA also requests the addition of an adequacy of staff issue against Colonial.[1]

2. TCA's petition is accompanied by an affidavit of Eugene C. Walz, former program director of WRC–TV, Washington, D.C., and presently an independent producer of television documentaries. TCA contends, on the basis of the Walz affidavit, that Colonial's film costs for the first year of operation will amount to at least $130,000, instead of $65,000, as estimated by Colonial. Walz's estimate is based on a cost of $100 for each showing of a feature film, $25 for each one-half hour of syndicated film, and $10,000 a year for cartoons. Colonial disputes Walz's estimate, relying upon an affidavit of Colonial's president, Boyd W. Fellows, who states that any estimate of film costs is subjective, that much depends upon bargaining and how much film is obtained from a particular supplier, and that much film is obtainable at less than $10.00 per hour and that syndicated film is available at $25.00 per hour and less; no further details are presented by Fellows in support of these assertions. Walz further states that Colonial cannot, as it proposes, operate with one announcer; Walz states that an additional seven announcers will be required at a total annual cost of $56,000. In this connection, it is noted by the Board, that Colonial proposes to operate nearly 80 hours a week. Fellows, in response, states, that "Some television stations effectively operate with but one announcer", and also states that "many of the persons who will take part in Colonial's programming" will "in effect act as announcers"; again, no specific details are offered in support of these assertions. Walz also challenges other estimates made by Colonial as to its proposed operating costs. In view of the sharply divergent views of the two affiants, together with the lack of any specific details offered by the applicant as to how it proposes to operate with one announcer and the absence of any details as to the sources of its low cost film, the difference of opinion between Walz and Fellows should be resolved on the basis of evidence adduced at a hearing. See Theodore Granik, FCC 66R–38, R.R. 2d, released February 1, 1966. Colonial's objection to TCA's petition, insofar as it relates to Colonial's proposed operating costs, that it is addressed to the wrong forum, is rejected. See Theodore Granik, supra, footnote 10.

3. The petitioners also contend that Colonial has insufficient resources to meet its requirements. In its amended application, Colonial estimates its construction costs at $499,200 and its operating expenses at $360,000 for the first year. It anticipates a first year income of $360,000; it has available a $200,000 bank loan, repayable in four annual installments, at 6 percent interest; $90,000 from stock subscriptions; and a credit arrangement with RCA for equipment. Its credit arrangement with RCA calls for a down payment of $105,000, with the remainder payable in 48 monthly installments with 6 percent interest; the total credit made available by RCA is $315,000. Assuming that none of the bank loan or RCA credit would be repayable in the first year, Colonial would have available for construction costs and first year operating expenses a total of $965,000; its proposed construction costs ($499,200) and first year's operating expenses ($360,000) amount to $859,200, leaving an apparent excess of $106,000. It is noted, however, that repayment of the RCA credit or the $200,000 bank loan is not included in its operating costs. The terms of the RCA credit require that one-fourth of the amount credited be repaid the first year, together with 6 percent interest. The payments to RCA the first year would thus amount to $78,750 in principal and in excess of $12,000 in interest on unpaid principal. These two sums exceed $90,000, leaving an excess of no more than $16,000. In addition, one-fourth of the bank loan, together with 6 percent interest, is repayable within a year. This would add over $50,000 to the amount required to the cost of constructing and operating the station for one year. If, as Colonial suggests, it might borrow only a portion of the $200,000 from the bank, its assets are correspondingly reduced, and this in turn would cast additional doubt on its financial qualifications. Hence, it is concluded that Colonial has not shown that the funds and credits available are sufficient to meet its construction costs and first year operating expenses. The shortage of funds would be increased if, as TCA contends, Colonial's estimate of operating expenses is unrealistically low.

4. Not included in the above appraisal is Colonial's reliance upon an open-end undertaking by its stockholders to make available to Colonial whatever additional funds may be needed. This commitment, together with Colonial's allegation that some of these stockholders are millionaires, is, in Colonial's judgment, sufficient to establish its financial qualifications. At least some of these same principals are committed to making contributions or purchasing stock in connection with other UHF proposals, and these commitments are not reflected in their balance sheets; hence, no determination can be made as to the extent to which their alleged resources may be relied upon to support the instant proposal with additional funds. Moreover, in view of the lack of specificity as to the amount which each of the stockholders would contribute in addition to their present commitments and in view of the uncertainty as to whether Colonial's estimate of first year's operating expenses is reliable, this general commitment on the part of the stockholders to meet additional expenses not now known does not provide a basis for concluding that Colonial is financially qualified.

5. For the foregoing reasons, a four-part financial issue and an adequacy of staff issue will be added as to Colonial. Inasmuch as the matters to which the added issues are directed are peculiarly within Colonial's knowledge, the burden of proceeding with the introduction of evidence and the burden of proof under the added issues are placed on Colonial.

Accordingly, it is ordered, This 2d day of March 1966, that the petitions to enlarge issues, filed November 1, 1965, by TCA Broadcasting, Inc., and by All American Television Features, Inc., are granted;

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following two issues:

1. To determine the adequacy of the staff proposed by Colonial Television Corp.

2. (a) To determine the basis of Colonial Television Corp.'s (1) estimated construction costs, and (2) estimated operating expenses for the first year of operation;

(b) To determine the amount of financial resources which Colonial Television Corp. has available to it to construct and operate the proposed station for 1 year;

(c) In the event that Colonial Television Corp. will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, to determine the basis of Colonial Television Corp.'s estimated revenues for the first year of operation;

(d) To determine, in light of the evidence adduced, whether Colonial Television Corp. has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest.

Released: March 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 66-2388; Filed, Mar. 7, 1966; 8:49 a.m.]

[Docket Nos. 16487, 16488]

HENNEPIN BROADCASTING ASSOCIATES, INC., AND WMIN, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hennepin Broadcasting Associates, Inc., St. Paul, Minn.,

[1] Also before the Board are: (a) Oppositions (to the TCA petition), filed Nov. 23 and 29, 1965, by Colonial and the Broadcast Bureau, respectively, and a reply thereto, filed Dec. 9, 1965, by TCA; (b) oppositions (to the All American petition), filed Nov. 23 and 29, 1965, by Colonial and the Broadcast Bureau, respectively, and a reply thereto, filed Dec. 9, 1965, by All American; and (c) a document entitled "Information Affecting Pending Pleadings", filed Feb. 15, 1966, by Colonial.

[2] Board Member Nelson dissents and votes for denial of the petitions on the grounds urged by the Broadcast Bureau.

Docket No. 16487, File No. BPH-4369, Requests: 102.1 mc, No. 271; 100 kw; 350 ft.; WMIN, Inc., St. Paul, Minn., Docket No. 16488, File No. BPH-4869, Requests: 102.1 mc, No. 271; 100 kw(H); 83 kw(V); 370 ft.; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on February 28, 1966.

2. Except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed. However, the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore 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 they must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permits 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 2, 1966.

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

[F.R. Doc. 66-2389; Filed, Mar. 7, 1966; 8:49 a.m.]

UNITED STATES-MEXICO BILATERAL AGREEMENT CONCERNING BROADCASTING IN STANDARD AM BAND

Joint Government-Industry Meeting

FEBRUARY 25, 1966.

The existing Agreement between the United States of America and Mexico Concerning Radio Broadcasting in the Standard Broadcast Band (535–1605 kc) expires June 9, 1966.

Therefore, an informal meeting of representatives of Government and industry will be held to assist in determining what steps should be considered in view of the forthcoming expiration. Oral expression of industry views at this meeting are invited and written comments may also be submitted to the FCC, preferably before the date of the meeting.

The Department of State announced today that the meeting will be held on March 15, 1966, at 10 a.m. in Room 1107, Department of State, 2201 C Street NW., Washington, D.C.

Any station licensee or other person associated with or interested in radio broadcasting in the standard band and its international regulation is invited to participate in this meeting. In order that persons and organizations expecting to attend may be known in advance, it will be appreciated if those expecting to attend will transmit notice of such intention at the earliest possible date to Mr. Richard T. Black, Office of Telecommunications, Department of State, Room 5824, New State Extended, Washington, D.C., 20520.

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

[F.R. Doc. 66-2390; Filed, Mar. 7, 1966; 8:49 a.m.]

[Docket Nos. 14755–14757; FCC 66M-310]

JUPITER ASSOCIATES, INC., ET AL.

Order Regarding Procedural Dates

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

The Hearing Examiner having under consideration motion filed March 1, 1966, on behalf of Jupiter Associates, Inc., requesting the rescheduling of certain procedural dates;

It appearing, that movant pleads that all other parties to this proceeding have been informally contacted and have indicated that they will interpose no objection to immediate consideration and grant of said motion;

It further appearing, that good cause exists why said motion should be granted except to the extent that because of a previously scheduled hearing, a hearing date other than the one requested will necessarily be selected:

Accordingly, it is ordered, This 3d day of March 1966, that the motion is granted except as indicated: *And, it is further ordered*, That the exchange of all the exhibits shall be accomplished on or before March 22, 1966; that the notification of witnesses desired for cross-examination shall be accomplished on or before April 1, 1966, and that the hearing now scheduled for March 21 and 28 be and the same is hereby rescheduled for April 26, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 3, 1966.

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

[F.R. Doc. 66-2391; Filed, Mar. 7, 1966; 8:50 a.m.]

[Docket Nos. 16485, 16486]

SOUTHWESTERN BELL TELEPHONE CO. AND HARRISONVILLE TELEPHONE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Southwestern Bell Telephone Co., Docket No. 16485, File No. 1684-C2-P-65, for a construction permit to modify the facilities of Station KAA818 in the Domestic Public Land Mobile Radio Service at St. Louis, Mo.; and Harrisonville Telephone Co., Docket No. 16486, File No. 6218-C2-P-65, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Waterloo, Ill.

1. The Commission, by its Chief of the Common Carrier Bureau, acting under delegation of authority, pursuant to § 0.292(a) of the Commission's rules, has before it for consideration: (a) An application filed October 7, 1964, by Southwestern Bell Telephone Co. (hereinafter Southwestern Bell) for a construction permit to modify the facilities of Station KAA818, presently providing two-way communications service in the Domestic Public Land Mobile Radio Service at St. Louis, Mo., by adding an additional channel for two-way communications, on frequencies 152.78 Mc/s (base) and 158.04 Mc/s (mobile).[1] Southwestern Bell also requests authorization for an auxiliary test station on frequency 158.04 Mc/s; and (b) an application filed April 30,

[1] Station KAA818 now provides two-way communications on paired frequencies 152.51, 152.57, 152.63, 152.69, 152.75 and 152.81 Mc/s (base) and 157.77, 157.83, 157.89, 157.95, 158.01, and 158.07 Mc/s (mobile and test).

1965, by Harrisonville Telephone Co. (hereinafter Harrisonville) to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Waterloo, Ill., on frequencies 152.78 Mc/s (base) and 158.04 Mc/s (mobile).[2]

2. Southwestern Bell and Harrisonville are each seeking to provide two-way communications service on the same frequencies in the same general area; and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference (the base stations would be approximately 24 miles apart). Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

3. Section 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communications service; and it appears that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures and propagation data set forth therein are a proper basis for establishing the location of such service contours (F50,50) and the areas of electrical interference therein for the facilities involved in this proceeding.

4. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

5. Accordingly, in view of our conclusions above: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereinafter specified, upon the following issues:

(a) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations, based upon the standards set forth in paragraph 3 above) would result from simultaneous operations on the frequencies 152.78 and 158.04 Mc/s by Southwestern Bell and Harrisonville, and if so, whether such interference would be intolerable or undesirable.

(b) To determine on a comparative basis, the nature and extent of the service, proposed by each applicant including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(c) To determine the nature and extent of services now rendered by Southwestern Bell, utilizing the facilities of Station KAA818; and to determine the area served by each existing channel currently authorized for said facilities, based upon the standards set forth in paragraph 3 above; and to determine the capacity of and the normal message traffic load on each of the said channels.

(d) To determine, on a comparative basis, the areas and the populations therein, that Southwestern Bell and Harrisonville propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 3 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of either or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

6. *It is further ordered*, That the burden of proof on issues (a), (b), (d), and (e) is placed on the respective applicants herein; and the burden of proof on issue (c) is placed upon Southwestern Bell.

7. *It is further ordered*, That the parties desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: February 28, 1966.

Released: March 3, 1966.

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

[F.R. Doc. 66-2392; Filed, Mar. 7, 1966; 8:50 a.m.]

[Docket Nos. 15841-15843; FCC 66M-311]

WTCN TELEVISION, INC. (WTCN-TV), ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 3d day of March 1966, that the hearing now scheduled for April 26, 1966, be and the same is hereby rescheduled for May 9, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 3, 1966.

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

[F.R. Doc. 66-2393; Filed, Mar. 7, 1966; 8:50 a.m.]

[2] Harrisonville's request for a waiver of § 21.213(b)(1) of the Commission's rules is inappropriate since said section is permissive rather than mandatory in nature.

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND THOS. AND JAS. HARRISON LIMITED (HARRISON LINE)

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 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. J. Amoss, Jr., Vice President, Traffic, Lykes Bros. Steamship Co., Inc., Post Office Box 53068, New Orleans, La.

Agreement 7616-3 between Lykes Bros. Steamship Co., Inc., and Thos. & Jas. Harrison, Ltd. (Harrison Line), modifies Agreement No. 7616, as amended, to reflect a change in the corporate name of Harrison Line, and to provide that should either of the Member Lines, at a time when it is an undercarrier in the pool, for any reason fail to devote sufficient tonnage to the trade so as to supply a minimum of four vessel sailings during any calendar quarter, the provisions of the Agreement, including those relating to the establishment of the pool divisions and percentage participation of the Lines, shall be suspended for such calendar quarter and it will be the duty of the Secretary to notify each Line and the Federal Maritime Commission of the suspension of the agreement, as amended, in lieu of the quarterly statement otherwise furnished.

Dated: March 3, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-2372; Filed, Mar. 7, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 489]

T. A. COLEMAN & CO., INC.

Revocation of License

Whereas, by letter dated February 18, 1966, T. A. Coleman & Co., Inc., 23 East

22d Street, New York, N.Y., has voluntarily requested the cancellation of its independent ocean freight forwarder license No. 489; and

Whereas, T. A. Coleman & Co., Inc., has requested that such cancellation be without prejudice.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03.

It is ordered, That the independent ocean freight forwarder license No. 489 of T. A. Coleman & Co., Inc., be and is hereby revoked, effective 12:01 a.m., March 1, 1966.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That independent ocean freight forwarder license No. 489 be returned to the Commission for cancellation.

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

EDWARD SCHMELTZER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-2373; Filed, Mar. 7, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 962]

LA SALLE INTERNATIONAL FREIGHT FORWARDING CORP.

Revocation of License

Whereas La Salle International Freight Forwarding Corp., 147 West 42d Street, New York, N.Y., has returned Independent Ocean Freight Forwarder License No. 962 to the Commission for cancellation; and

Whereas La Salle International Freight Forwarding Corp., has requested a reasonable time to complete pending ocean freight forwarding transactions.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 962 of La Salle International Freight Forwarding Corp., be and is hereby revoked, effective 12:01 a.m., April 18, 1966.

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

EDWARD SCHMELTZER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-2374; Filed, Mar. 7, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 605]

CARL SAWYER STEAMSHIP AGENCY, INC.

Revocation of License

Whereas, by letter dated February 24, 1966, Carl Sawyer Steamship Agency, Inc., Post Office Box 414, Miami, Fla., 33101, requested that its independent ocean freight forwarder license No. 605 be canceled.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, § 6.03.

It is ordered, That the independent ocean freight forwarder license No. 605 of Carl Sawyer Steamship Agency, Inc., be and is hereby revoked.

It is further ordered, That this revocation is without prejudice to reapplication at a later date on the basis of changed facts.

It is further ordered, That independent ocean freight forwarder license No. 605 be returned to the Commission for cancellation.

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

EDWARD SCHMELTZER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 66-2375; Filed, Mar. 7, 1966; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regulations Temporary Reg. 4]

EQUAL OPPORTUNITY IN EMPLOYMENT

Compliance Reports

1. *Purpose.* This regulation provides for the use of Standard Form 100, Equal Employment Opportunity, Employer Information Report EEO–1 (January 1966).

2. *Background.* Standard Form 100 was prescribed by the Office of Federal Contract Compliance, Department of Labor, in a Federal Register notice, January 21, 1966 (31 F.R. 863). It is a single consolidated report form which is to be used by employers subject to Title VII of the Civil Rights Act of 1964, Executive Order No. 11246, and the Plans for Progress Program. The form specifically provides that it replaces Standard Form 40. Employers in the contract construction industry also are expected to use the form (see par. 4f of SF 100).

3. *Compliance reports.* The provisions of paragraph (b) of § 1–12.805–4 regarding the use of Standard Forms 40 and 41 in connection with the submission of compliance reports are hereby revoked. Pending a formal revision of the Federal Procurement Regulations, agencies shall require contractors and subcontractors subject to Executive Order No. 11246 to submit compliance reports in accordance with printed instructions on Standard Form 100 (January 1966), Equal Employment Opportunity, Employer Information Report EEO–1. These instructions provide that the Standard Form 100 is to be filed annually by March 31. However, where a contractor has filed an SF 40 since January 1, 1966, or has already filed an SF 100, a further submission of an SF 100 is not required in order to satisfy the March 31, 1966, filing requirement. In such cases the next submission of SF 100 should be made by March 31, 1967.

4. *Effective date.* These regulations are effective upon publication in the FEDERAL REGISTER.

5. *Expiration date.* Unless revised or canceled earlier by a formal FPR amendment, this regulation expires July 15, 1966.

Dated: February 28, 1966.

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

[F.R. Doc. 66-2384; Filed, Mar. 7, 1966; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1924]

CHRYSLER OVERSEAS CAPITAL CORP.

Filing of Application for Order Exempting Company

MARCH 2, 1966.

Notice is hereby given that Chrysler Overseas Capital Corp. ("Applicant"), 341 Massachusetts Avenue, Highland Park, Mich., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Applicant was organized by Chrysler Corp. ("Chrysler") under the laws of the State of Delaware in February 1966. All of the initially issued stock of Applicant, consisting of 5,000 shares of capital stock, par value $100

per share has been purchased by Chrysler for $500,000 and are held by Chrysler. Chrsyler has informed Applicant that in addition to this initial investment it will purchase additional capital stock of Applicant, or make other capital contributions to it in cash, securities or other property, aggregating $9,500,000 prior to the issuance of the Debentures referred to below, and that it may thereafter make further investments in the Applicant, in exchange for additional shares of the Applicant's capital stock or by contributions to the capital of the Applicant. Any additional securities, other than debt securities, which Applicant may issue in the future will be issued only to Chrysler or one or more of its wholly owned subsidiaries and Chrysler has informed Applicant that it or its wholly owned subsidiaries will continue to own all shares of the Applicant's capital stock and any additional securities, other than debt securities of the Applicant so acquired and will not dispose of them except to the Applicant itself or to Chrysler or to one or more of other wholly owned subsidiaries of Chrysler.

Chrysler, a Delaware corporation, is primarily engaged, directly and through its subsidiaries in the manufacture, assembly and sale of passenger cars, trucks and related automotive parts and accessories.

A principal purpose for organizing the Applicant was to continue the expansion and development of Chrysler's operations outside the United States while at the same time providing assistance in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $50,000,000 principal amount of its Guaranteed Sinking Fund Debentures Due 1986 ("Debentures"). Chrysler will guarantee the principal, premium, if any, Sinking Fund and interest payment on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Chrysler substantially in the same manner as the Debentures. The Debentures will be convertible on or after August 1967, into common stock of Chrysler.

It is intended that upon completion of the long-term investment of Applicant's assets substantially all of the assets of the Applicant will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Chrysler within the meaning of section 2(a)(23) of the Act, or (2) companies under Chrysler's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of Chrysler or its subsidiaries, in which Chrysler or the Applicant owns an equity interest of 10 percent or more. Applicant will proceed as expeditiously as practicable with the investment of its assets in the manner described above. Pending such investment and from time to time thereafter in connection with changes in such investment, Applicant will make temporary investments in obligations of foreign governments, foreign financial institutions, other foreign persons, and foreign branches of United States financial institutions.

The Debentures are to be sold to underwriters under conditions which are intended to assure that the Debentures will not be sold to nationals or residents of the United States or its territories or possessions. The Agreement among Underwriters will contain various provisions intended to assure that the Debentures will not be purchased by nationals or residents of the United States or its territories or possessions. Any future debt securities of the Applicant to be sold to the public will be sold under similar conditions.

Counsel has advised the Applicant that United States persons will be required to report and pay interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the Applicant rather than through sale of its own debt obligations, Chrysler will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from purchasing such debt securities.

The Debentures and the common stock of Chrysler into which they will be convertible will be registered under the Securities Act of 1933 and the Debentures will be listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of the Applicant is to provide a vehicle through which Chrysler may obtain funds in foreign countries to meet its foreign capital requirements while assisting in improving the balance of payments position of the United States; (2) while it is anticipated that the revenue of the Applicant will be adequate to service fully all its obligations, the payment of the Debentures, which is guaranteed by Chrysler, and the value of the right to convert the Debentures by exchanging them for shares of Chrysler common stock, do not depend solely on the operations or investment policy of the Applicant, for as a result of the guarantee, the Debenture holders may ultimately look to the business enterprise of Chrysler rather than solely to that of the Applicant. Accordingly, the public policy underlying the Act is not applicable to the Applicant nor do the security holders of the Applicant require the protection afforded by the Act; (3) none of the securities of the Applicant (other than debt securities) will be held by any person other than Chrysler or a wholly owned subsidiary of Chrysler; (4) Applicant will not permit any debt securities to be issued to or held by the public unless they are guaranteed by Chrysler; (5) Applicant will not deal or trade in securities; (6) Applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange; the offering of the Debentures will be pursuant to a prospectus complying with section 10(a) of the Securities Act of 1933 and the Debentures (and the common stock of Chrysler into which they will be convertible) will be registered under said Act and the Indenture pursuant to which the Debentures will be issued will be qualified under the Trust Indenture Act of 1939; (7) the Debentures will be offered and sold to foreign nationals in accordance with procedures designed to prevent the reoffering or resale of the Debentures to nationals or residents of the United States or its territories or possessions; (8) the burden of the interest equalization tax will discourage purchase of the Debentures by any U.S. person.

Notice is further given that any interested person may, not later than March 16, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-2358; Filed, Mar. 7, 1966; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 2, 1966.

The common stock, 10 cents par value, of Continental Vending Machine Corp.,

being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 3, 1966, through March 12, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-2359; Filed, Mar. 7, 1966; 8:47 a.m.]

[File No. 2-6269 etc.]

SHELL OIL CO.

Notice of Application and Opportunity for Hearing

MARCH 1, 1966.

In the matter of Shell Oil Co., File Nos. 2-6269 (22-512), 2-18353 (22-3117).

Notice is hereby given that Shell Oil Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Irving Trust Co. of New York ("Irving") under an indenture dated April 1, 1946 (the "1946 Indenture"), which was qualified under the Act, the trusteeship by Irving under an indenture dated August 1, 1961 (the "1961 Indenture"), which was also qualified under the Act, and the trusteeship by the same Bank under a New Indenture to be dated March 15, 1966 (the "New Indenture"), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving from acting as Trustee under the 1946 Indenture, under the 1961 Indenture, and under the New Indenture.

Section 310(b) of the Act, which is included in § 10.08 of the 1946 Indenture and § 8.01 of the 1961 Indenture, provides in part that if a Trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, inter alia, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the same issuer are outstanding. However, under clause (ii) of section (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

Section 8.01 of the 1961 Indenture (pursuant to Clause (i) of section 310(b)(1) of the Act) excludes the 1946 Indenture from the operation of section 310(b)(1) of the Act.

The Company alleges that:

(1) It has outstanding $59,216,000 principal amount of its 25-year 2½ percent Debentures due 1971 under the 1946 Indenture between the Company and Irving, which indenture was qualified under the Act;

(2) It has outstanding $200,000,000 principal amount of its 4⅝ percent Sinking Fund Debentures due 1986 under the 1961 Indenture between the Company and Irving, which indenture was qualified under the Act;

(3) It proposes to issue $150,000,000 principal amount of its 5 percent Debentures due 1991 under the New Indenture between the Company and Irving to a limited number of institutional investors which will purchase for investment and not with a view to resale or distribution, in transactions not involving any public offering. The issuance of these Debentures will therefore be exempt from the registration requirements of the Securities Act of 1933 and the New Indenture will be exempt from the qualification provisions of the Trust Indenture Act of 1939;

(4) The 1946 Indenture and the 1961 Indenture are wholly unsecured and the New Indenture will be wholly unsecured and all debentures issued or to be issued under any of these Indentures rank or will rank equally to any debentures issued or to be issued under any other of these Indentures. The Company is not in default under any of these Indentures;

(5) The Indentures vary as to amounts and interest rates, maturity and payment dates of principal and interest, sinking fund and redemption procedure, redemption dates, redemption prices, other dates (if any) incidental to restrictive covenants, negative pledge clauses, and restrictions on indebtedness of subsidiaries, sale and leaseback limitations and grace periods in event of default, and also contain other variations as more fully set forth in the application;

(6) Neither the differences indicated above nor any other provisions of the aforementioned Indentures are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify Irving from acting as Trustee under any of the aforementioned Indentures.

The Company has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C., 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after March 22, 1966, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than March 21, 1966, at 5:30 p.m. e.s.t., in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-2360; Filed, Mar. 7, 1966; 8:47 a.m.]

[01-49]

SKAGIT VALLEY TELEPHONE CO.

Order Postponing Hearing

FEBRUARY 28, 1966.

Skagit Valley Telephone Co., Mount Vernon, Wash., previously applied to the Securities and Exchange Commission for exemption from the registration requirements of section 12(g) of the Securities Exchange Act of 1934; and the hearing on that application is now scheduled for March 10, 1966.

In a motion filed by counsel for Skagit Valley Telephone Co. and for Telephones, Inc., request is made for a further postponement of the hearing. In support of such postponement, counsel advises of discussions between those companies and the Commission's staff, now nearing completion, with respect to the possible negotiated settlement of the remaining issues in an injunctive action filed by the Commission against the two companies and others and now pending

in the U.S. District Court for the Western District of Washington, Northern Division. Such a settlement is said to depend in part upon the results of the proposed merger of Telephones, Inc., into Continental Telephone Corp., which proposed merger is to be voted on by shareholders of the merging companies on March 15, 1966. In view thereof, the Division of Corp. Finance does not oppose the requested continuance. Accordingly,

It is ordered, That the hearing in these proceedings is hereby postponed to April 11, 1966, at the same hour and place.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-2361; Filed, Mar. 7, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

Ackerman Manufacturing Co., Ackerman, Miss.; effective 3-1-66 to 2-28-67 (men's work shirts and sport shirts).

Bamberg Sportswear Manufacturing Co., Bambergs, S.C.; effective 2-19-66 to 2-18-67 (boys' pants).

Fritz-Mar, Newton Bridge Road, Athens, Ga.; effective 2-17-66 to 2-16-67 (men's work shirts, work pants and work jackets).

Glenn Slacks, Inc., Bruce, Miss.; effective 2-25-66 to 2-24-67 (men's and boys' slacks).

Glenridge Trouser Corp., doing business as Tipton Manufacturing Co., Tipton, Mo.; effective 2-18-66 to 2-17-67 (men's trousers).

The H. W. Gossard Co., Sullivan, Ind.; effective 2-14-66 to 2-13-67 (women's foundation garments).

Lake Sleepwear, Inc., Boydton, Va.; effective 3-1-66 to 2-28-67 (women's pajamas and gowns).

J. A. Lamy Manufacturing Co., 108 West Pacific Street, Sedalia, Mo.; effective 2-24-66 to 2-23-67 (men's, women's and children's dungarees).

Lanier Manufacturing Co., Inc., Highway 80, Easley, S.C.; effective 2-28-66 to 2-27-67 (men's sport shirts).

Lowenstein Dress Corp., 425 Pleasant Street, Fall River, Mass.; effective 2-16-66 to 2-15-67 (ladies' dresses).

Oberma Manufacturing Co., Arkadelphia, Ark.; effective 2-23-66 to 2-22-67 (men's and boys' pants).

Rival Dress Co., Inc., 110 West Blaine Street, McAdoo, Pa.; effective 3-3-66 to 3-2-67. Learners may not be employed at less than the statutory minimum in the production of robes (ladies' dresses).

The Van Heusen Co., Augusta, Ark.; effective 2-28-66 to 2-27-67 (men's dress shirts).

Wright Manufacturing Co., Bowman, Ga.; effective 2-16-66 to 2-15-67 (men's and boys' trousers).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angus Garment Manufacturing Co., Newton Bridge Road, Athens, Ga.; effective 2-11-66 to 2-10-67; 10 learners (men's work pants, work shirts and work jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Annesco, Inc., Anderson, S.C.; effective 2-16-66 to 8-15-66; 25 learners (men's dress shirts and sport shirts).

Sustan Garments, Inc., Winnsboro, La.; effective 2-21-66 to 8-20-66; 60 learners (men's and boys' trousers).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 2-11-66 to 2-10-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

The Jonathan Corp., King and Love Streets, Lumberton, N.C.; effective 2-18-66 to 2-17-67; 5 learners for normal labor turnover purposes (ladies' lingerie).

Mullins Textile Mills, Inc., Chadbourn, N.C.; effective 2-24-66 to 2-23-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit shirts).

Spotlight Co., Inc., Ashdown, Ark.; effective 2-17-66 to 2-16-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Alfredo Manufacturing Corp., Apartado 325, Rio Grande, P.R.; effective 2-7-66 to 11-14-66; 17 learners for normal labor turnover purposes in the occupation of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of 75 cents an hour (men's cotton pajamas) (replacement certificate).

Sabana Grande Manufacturing Corp., Post Office Box 354, Sabana Grande, P.R.; effective 2-4-66 to 7-22-66; 140 learners for plant expansion purposes in the occupations of: (1) Looping, for a learning period of 960 hours at the rates of 71 cents an hour for the first 480 hours and 78 cents an hour for the remaining 480 hours; (2) mending, for a learning period of 720 hours at the rates of 71 cents an hour for the first 360 hours and 78 cents an hour for the remaining 360 hours; and (3) knitting, examining and inspecting, each for a learning period of 240 hours at the rate of 71 cents an hour (ladies' seamless hosiery) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 25th day of February 1966.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 66-2370; Filed, Mar. 7, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 142]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 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 application 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 623 (Sub-No. 81 TA), filed March 2, 1966. Applicant: H. MESSICK, INC., Duquesne and Newman Roads, Post Office Box 214, Joplin, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Smokeless powder* (propellant explosives, class B) from Radford, Va., to Virginia, Minn., and Mead, Nebr., for 150 days. Supporting shipper: Hercules Powder Co., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill., 60523. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 106291 (Sub-No. 5 TA), filed March 1, 1966. Applicant: E. B. ST. JOHN, St. John Truck Line, Byhalia, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives (other than small ammunition), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Olive Branch, Miss., and Byhalia, Miss.; from Olive Branch over Mississippi Highway 305 to Cockrum, Miss., thence over unnamed highway to junction Mississippi Highway 309, thence over Mississippi Highway 309 to Byhalia, and return over the same route, serving all intermediate points, for 180 days. Supporting shipper: There are 26 supporting statements attached to the application that may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn., 38103.

No. MC 114897 (Sub-No. 66 TA), filed March 1, 1966. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex., 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Bernalillo County, N. Mex., to points in Clark County, Nev., for 150 days. Supporting shipper: G. T. Patterson, assistant regional transportation manager, Phillips Petroleum Co., Post Office Box 239, Salt Lake City, Utah. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse Building, Albuquerque, N. Mex., 87101.

No. MC 127903 (Sub-No. 1 TA), filed March 2, 1966. Applicant: H & M TRANSPORT CO., INC., Rudd, Iowa. Applicant's representative: Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Garner, Iowa, and points within 5 miles thereof, to points in Minnesota, Wisconsin, North Dakota, South Dakota, and Nebraska, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 127979 TA, filed March 1, 1966. Applicant: RAYMOND F. BROWNING, 3510 Elizabeth, Pueblo, Colo., 81003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles*, from points in the United States to Pueblo, La Junta, Trinidad, Lamar, Durango, Colorado Springs, Leadville, Monte Vista, Grand Junction, Gunnison, Alamosa, Pagosa Springs, La Jara, Salida, Montrose, and Springfield, Colo., and Espanola, Farmington, Aztec, Raton, Las Vegas, Clayton, Springer, and Taos, N. Mex., for 180 days. Supporting shippers: General Motors Acceptance Corp., 207 West 9th Street, Pueblo, Colo., 81002; Western Acceptance Corp., Pueblo, Colo.; Commercial Credit Corp., 105 West 11th Street, Pueblo, Colo. Send protests to: District Supervisor Ruoff, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 127980 TA, filed March 1, 1966. Applicant: MONUMENTAL-SECURITY STORAGE COMPANY, 3006 Druid Park Drive, Baltimore, Md., 21215. Applicant's representative: R. C. Cavanaugh (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics*, from Salisbury, Md., to points in Wicomico, Dorchester, Caroline, Somerset, Talbot, Worcester, and Queen Anne Counties, Md., and Accomack and Northampton Counties, Va., and the District of Columbia, and *refused and rejected shipments*, from the above-named points to Salisbury, Md., under a continuing contract or contracts with Avon Products, Inc., Newark, Del., for 180 days. Supporting shipper: Avon Products, Inc., Newark, Del. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md., 21202.

MOTOR CARRIERS OF PASSENGERS

No. MC 119889 (Sub-No. 2 TA), filed March 1, 1966. Applicant: MORITZ O. GOCHENOUR, doing business as GOCHENOUR BUS SERVICE, Route 1, Woodstock, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Wardensville, W. Va., and Strasburg, Va., from Wardensville over West Virginia Highway 55 to the West Virginia-Virginia State line, thence over Virginia Highway 55 to the junction of U.S. Highway 11, thence over U.S. Highway 11 to Strasburg, and return over the same route, serving all intermediate points, for 150 days. Supporting shipper: Aileen, Inc., Edinburg, Va., 22824, Attention: Theodore Sambol, general manager. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C., 20423.

By the Commission.

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

[F.R. Doc. 66-2380; Filed, Mar. 7, 1966; 8:48 a.m.]

[Notice 1309]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 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-68342. By order of February 28, 1966, the Transfer Board approved the transfer to Hoff Ford, Inc., Lewiston, Idaho, of the operating rights of Adams Auto Sales, Inc., Lewiston, Idaho, in certificate No. MC-123264, issued January 8, 1962, authorizing the transportation, over irregular routes, of wrecked, disabled, repossessed or stolen motor vehicles, in truckaway service, by means of wrecker equipment or towing vehicle only, between Lewiston, Idaho, on the one hand, and, on the other, points in Spokane, Whitman, Garfield, Asotin, Columbia, Walla Walla, Franklin, Adams, and Lincoln Counties, Wash., and Wallowa, Umatilla, Morrow, Grant, and Baker Counties, Oreg. James W. Givens, 1219 Idaho Street, Lewiston, Idaho, 83501, attorney for transferor.

No. MC-FC-68470. By order of February 28, 1966, the Transfer Board approved the transfer to Swan Trucking Corp., Inc., Philadelphia, Pa., the operating rights in Permit No. MC-1017, issued February 26, 1957 to Edwin Swan, doing business as Swan's Service, Philadelphia, Pa., authorizing the transportation of: Store fixtures, paper products, and paper tubes, from Philadelphia, Pa., to points in New Jersey, Delaware, and portions of Maryland and New York. Mark Charles-

ton, No. 2 Penn Center Plaza, Philadelphia, Pa., attorney for applicants.

No. MC–FC–68475. By order of February 25, 1966, the Transfer Board approved the transfer to Christopher Casey, doing business as Chris Casey Trucking Co., Batavia, N.Y., of the operating rights of Pearl L. Flack, doing business as Raymond J. Flack Moving & Storage, Oswego, N.Y., in certificate No. MC–79315, issued June 19, 1958, authorizing the transportation, over irregular routes, of household goods, between points in Oswego County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, Ohio, and Pennsylvania, and coal, between Scranton, Pa., and points within 15 miles of Scranton, on the one hand, and, on the other, Oswego, N.Y. Charles A. Schiano, 4425 Lake Avenue, Rochester, N.Y., 14612, attorney for applicants.

No. MC–FC–68476. By order of February 28, 1966, the Transfer Board approved the transfer to Maxie Bowman, Mary E. Nighbert, Anthony Archie, Pamela Archie, Frances Apsel, George Arcidiacono, Concetta Del Gaudio, Stan Archie, Jeff Inman, Leon Ira Davis, Robert R. Blissit, and Julius Arcidiacono, a limited partnership, doing business as Arizona California Trucking, 201 16th Street, Yuma, Ariz., of the certificate of registration in No. MC–99682 (Sub-No. 1) issued May 21, 1964, to Sidney Christian, doing business as Ace Transfer & Storage, 201 16th Street, Somerton, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of convenience and necessity No. 3441, dated November 14, 1960, as restricted by order entered October 18, 1965, in decision No. 38125, issued by the Arizona Corporation Commission, subject to Arizona General Order No. MV–12. Richard Minne, 609 Luhrs Building, Phoenix, Ariz., 85003, attorney for transferee.

No. MC–FC–68477. By order of February 28, 1966, the Transfer Board approved the transfer to Edgar D. Danielson, Bristow, Nebr., of the certificate in No. MC–94672, issued July 14, 1941, to Eddie Hoffman, Lynch, Nebr., authorizing the transportation of: Livestock, from Lynch, Nebr., to Sioux City, Iowa, and livestock, automobile parts and accessories, garage equipment, coal, hardware, blacksmith supplies, building materials, farm machinery, and parts, grain and feeds, in the reverse direction.

No. MC–FC–68487. By order of February 28, 1966, the Transfer Board approved the transfer to Jerry J. Nicholas, doing business as Quick Transfer Co., 2808 North Ohio, Wichita, Kans., of the operating rights of C. E. Whitworth, 1415 North Topeka, Wichita, Kans., in certificate No. MC–98148 (Sub-No. 1), issued August 25, 1965, authorizing the transportation, over irregular routes, of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, between points in Kansas and Oklahoma.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–2381; Filed, Mar. 7, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 3, 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. 40338—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 559), for interested rail carriers. Rates on creosote oil (deal oil of tar), including distillate or solution, in tank carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 46 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40340—*Grain and grain products from and to points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 561), for interested rail carriers. Rates on grain and grain products and related articles, in carloads, from specified points in Texas, to specified points in Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 47 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1012.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40339—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 560), for interested rail carriers. Rates on ethylene oxide and other property described in the application, in carloads and tank carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 46 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–2382; Filed, Mar. 7, 1966; 8:49 a.m.]

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