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PART I

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

[Revised Edition—1965]

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

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

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

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Title 7—AGRICULTURE

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

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Official U.S. Standards for Grades of Swine

On June 26, 1965, there was published in the FEDERAL REGISTER (30 F.R. 8225) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice that the Consumer and Marketing Service of the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), was considering amending the provisions of the official U.S. standards for swine in §§ 53.150 and 53.151 of Part 53, Title 7, Code of Federal Regulations, and promulgating official U.S. standards for grades of feeder pigs to appear in §§ 53.158 and 53.159 of that part.

Statement of considerations. A basic principle in the development of standards for livestock and meats in that standards for feeder animals should conform closely to those for slaughter animals and the resulting carcasses. In 1940 tentative standards for grades of feeder pigs were developed and published by this Department in USDA Circular No. 569, "Market Classes and Grades of Swine." Although these tentative standards were never promulgated as official standards, they have been used as the basis for Federal and Federal-State livestock market news reports on feeder pigs and thus are of major importance to the industry. These tentative standards, however, are no longer considered adequate in view of the standards for slaughter swine and pork carcasses which have been developed since 1940.

In recent years the number of feeder pigs graded and sold in special sales has increased substantially. In line with this change in feeder pig marketing, a number of States have inaugurated grading programs based on their own standards. This increased interest and activity in the grading and marketing of feeder pigs has emphasized the need for official U.S. standards for grades of feeder pigs that are closely coordinated with the standards for grades of slaughter barrows and gilts. Such standards applied on a uniform basis throughout the country could result in further improvements in production and marketing and make market reports more meaningful and useful.

After consideration of all material submitted pursuant to the notice of proposed rule making and other material available to the Department, it is evident that there is a need for the promulgation of official standards for grades of feeder pigs. Therefore, pursuant to the said authority cited above, the provisions of the official U.S. standards for swine in 7 CFR 53.150 and 53.151 are hereby amended and official U.S. standards for grades of feeder pigs are hereby promulgated to appear in 7 CFR 53.158 and 53.159, as specified below:

1. Section 53.150 of the U.S. standards for swine is amended to read as follows:

§ 53.150 Swine.

The official standards for swine developed by the U.S. Department of Agriculture provide for segregation first according to intended use—slaughter or feeder—then as to class, as determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for a particular use. Differentiation between slaughter and feeder swine is based solely on their intended use rather than on specific identifiable characteristics of the swine. Slaughter swine are those which are intended for slaughter immediately or in the near future. Feeder swine are those which are intended for slaughter after a period of feeding.

2. Section 53.151 of the official U.S. standards for swine is amended to read as follows:

§ 53.151 Slaughter and feeder swine classes.

There are five classes of slaughter and feeder swine. Definitions of the respective classes are as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) *Sow.* A sow is a mature female swine that usually shows evidence of having reproduced or having reached an advanced stage of pregnancy.

(d) *Boar.* A boar is an uncastrated male swine.

(e) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

3. New §§ 53.158 and 53.159 are promulgated to read, respectively:

§ 53.158 Application of standards for grades of feeder pigs.

(a) The grade of a feeder pig is determined by evaluating two general value-determining characteristics—its logical slaughter potential and its thriftiness.

(b) The logical slaughter potential of a thrifty feeder pig is its expected slaughter grade at a market weight of 220 pounds after a normal feeding period. In these feeder pig standards, logical slaughter potential is determined by a composite appraisal of the development of the muscular system and the skeletal system. Both of these factors have an important effect on the development of lean and fat as the animal grows and fattens, and therefore, on the expected slaughter and carcass grade.

(c) Thriftiness in a feeder pig is its apparent ability to gain weight rapidly and efficiently. Size for age, health, and other general indications of thriftiness are considered in appraising the thriftiness of feeder pigs.

(d) The standards provide for five grades of feeder pigs—U.S. No. 1, U.S. No. 2, U.S. No. 3, Medium, and Cull—corresponding in name to the five grades for slaughter swine and pork carcasses. The No. 1, No. 2, and No. 3 grades include all pigs which are thrifty. Differentiation between the No. 1, No. 2, and No. 3 grades is based entirely on differences in logical slaughter potential. Feeder pigs in the No. 1 grade have sufficient muscling and frame to reach a market weight of 220 pounds with near the minimum degree of finish required for the production of cuts with acceptable quality characteristics. Feeder pigs in the No. 2 and No. 3 grades usually have progressively less muscling and less frame and are expected to have progressively more finish when marketed at 220 pounds. The Medium and Cull grades include only pigs which lack thriftiness. Differentiation between these grades is based entirely on differences in degree of unthriftiness.

(e) Most feeder pigs are marketed when relatively young and before reaching a weight of 125 pounds. At this age, sex condition exerts little influence on the basic factors determining the feeder grade. Therefore, these standards are equally applicable for grading barrow, gilt, and boar pigs, although it is recognized that sex condition may influence the market price in some instances. It is assumed that boar pigs which are graded as feeder pigs will be castrated prior to developing the secondary physical characteristics of a boar. Sows, stags, and mature boars are seldom used as feeder animals, and these standards do not apply to those classes.

(f) Only one combination of muscling and skeletal characteristics is described in the standards for the No. 1, No. 2, and No. 3 grades. However, it should be recognized that pigs with thicker muscling and less frame or those with thinner muscling and greater frame than described in each of these grades also may be eligible for that grade. Since no attempt is made to describe the numerous combinations of characteristics that may qualify a feeder pig for a specific grade, making appropriate compensations for varying combinations of characteristics requires the use of sound judgment.

§ 53.159 Specifications for official United States standards for grades of feeder pigs.

(a) *U.S. No. 1.* Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are slightly long in relation to width and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced, stylish appearance. Feeder pigs in this grade are expected to produce U.S. No. 1 grade carcasses when slaughtered at 220 pounds.

(b) *U.S. No. 2.* Feeder pigs in this grade near the borderline of U.S. No. 3 grade are slightly short in relation to width and have only slightly thick muscling throughout. The hams and shoulders are slightly thick and full and the back usually appears moderately full and thick. Feeder pigs in this grade are expected to produce U.S. No. 2 grade carcasses when slaughtered at 220 pounds.

(c) *U.S. No. 3.* Feeder pigs typical of the No. 3 grade are short and have rather thin muscling throughout. The hams are thin and rather flat, particularly in the lower parts toward the shanks. The back usually appears full and thick and the width at the topline usually is greater than at the underline. Feeder pigs in this grade are expected to produce U.S. No. 3 grade carcasses when slaughtered at 220 pounds.

(d) *Medium.* Feeder pigs in this grade near the borderline of the Cull grade usually are small for their age and appear unthrifty. They often have a rough, unkempt appearance indicating the effects of disease or poor care. The hams and shoulders usually are thin and flat and taper toward the shanks. The back is thin and lacks fullness. Pigs in this grade near the borderline of the U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades are slightly small for their age and appear slightly unthrifty. It is recognized that Medium grade feeder pigs will produce No. 1, No. 2, or No. 3 grade carcasses when slaughtered at 220 pounds provided their unthrifty condition is corrected.

(e) *Cull.* Feeder pigs typical of this grade are very deficient in thriftiness and growthiness and often appear stunted or diseased. Hams and shoulders usually are very thin and flat and taper toward the shanks. They are narrow over the top and the back is thin and often slopes away from the center.

(Sec. 203, 60 Stat. 1087, as amended; sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1622, 1624)

These standards embody slight changes from the proposals in the notice of rule making. These changes are made pursuant to comments received in connection with the notice and are made for purposes of clarity and uniformity of interpretation. It does not appear that further notice and other public procedure would make additional information available to the Department. These provisions should be made effective as soon as possible in order to be of maximum benefit to affected persons. Since most statistical reports are compiled on a yearly basis, more uniform and meaningful statistical reporting would be possible if these standards were in effect at the beginning of the calendar year. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public procedure with respect to the promulgated standards is impracticable and unnecessary and such standards may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing provisions shall become effective January 1, 1966.

Done at Washington, D.C., this 27th day of December 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-13939; Filed, Dec. 29, 1965; 8:48 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13686), which were designated for cotton crop insurance for the 1966 crop year.

ALABAMA	
Barbour.	Lauderdale.
ARIZONA	
Maricopa.	Yuma.
ARKANSAS	
Chicot.	Desha.
GEORGIA	
Ben Hill.	Thomas.
LOUISIANA	
Caldwell.	
MISSISSIPPI	
Calhoun.	Carroll.
MISSOURI	
Dunklin.	Pemiscot.
Mississippi.	Stoddard.
NORTH CAROLINA	
Montgomery.	Rowan.
SOUTH CAROLINA	
Aiken.	Bamberg.
TENNESSEE	
Chester.	Lawrence.
TEXAS	
Calhoun.	Hudspeth.
Haskell.	Victoria.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13949; Filed, Dec. 29, 1965; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for soybean crop insurance for the 1966 crop year.

ALABAMA	
Escambia.	
ARKANSAS	
Chicot.	Desha.
ILLINOIS	
Brown.	Peoria.
Henderson.	Warren.
Kendall.	Whiteside.
Knox.	
INDIANA	
Bartholomew.	Newton.
Elkhart.	Parke.
Hamilton.	
IOWA	
Cedar.	Marion.
Clinton.	Monona.
Harrison.	Muscatine.
Henry.	Taylor.
Louisa.	Wapello.
KANSAS	
Johnson.	
KENTUCKY	
Henderson.	Union.
LOUISIANA	
Caldwell.	
MARYLAND	
Caroline.	
MISSISSIPPI	
Carroll.	
MISSOURI	
Boone.	Pemiscot.
Clinton.	Randolph.
Dunklin.	Stoddard.
Mississippi.	
NORTH CAROLINA	
Hyde.	

OHIO

Fairfield.	Ottawa.

SOUTH CAROLINA

Aiken.	Bamberg.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13950; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for peanut crop insurance for the 1966 crop year. The type(s) on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—runner.

GEORGIA

Ben Hill—runner, spanish, virginia.
Dooly—runner, spanish, virginia.
Thomas—runner, spanish, virginia.

NORTH CAROLINA

Pitt—virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13951; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for rice crop insurance for the 1966 crop year.

ARKANSAS

Chicot.	Desha.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13952; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13691), which were designated for sugar beet crop insurance for the 1966 crop year.

COLORADO

Morgan.	Weld.

IDAHO

Minidoka.

MONTANA

Richland.	Yellowstone.

WASHINGTON

Grant.	Yakima.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13953; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13691, 14151), which were designated for tobacco crop insurance for the 1966 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

GEORGIA

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Thomas	14

KENTUCKY

Carroll	31
Henderson	31, 36
Marshall	23, 31, 35
Taylor	31
Union	31, 36

MARYLAND

Anne Arundel	32

NORTH CAROLINA

Alexander	11a
Montgomery	11b
Wilkes	11a

TENNESSEE

Blount	31
Lawrence	31
Macon	31, 35

VIRGINIA

Franklin	11a, 21

WISCONSIN

Crawford	55
Richland	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13954; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13685, 14151), which were designated for corn crop insurance for the 1966 crop year.

ILLINOIS

Brown.	Peoria.
Henderson.	Warren.
Kendall.	Whiteside.
Knox.	

INDIANA

Bartholomew.	Newton.
Elkhart.	Parke.
Hamilton.	

IOWA

Cedar.	Marion.
Clinton.	Monona.
Harrison.	Muscatine.
Henry.	Taylor.
Louisa.	Wapello.

KENTUCKY

Henderson.	Union.

MARYLAND

Caroline.

MICHIGAN

Cass.	Livingston.

MISSOURI

Boone.	Pemiscot.
Clinton.	Randolph.
Dunklin.	Stoddard.
Mississippi.	

NORTH CAROLINA

Hyde.	Rowan.

OHIO

Fairfield.	Ottawa.

SOUTH DAKOTA

Aurora.	Douglas.
Charles Mix.	

WISCONSIN

Crawford.	Richland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13955; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13688), which were designated for oat crop insurance for the 1966 crop year.

IOWA

Cedar.	Marion.
Clinton.	Monona.
Harrison.	Muscatine.
Henry.	Taylor.
Louisa.	Wapello.

SOUTH DAKOTA

Aurora.	Douglas.
Charles Mix.	

WISCONSIN

Crawford.	Richland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13956; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published March 4, 1965 (30 F.R. 2781), which were designated for barley crop insurance for the 1966 crop year.

NORTH DAKOTA

Mercer.	Oliver.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13958; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13687), which were designated for grain sorghum crop insurance for the 1966 crop year.

TEXAS

Calhoun.	Victoria.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13959; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published October 28, 1965 (30 F.R. 13689), which were designated for pea (dry) crop insurance for the 1966 crop year.

WASHINGTON

Columbia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13960; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13692), which were designated for peach crop insurance for the 1966 crop year.

NORTH CAROLINA

Montgomery.

SOUTH CAROLINA

Aiken.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13957; Filed, Dec. 29, 1965; 8:50 a.m.]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 28, 1965 (30 F.R. 13692), which were designated for apple crop insurance for the 1966 crop year.

NORTH CAROLINA

Alexander.	Wilkes.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 65-13940; Filed, Dec. 29, 1965; 8:49 a.m.]

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

[Amdt. 19]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963-64 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 65-13484, appearing at page 15571 of the issue for Friday, December 17, 1965, the following corrections are made:

1. In the second sentence of § 724.62 (a)(2), "paragraph (c)" should read "paragraph (q)".

2. Section 724.69(b)(8) should end with the words "in the base period" instead of with the words "is the base period".

3. Section 724.69(g)(1) should end with the words "lessee farm" instead of with the words "leasee farm".

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

[971.308 Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Correction

In F.R. Doc. 65-13543 appearing at page 15655 in the issue for Saturday, December 18, 1965, the second line of § 971.308(c)(1) now reads: "* * * 10 inches x 14¼ inches x $\frac{5}{16}$ inches * * *" It is corrected to read: "* * * 10 inches x 14¼ inches x 21$\frac{5}{16}$ inches * * *".

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[Cotton Loan Program Reg., Amdt. 1]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

WEIGHT, LOAN RATE, AND AMOUNT

Correction

In F.R. Doc. 65-13673, appearing at page 15795 of the issue for Wednesday, December 22, 1965, the following corrections are made in § 1427.1359(b):

1. In subparagraph (2), "staple of length" should read "staple length".
2. In subparagraph (3), "notes" should read "motes".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Slaughtering Establishments

Pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 120, 121, 125, 134b), paragraph (b) of § 78.15 of the regulations in Part 78, Title 9, Code of Federal Regulations, restricting the interstate movement of domestic animals because of brucellosis, is hereby amended to read as follows:

§ 78.15 Slaughtering establishments.

* * * * *

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of § 78.5; paragraph (b) of § 78.12; and §§ 78.18 and 78.19 are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Division and from the Federal Inspectors and State Inspectors.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment clarifies the regulations in Part 78 by making specific reference in § 78.15(b) to the notices regarding specific approval of slaughtering establishments for the purposes of §§ 78.18 and 78.19 and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of December 1965.

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

[F.R. Doc. 65-13938; Filed, Dec. 29, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-EA-32]

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

Alteration of Transition Area

Correction

In F.R. Doc. 65-12943, appearing at page 14968 of the issue for Friday, December 3, 1965, the following correction is made in item 1: The heading for the description of the Charleston, W. Va., control zone should read "Charleston, W. Va." instead of "Charlestown, W. Va."

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In § 200.56 paragraph (f) is amended to read as follows:

§ 200.56 Assistant Commissioner for Home Mortgages.

* * * * *

(f) To direct the activities of the Mortgage Servicing Officer and the Special Assistant for Home Improvement Program.

In § 200.73 the introductory text of (a) and (a)(4) are amended to read as follows:

§ 200.73 Director, Audit and Examination.

* * * * *

(a) To be responsible for the coordination and general supervision of the Audit Division, the Examination Division, and the Mortgagee Approval Section comprising the following functions:

* * * * *

(4) Review and recommendation to the Assistant Commissioner for Home Mortgages of approval, disapproval, or cancellation of approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., December 23, 1965.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-13937; Filed, Dec. 29, 1965; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 209—DRAWING OF CHECKS IN FAVOR OF FINANCIAL ORGANIZATIONS FOR THE CREDIT OF PERSONS' ACCOUNTS

On November 4, 1965, notice of proposed rule making regarding the adoption of regulations, pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89-145 (79 Stat. 582), to govern the drawing of checks in favor of financial organizations for the credit of persons' accounts was published in the FEDERAL REGISTER (30 F.R. 13955). The regulations proposed apply to checks in payment of (1) salaries or wages, and (2) other classes of recurring payments with specific approval of the Fiscal Assistant Secretary of the Treasury. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations under section 3620 of the Revised Statutes, as amended by Public Law 89-145, are hereby adopted to read as follows:

Sec.
209.1 Authority.
209.2 Definitions.
209.3 Individual checks.
209.4 Composite checks.
209.5 Depositor account numbers.
209.6 Assignments prohibited.
209.7 Financial organization as agent.
209.8 Acquittance to United States.
209.9 Financial organization not Government depositary.
209.10 Procedural instructions.

AUTHORITY: The provisions of this Part 209 issued under R.S. 3620, as amended by Pub. L. 89-145; 31 U.S.C. 492, unless otherwise noted.

SOURCE: The provisions of this Part 209 appear at F.R. ———, December 30, 1965, unless otherwise noted, and are contained in Treasury Department Circular No. 1076, dated December 22, 1965.

§ 209.1 Authority.

This part is issued pursuant to section 3620 of the Revised Statutes (31 U.S.C. 492), as amended by Public Law 89–145 (79 Stat. 582). Public Law 89–145 further amended section 3620 of the Revised Statutes to provide additional methods of payment by permitting the heads of agencies to authorize disbursing officers to make certain payments by checks drawn in favor of financial organizations under certain conditions.

§ 209.2 Definitions.

As used in this part:

(a) "Agency" means any department, agency, independent establishment, board, office, commission or other establishment in the executive, legislative, or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State-chartered credit union.

§ 209.3 Individual checks.

(a) The head of an agency may authorize the appropriate disbursing officer to pay a person by sending to the financial organization designated by that person a check that is drawn in favor of that organization and for credit to the account of that person.

(b) The procedure set out in paragraph (a) of this section may be adopted only:

(1) If the person to whom payment is to be made provides the agency with a written request (on a form promulgated by the Treasury [1] or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of such person;

(2) For payments for credit to any account (single or joint) designated by the person to whom payment is to be made, the title of which includes the name of that person as stated on the check;

(3) If the head of the agency makes a determination that the interests of the Government, from the standpoint of economy or otherwise, and of the person to whom payment is to be made, will not be impaired;

(4) For payments of salaries or wages (including military or other pay and allowances) and, with the specific approval of the Fiscal Assistant Secretary of the Treasury, for other classes of recurring payments; and

(5) For agencies serviced by Treasury regional disbursing offices, after such consultation with the Bureau of Accounts as is necessary to coordinate the agency's operations with disbursing office requirements.

[1] Standard Form 1189 attached to Department Circular 1076, dated Dec. 22, 1965, filed as part of original document.

§ 209.4 Composite checks.

(a) Whenever, under the procedure set out in § 209.3, payments may be made by an agency on the same regularly recurring dates to two or more persons who designate the same financial organization, the head of the agency may, with the approval specified in paragraph (b) of this section or upon the determination specified in paragraph (c) of this section, as the case may be, authorize the appropriate disbursing officer to draw a single check for the total amount in favor of that organization for credit to the accounts of the several persons.

(b) An agency serviced by Treasury regional disbursing offices desiring to use the procedure set out in paragraph (a) of this section may, after consultation with the Bureau of Accounts regarding its requirements, submit through that Bureau a request for approval by the Fiscal Assistant Secretary of the Treasury. The request shall be accompanied by findings as to the effect of the procedure on the agency's costs. The approval of the Fiscal Assistant Secretary will be contingent on his determining that economy will result, considering the effect of the procedure on Government-wide costs for each application.

(c) An agency which does its own disbursing or disburses by delegation from the Treasury may use the procedure set out in paragraph (a) of this section if the head of the agency makes a determination that, in accordance with standards prescribed in regulations of the agency concurred in by the Fiscal Assistant Secretary of the Treasury, economy will result. Agency regulations shall provide for taking Government-wide costs into account for each application of the procedure, including costs of the agency's internal operations and other Government costs determined by the Treasury.

(d) An agency which uses the procedure set out in paragraph (a) of this section shall supply to the disbursing office, or arrange to have the disbursing office prepare, for forwarding to each financial organization with each check, a record which as a minimum states the name and location of the agency payrolling office; the name and address of the financial organization office to receive the check; the name and amount for each account to be credited; and the date and aggregate amount to be covered by the composite check.

§ 209.5 Depositor account numbers.

At the request of a financial organization to which checks are sent under the procedures set out in §§ 209.3 and 209.4, an agency shall, to the extent practicable, use depositor account numbers supplied by the financial organization as additional identification on individual checks or on the records accompanying composite checks. The United States shall not assume responsibility for the correctness of such account numbers and the name of the person to whom payment is to be made will govern the crediting of the account.

§ 209.6 Assignments prohibited.

The procedures set out in §§ 209.3 and 209.4 may not be used for allotting a part of a payment or for effectuating an assignment of a payment. Nothing in this part affects allotments of payments specifically authorized by other provisions of law and regulations thereunder.

§ 209.7 Financial organization as agent.

A financial organization which receives checks under the procedure set out in §§ 209.3 and 209.4 does so in each case as the agent of the person who has designated the financial organization to receive the check and credit his account. The death of that person revokes the authority of the financial organization to credit the amount to the account of that person. In the case of a check covering a payment to one person, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the person. In the case of a check covering payment to more than one person, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the person and the reason for refund.

§ 209.8 Acquittance to the United States.

Payment by the United States of a check drawn in favor of and properly endorsed by the financial organization designated by a person to whom payment is to be made shall, if the check or the accompanying document properly specifies that person's name, constitute a full acquittance to the United States for the amount of such payment.

§ 209.9 Financial organization not Government depositary.

A financial organization to which a check is drawn under the procedure set out in §§ 209.3 and 209.4 does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

§ 209.10 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of these regulations, as needed, will be issued by the Commissioner of Accounts, including promulgation of applicable forms.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65–14006; Filed, Dec. 29, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS, AND CERTAIN FACT-FINDING BODIES

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

Miscellaneous Amendments

Scope and purpose. Parts 719, 750, and 751 are updated to conform to amendments to the Manual of the Judge Advocate General which will be distributed in due course to Navy and Marine Corps commands as Changes 15 and 16 to that manual.

1. Section 719.101 is amended by revising paragraph (f)(2) through the end of paragraph (f) and by revising paragraph (g) to read as follows:

§ 719.101 General provisions.

* * * * *

(f) *Appeals*—* * *

(2) *To whom made when officer who imposed the punishment is in a Navy chain of command.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM 1951, shall, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the officer who imposed the punishment, be forwarded to the area coordinator authorized to convene general courts-martial. When the cognizant area coordinator is not superior in rank or command to the officer who imposed the punishment, however, or when the punishment is imposed by a commanding officer who is an area coordinator, the appeal shall be forwarded to the officer authorized to convene general courts-martial and next superior to the officer who imposed the punishment in the chain of command.

(i) An immediate or delegated area coordinator may take action in lieu of an area coordinator if he is superior in rank or command to the officer who imposed the punishment and has authority to convene general courts-martial.

(ii) For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the unit at the time of forwarding of the appeal.

(3) *To whom made when officer who imposed the punishment is in the chain of command of the Commandant of the Marine Corps.* Any appeal from nonjudicial punishment in accordance with paragraph 135, MCM 1951, shall be made to the authority next superior in the chain of command to the officer who imposed the punishment, whether or not the superior authority is at the time of appeal in the chain of command of the person punished.

(4) *Appeal from nonjudicial punishment in multiservice commands under paragraph (a)(1) of this section.* An appeal from nonjudicial punishment imposed by a commanding officer designated pursuant to paragraph (a)(1) of this section shall be made to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

(5) *Delegation of authority to act on appeals.* Such authority may be delegated in accordance with the provisions of paragraph (a)(4) of this section.

(6) *Reforwarding of appeal.* An officer who has delegated his nonjudicial punishment powers to a principal assistant under paragraph (a)(4) of this section may not act on appeal from punishment imposed by his delegate. In such cases and in other cases where it may be inappropriate for the officer designated by subparagraph (2) or (3) of this paragraph to act on the appeal, as where an identity may exist of persons or staff with the command which imposed the punishment, such fact may be noted in reforwarding the appeal to the next superior in the chain of command of the officer who imposed the punishment.

(7) *Procedures.* When the officer who imposed the punishment is not the offender's immediate commanding officer, the latter may forward the appeal direct to the officer who imposed the punishment for forwarding under subparagraph (2), (3) or (4) of this paragraph. Similarly, the action of the superior on appeal may be forwarded by the officer who imposed the punishment direct to the offender's commanding officer for delivery. Copies of the correspondence should be provided for any intermediate authorities in the chain of command. In any case where nonjudicial punishment is imposed on the basis of information contained in the record of a court of inquiry or factfinding body, a copy of the record, including the findings, opinions, and recommendations, together with copies of endorsements thereon, shall, except where the interests of national security may be adversely affected, be made available to the individual concerned for his examination in connection with the preparation of an appeal. In case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(g) *Records of punishment*—(1) The records of nonjudicial punishment will be maintained and disposed of in accordance with paragraph 133c, MCM 1951, as amended, and implementing regulations contained in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual. The forms used for the Unit Punishment Book are NAVPERS 2696 and NAVMC 10132PD.

(2) Effective July 1, 1965, section B of NAVJAG Form 425 (Rev. 4–65) will be prepared by general court-martial authorities for semiannual submission to the Judge Advocate General, Navy Department, Washington, D.C., 20350. NAVJAG Form 425A (5–63) is obsolete. The first semiannual report to be submitted on section B of NAVJAG Form 425 (Rev. 4–65) should cover the period July 1, 1965, to December 31, 1965. Supplies of this form are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0302. A sample form is set forth in § 719.22i.

* * * * *

2. Section 719.102 is amended by revising the next to last paragraph of paragraph (e)(4) and by revising paragraph (f)(3) to read as follows:

§ 719.102 Letters of censure.

* * * * *

(e) *Content of letter*—* * *

(4) *Notification of right to appeal and right to submit statement.* * * *

If, upon full consideration, you do not desire to avail yourself of this right to appeal, you are directed so to inform your commanding officer in writing. You are directed to reply without delay and to state therein the date of receipt of this communication, and the approximate time when either an appeal or notice of decision not to appeal may be expected. Any subsequent request for additional time shall contain adequate justification therefor.

* * * * *

(f) *Appeals.* * * *

(3) Appeals from a letter of admonition or reprimand imposed as nonjudicial punishment shall be forwarded as specified in § 719.101f.

* * * * *

3. Section 719.103 is amended by revising paragraph (a)(2), redesignating paragraph (b)(10) as (b)(11) and revising it, and adding a new (b)(10) to read as follows:

§ 719.103 Designation of additional convening authorities.

(a) *General courts-martial.* * * *

(2) The following officers are specifically designated as empowered to convene general courts-martial:

Chief of Naval Operations.
Commandant of the Marine Corps.
Commander, Service Group One.
Commander, Service Force, Sixth Fleet.
Commanders, Fleet Air Wings.
Commanders, Fleet Air Commands.
Commander, Morocco—U.S. Naval Training Command.
Commanding Officer, U.S. Naval Support Activity, Naples.
Commander, U.S. Naval Activities, Spain.
Commanding Officer, Camp Butler, Okinawa.
Commander, U.S. Naval Training Center, Bainbridge, Md.
Commander, U.S. Naval Training Center, Great Lakes, Ill.
Commander, U.S. Naval Training Center, San Diego, Calif.

* * * * *

(b) *Special courts-martial.* * * *

(10) All Inspector-Instructors, Marine Corps Reserve Organizations.

(11) The following specifically designated officers:

Director, U.S. Naval Research Laboratory, Washington, D.C.
Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.
Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.
Administrative Officer, U.S. Naval Supply Depot, Seattle, Wash.

Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.
Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.
Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.

* * * * *

4. Section 719.107 is revised to read as follows:

§ 719.107 Superior competent authority defined.

(a) *Accuser in a Navy chain of command.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, however, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) *Accuser in the chain of command of the Commandant of the Marine Corps.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951).

5. Section 719.111 is amended by revising the caption and by adding paragraphs (c) and (d) to read as follows:

§ 719.111 Preparation and forwarding of charges.

* * * * *

(c) *Forwarding of charges by an officer in a Navy chain of command—(1) General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator for the above purposes is such area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(d) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges, deems trial by general, special or summary court-martial to be appropriate, but he is not empowered to convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraphs 32f and 33i, MCM 1951; see also § 719.107 for additional provisions in cases in which the forwarding officer is an accuser.

6. Section 719.114 is amended by revising paragraph (a)(6) to read as follows:

§ 719.114 Preparation of records of trial.

(a) *General and special courts-martial.* * * *

(6) *Court-Martial Chronology/Prisoner Data Form, NAVJAG 420 (Rev. 5–65).* As provided in §§ 719.121a(a) and 719.226, this form will be prefixed to the originals of all records of trial by general court-martial and all records of trial by special court-martial which include a bad conduct discharge.

* * * * *

7. Section 719.118 is amended by revising paragraph (a)(4) to read as follows:

§ 719.118 Promulgating orders.

(a) *General and special courts-martial—* * * *

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM 1951. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of the offense contained in the convening authority's action pursuant to § 719.117(c) and/or § 719.117(f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade and title of an officer.

* * * * *

8. Section 719.119 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

§ 719.119 Review of summary and special courts-martial.

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge—* * * *

(2) *Selection of supervisory authorities.* (i) It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM 1951, will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(*a*) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM 1951, will be accomplished, if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an

area coordinator if he has authority to convene general courts-martial.

(b) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM 1951, will be accomplished within the chain of command if practicable.

If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM 1951. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such request will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, they shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(ii) When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad conduct discharge, his action thereon will be as convening authority only.

(a) At activities in a Navy chain of command, the record should then be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to convene general courts-martial; otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or, if no such superior officer has a law specialist available, the record shall be forwarded to the Judge Advocate General for review. (For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record.)

(b) At activities in the chain of command of the Commandant of the Marine Corps, the record should then be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a law specialist available, the record shall be forwarded to the Judge Advocate General for review.

In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under article 65(c), Uniform Code of Military Justice."

* * * * *

(b) *Special courts-martial involving a bad conduct discharge*— * * *

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM 1951.

(i) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for this purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated in this subdivision, a superior officer in the chain of command authorized to convene general courts-martial may direct otherwise; he may, e.g., direct that the records be forwarded to him for review.

(ii) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general court-martial jurisdiction over the command.

In the event review by any of the officers indicated in the foregoing part of this subparagraph is impracticable—for instance, because of the absence or lack of a staff legal officer—any other officer authorized to convene general courts-martial may be requested to accept records of trial for review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded direct to the Judge Advocate General for review by a board of review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under article 65(b) of the Code was not accomplished in the field.

* * * * *

9. Section 719.121a is added to read as follows:

§ 719.121a Preparation of court-martial statistical forms.

(a) *General court-martial cases and special court-martial cases involving a bad conduct discharge.* Effective January 1, 1966, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 420 (Rev. 5–65) during the review of all trials of general courts-martial and all trials of special courts-martial involving a bad conduct discharge. The form will be prefixed to the original records of trial. NAVJAG Form 420-(6–58) is obsolete. Supplies of NAVJAG Form 420 (Rev. 5–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0201. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in § 719.226.

(b) *Non-bad conduct discharge special courts-martial and summary courts-martial.* Effective July 1, 1965, section A of NAVJAG Form 425 (Rev. 4–65) will be prepared by each supervisory authority for semiannual submission to the Judge Advocate General, Navy Department, Washington, D.C., 20350. NAVJAG Form 425 (Rev. 1–60) is obsolete. The first semiannual report to be submitted on section A of NAVJAG Form 425 (Rev. 4–65) should cover the period July 1, 1965, to December 31, 1965. Supplies of NAVJAG Form 425 (Rev. 4–65) are available in the Forms and Publications Segment of the Navy Supply System under Stock Number 0105–100–0302. A sample form is set forth in § 719.227.

10. Section 719.122 is amended by revising paragraph (b) to read as follows:

§ 719.122 Remission and suspension.

* * * * *

(b) *Probationary period.* All suspensions shall be of the conditional-remission type and shall be for a definite period of time. If the suspension is effected by the convening authority or an officer exercising general court-martial jurisdiction over the command to which the accused is attached and is for a period in excess of 6 months, or, in cases involving confinement, in excess of 6 months beyond the time of release from confinement, see § 719.117(b) or § 719.120(a), as appropriate. The running of the period of suspension of a sentence is interrupted either by the unauthorized (and unexcused) absence of the probationer or by commencement of proceedings to vacate suspension of the sentence. The running of the period of suspension of a sentence resumes (1) as of the date the probationer's unauthorized (and unexcused) absence ends or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see SECNAV Instruction 5815.3 and revisions thereto.

* * * * *

11. Section 719.134 is revised to read as follows:

§ 719.134 Court-martial forms.

(a) *List.* The forms listed in this paragraph are used in courts-martial by the naval service:

STD 1156	Public Voucher for Fees and Mileage of Witnesses.
STD 1157	Claim for Fees and Mileage of Witness.
DD 453	Subpoena for Civilian Witness.
DD 454	Warrant of Attachment.
DD 455	Report of Proceedings To Vacate Suspension.
DD 456	Interrogatories and Depositions.
DD 457	Investigating Officer's Report.
DD 458	Charge Sheet.
DD 490	Verbatim Record of Trial.
DD 491	Summarized Record of Trial.
DD 494	Court-Martial Data Sheet. (Optional.)
NAVJAG 420	Court-Martial Chronology/Prisoner Data.
NAVJAG 425	Statistical Report on Non-Board of Review and Article 15 Cases.

(b) *How to obtain forms.* The forms designated in paragraph (a) of this section are available from the Forms and Publications Segment of the Navy Supply System as Cognizance Symbol "I" material and may be obtained in accordance with the instructions contained in Navy Stock List of Forms and Publications, section 1, NAVSANDA Publication 2002. Marine Corps activities will requisition forms in accordance with instructions contained in the current edition of Marine Corps Order 4235.11, Subj.: Procedures incident to supply of blank forms and general officer stationery items.

(c) *Forms prescribed by MCM 1951.* Where forms are prescribed by the Manual for Courts-Martial, United States, 1951, but are not included in the listing in paragraph (a) of this section, convening authorities should improvise as necessary, using the manual and appendixes thereto as guides.

12. Section 719.139 is amended by revising paragraphs (a)(1) (ii) and (iii) and adding a new paragraph (a)(1)(iv) to read as follows:

§ 719.139 Authority to administer oaths and to act as notary.

(a) *Authority under article 136(a)(7) and (b)(6).* * * *

(1) * * *

(ii) Officers of the grade of Lieutenant Commander or Major, and above;

(iii) Executive Officers of the Navy and Marine Corps; and

(iv) Administrative Officers of Marine Corps Aviation Squadrons.

* * * * *

13. Section 719.157 is amended by designating the text of paragraph (b) as subparagraph (1) and by adding subparagraph (2) to read as follows:

§ 719.157 Rights of a party.

* * * * *

(b) *Right to counsel.* * * *

(2) When directing that an investigation be conducted, and the medical officer states that the member involved as a party is incompetent due to his injuries and will remain so for at least 60 days, the convening authority will insure that a qualified lawyer counsel is appointed to represent the party during the proceedings of the investigation and duly exercise all the rights of the party, as though he were present.

* * * * *

14. Section 719.221 is inserted to read as follows:

§ 719.221 Form for report on article 15 cases (see § 719.101(g)(2)).

NOTE: The report will be prepared as section B of NAVJAG Form 425 (Rev. 4–65). NAVJAG Form 425 filed as part of the original document.

15. Section 719.226 is inserted to read as follows:

§ 719.226 Form for court-martial chronology/prisoner data and punitive article identification code (see § 719.121a(a)).

NOTE: NAVJAG Form 420 (Rev. 5–65) and Punitive Article Identification Code filed as part of the original document.

16. Section 719.227 is inserted to read as follows:

§ 719.227 Form for statistical report on nonboard of review cases (see § 719.121a(b)).

NOTE: The form is section A of NAVJAG Form 425 (Rev. 4–65); section B of the form (relating to article 15 cases) is prescribed by § 719.221 and explained in § 719.101(g)(2). NAVJAG Form 425 filed as part of the original document.

17. Section 750.41 is amended by revising paragraphs (a)(8) and (b)(8) to read as follows:

§ 750.41 Approval of claims.

(a) *Federal tort claims.* * * *

(8) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident. One copy of the approval and one copy of the voucher shall be forwarded to the Judge Advocate General without a letter of transmittal.

* * * * *

(b) *Military Claims Act cases.* * * *

(8) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander, Naval Forces, Marianas, or his staff legal officer, if no claim arising from the accident or incident exceeds $1,000 and there are no known possible claims in any amount for either personal injury or death as a result of the accident or incident.

* * * * *

18. Part 751 is amended by adding the following note below the "Authority" note:

NOTE: Part 751 is under revision to conform to the act of Sept. 15, 1965 (Pub. L. 89–185, 79 Stat. 789), which increases the maximum settlement authority from $6,500 to $10,000.

(R.S. 161, secs. 2671–2680, 62 Stat. 982–984, secs. 801–940, 2732, 2733, 5031, 70A Stat. 36–78, 152, 153, 278, E.O. 10214 (3 CFR 1949–53 Comp., p. 408), as amended; 5 U.S.C. 22, 10 U.S.C. 801–940, 2732, 2733, 5031, 28 U.S.C. 2671–2680)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

DECEMBER 27, 1965.

[F.R. Doc. 65–13930; Filed, Dec. 29, 1965; 8:48 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS REVISIONS TO SUBCHAPTER

Subpart W is amended as follows:

PART 1013—GOVERNMENT PROPERTY

Subpart D—Industrial Facilities

1. In § 1013.402–50 many of the references have been changed. The affected paragraphs are set forth as follows:

§ 1013.402–50 Provisions applicable to procurement contracts.

(a) *Facilities provided under cost-type procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a cost-type procurement contract, no separate clauses covering such facilities are required other than the Government-furnished property clause set forth in §§ 13.703 or 13.707 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a cost-type contract, in addition to inserting the Government Property clause of §§ 13.703 or 13.707 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause, together with the estimated cost of each set forth and the total estimated cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

* * * * *

(b) *Facilities provided under fixed-price procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a fixed-price contract, no separate clauses covering such facilities are required other than the Government-furnished property clause as set forth in §§ 13.702 or 13.706 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a fixed-price contract:

(i) The General Provisions of the contract will be designated "Section I", and in addition to inserting the Government-furnished property clause of §§ 13.702 or 13.706 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause together with the estimated cost of each set forth and the maximum (total) cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

* * * * *

(ii) * * *

GENERAL PROVISIONS, SECTION II APPLICABLE ONLY TO FACILITIES ACQUIRED OR FABRICATED

* * * * *

d. * * *

II-2 Overtime and Wage Compensation; Insert the clause set forth in § 1012.102-3(d) of this subchapter.

II-3 Subcontracts: Insert the clause set forth in § 7.702-33 of this title.

* * * * *

(c) [Deleted]

(d) *Patent rights clause.* If the contract does not contain the Patent Rights clause, § 9.107-5 of this title, and the facilities authorized involve research or development in design, manufacture, or modification, (1) if under the circumstances set forth in paragraph (a)(2) of this section the clause will be added and made applicable only to the facilities, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, the clause will be added to General Provisions, section II.

(e) *Facilities involving construction.* If the facilities being authorized involve construction, as defined in § 12.402 of this title, and the labor clauses required for construction contracts are not otherwise included in the contract, the clause set forth in § 7.705-5 of this title will be added: (1) If under the circumstances set forth in paragraph (a)(2) of this section, and made applicable only to the facilities being constructed, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, to General Provisions, section II. Any providing of nonseverable facilities not located on Government controlled land will require compliance with § 13.307 of this title and § 1013.406.

* * * * *

2. Section 1013.403 is set forth to amend the reference, as follows:

§ 1013.403 Single facilities contract.

Determination of impracticability under § 13.303(c) of this title covering the issuance of facilities contract and lease agreements will be made by the contracting officer of the office issuing the contract or lease Prior to making such determinations the contracting officer will obtain the coordination of MCPK for the proposed action. For this purpose separate divisions of a single corporation will be deemed to be separate contractors if such divisions are normally represented by separate business offices for the purpose of contract negotiation and administration.

§ 1013.408 [Amended]

3. In § 1013.408 the reference in the introductory material is amended to read: "§ 13.101-8" and paragraph (c) is deleted.

4. In § 1013.412, paragraph (b)(4) is set forth to amend the references, as follows:

§ 1013.412 Unusable or unneeded facilities.

* * * * *

(b) * * *

(4) Should Government work materialize, rentals may or may not be charged according to the provisions of § 1013.407. If the contractor desires to make commercial use of this property, rentals will be charged according to §§ 13.404 and 7.702-12 of this title and § 1013.601.

* * * * *

Subpart E—Contract Clauses

1. Sections 1013.502 and 1013.503 are set forth to show amended references, as follows:

§ 1013.502 Government-furnished property clause for fixed-price contracts.

Whenever contracts fall within the purview of paragraph B-102.50(c), § 1030.2 of this subchapter, and government-owned parts and materials are furnished, the following will be added to the end of the third sentence of paragraph (c) of the clause in § 13.702 of this title: "except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual."

(a) With respect to the first sentence of paragraph (a) of the Government property clause in § 13.702 of this title, it will be the responsibility of the procuring contracting officer to specifically list the government-furnished property in a schedule, or identify the specifications or appendices wherein such information is set forth.

§ 1013.503 Government-property clause for cost-reimbursement type contracts.

Whenever contracts fall within the purview of § 1030.2B-102.50(c), of this subchapter, and Government-owned parts and materials are furnished, the following will be added to the end of the second sentence of paragraph (c) of the clause set forth in § 13.703 of this title: except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

2. Those portions of §§ 1013.504 and 1013.553 affected by reference changes are set forth as follows:

§ 1013.504 Special tooling clause for fixed-price contracts.

(a) * * *

(1) through (3) * * *

(b) * * *

SPECIAL TOOLING

(a) Same as ASPR 13-704(a) (32 CFR 13.704(a)).

(b) Same as ASPR 13-704(b) (32 CFR 13.704(b)).

(c) Same as ASPR 13-704(c) (32 CFR 13.704(c)).

(d) Same as ASPR 13-704(d) (32 CFR 13.704(d)).

(e) Same as ASPR 13-704(e) (32 CFR 13.704(e)).

* * * * *

(g) Same as ASPR 13-704(g) (32 CFR 13.704(g)).

(h) Same as ASPR 13-704(h) (32 CFR 13.704(h)).

(i) Same as ASPR 13.704(i) (32 CFR 13.704(i)).

(j) Same as ASPR 13-704(j) (32 CFR 13.704(j)).

(k) [Deleted]

(l) * * *

(c) Contracts which contain the clause provided by § 13.704 of this title may be amended in the above manner to provide that title to the tooling will vest in the Government immediately, when it is deemed necessary for administrative reasons to establish the Government as owner of the tooling, prior to the occurrence of any of the events set forth in § 13.704 of this title.

(d) The use of special tooling for the performance of other follow-on Government contracts or subcontracts under Government contracts will be subject to the following procedures:

(1) When the administrative contracting officer approves the use of the special tooling in connection with other Government contracts or related subcontracts, a reference to such approval will be incorporated in each other contract or subcontract involved. No further action will be necessary so long as the contract under which the special tooling was originally acquired or fabricated remains active.

(2) When it becomes evident that the contract under which the special tooling was originally acquired or fabricated is to be completed or terminated, and the special tooling is needed for the performance of follow-on contracts, at least one of which contains the clause in § 13.704 of this title, that contract, or if there are more than one follow-on contracts with the clause in § 13.704 of this title, the one with the longest life expectancy, will be amended by the incorporation of the following clause, and a reference thereto will be made in the original authorizing contract:

> The special tooling acquired or fabricated pursuant to the terms of contract No. (original contract) is hereby and hereafter to be considered as acquired pursuant to the clause of this contract entitled "Special Tooling" and henceforth subject to the terms and conditions thereof.

If such follow-on contract contains the clause in paragraph (b) of this section, the above provisions will be included in such contract. However, the above provision will not be inserted in the follow-on contract containing the clause in § 13.704 of this title, where the tooling was acquired or fabricated (or considered to be acquired) under a contract containing the clause in paragraph (b) of this section.

(3) In long term programs, it may be necessary to repeat the procedure in subparagraphs (1) and (2) of this paragraph, in order to pass the Government's rights to the special tooling down through the succeeding contracts as each preceding authorizing contract expires. By such procedure, and so long as at

least one fixed-price contract (with the clause in § 13.704 of this title or paragraph (b) of this section, as appropriate), is in active status, the Government's rights to the special tooling are considered to remain unprejudiced and without necessity of exercising the right of option in each transaction. Therefore, each preceding "authorizing" contract may be retired as it expires. However, if a point is reached where the special tooling continues to be needed by the contractor, but the remaining contracts are not fixed-price with the clause in § 13.704 of this title, or paragraph (b) of this section (for example, CPFF, etc.), the administrative contracting officer will exercise the Government's right of option and take title (if the clause in § 13.704 of this title was the last in effect with respect to the tooling). Thereafter, the special tooling will be retained as Government-furnished property for use in connection with the remaining requiring contracts.

§ 1013.553 Special nuclear material.

When special nuclear materials or instruments incorporating special nuclear material are furnished to a contractor as Government property, the following clause will be incorporated in the contract, in addition to the clause prescribed by §§ 13.702, 13.703, 13.706, or 13.707 of this title:

* * * * *

Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

1. Sections 1013.601–1 through 1013.601–3, and 1013.601–50(a)(5) are set forth to amend the reference, as follows:

§ 1013.601–1 General.

See § 7.702–12 of this title.

§ 1013.601–2 Rental rates.

(a) and (b). See § 7.702–12 of this title. For portable tools and automotive equipment, rental charges will normally be computed at 25 percent per year based on acquisition cost.

(c) See § 7.702–12 of this title. Rental payments (checks) received by contracting officers under facilities contracts will be forwarded for deposit to the appropriate accounting and finance office within 24 hours of receipt. At the time of transmittal, or as soon thereafter as possible, the contracting officer will certify the correctness of the amount of payment and forward such certification to the accounting and finance officer.

§ 1013.601–3 Exceptions.

(a) See § 7.702–12 of this title.

(b) In negotiations which include real property to be used for commercial purposes, rental charges will normally be computed at the following annual rental rates, based on acquisition costs:

(1) For land and land preparation, 5 percent per annum.

(2) For buildings, building installations, and land installations, 8 percent per annum.

(c) See § 7.702–12 of this title. Equipment items of unusual size or performance characteristics may be negotiated and the exception conditions identified in submittal of proposed lease according to § 1013.601–50.

(d)–(e) See § 7.702–12 of this title.

§ 1013.601–50 Procedure.

* * * * *

(a) * * *

(5) Financial or other consideration that will be given to the Government for use of the production equipment. If the contractor is to maintain Government-owned equipment in a nonuse status as all or part of the consideration, give the number of units, general description, including acquisition cost, and total weight (in tons). See § 7.702–12 of this title.

* * * * *

2. Section 1013.608–50 is set forth for editorial changes only, regarding paragraph designations, as follows:

§ 1013.608–50 Delegations of authority.

The commanders, AFLC and AFSC, have been delegated the authority to: Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property; grant deviations, in individual cases, from established policy with respect to record requirements on such property; appoint property administrators; and authorize multicontract cost and material control systems. This delegation does not include authority to act on policy matters relating to furnishing Government-owned industrial property and the control thereof, except as specifically stated.

(a) The Commander, AFLC, has vested the authority contained in this section in the Director and Deputy Director of Procurement and Production, Hq AFLC. The Director of Procurement and Production, Hq AFLC, has further delegated authority to (1) Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (2) grant exceptions, in individual instances, according to § 1030.2, paragraph B–301 of this subchapter, with respect to the policy that contractor's records will be designated and used as official contract records, and (3) appoint property administrators, to the following, subject to limitations set forth herein:

(i) Commanders and vice commanders of major air commands (AFSC and OAR with respect to base procurement only) with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command (numbered Air Force Hq Transport Air Forces and Aeronautical Chart and Information Center or comparable level).

(ii) Commanders and deputy commanders of AFLC field procurement activities with power of redelegation limited to that authority cited in subparagraph (2) of this paragraph to the staff officer responsible for procurement matters, provided such officer is not below the level of the director of procurement and production at the air materiel area level, or equivalent organization. Authority contained in subparagraphs (1) and (3) of this paragraph is not subject to further redelegation.

(iii) Commanders and deputy commanders of air procurement regions (AFRE and APRFE) with power of redelegation limited to a staff officer responsible for procurement or contract administration.

(b) The Commander, AFSC, has vested the authority contained in this section in the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, with power of redelegation. The Deputy Chief of Staff, Procurement and Production, Hq AFSC, has delegated authority to (1) control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (2) grant exceptions, in individual instances according to § 1030.2, paragraph B–301 of this subchapter, with respect to the policy that contractor's records be designated and used as official contract records, and (3) appoint property administrators to the following:

(i) Commander, Office of Aerospace Research, with power of redelegation limited to the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to OAR.

(ii) Commanders and deputy commanders of AFSC divisions.

(iii) Commanders and deputy commanders of contract management regions or the AF contract management division with power of redelegation limited to chiefs, contract management districts, test site offices, and AF plant representatives.

(iv) Commanders and deputy commanders of AFSC centers.

(c) Staff supervision and technical direction over the first two authorities in the introductory paragraph of this section, will be exercised by the following:

(1) The Field Operations Branch (MCPKF), Hq AFLC, which will exercise staff supervision and technical direction over the control of Government-owned industrial property for all elements of the Air Force, except AFSC and OAR. MCPKF's responsibility relative to AFSC and OAR in this area is limited to base procurement only. MCPK is authorized to grant deviations from established policy in regard to record requirements and authorize multicontract cost and material control systems (AFSC and OAR with respect to base procurement only).

(2) The Property and Plant Clearance Division (SCKAP), Hq AFSC, which will

exercise staff supervision and technical direction over the control of Government-owned industrial property within AFSC and OAR other than base procurement. SCKAP is authorized to grant deviations from established policy in regard to records requirements and authorize multicontract cost and material control systems for AFSC and OAR other than base procurement.

(d) The granting of deviations (i.e., waiver of further accounting and auditing requirements) is limited to instances where: (1) The contract(s) involved have been completed and final payment made, (2) reconstruction of the property records in technical compliance with § 30.2, appendix B and § 30.3, appendix C of this title would serve no constructive purpose, and (3) it is determined, after investigation and documentation of the inadequacies, that waiver of further accounting and auditing action would be in the best interest of the Government.

Subpart X—Facility Expansion Procedure

§ 1013.2402 [Deleted]

1. Section 1013.2402 is deleted.

§ 1013.2406 [Amended]

2. In § 1013.2406, the first two references: "§ 13.402" and "§ 13.101–6" are amended to read "§ 13.303" and "§ 13.-101–8" respectively.

§ 1013.2406–1 [Amended]

3. In § 1013.2406–1, the reference "§ 13.406" in Schedule II is amended to read "§ 13.307"; and in paragraph (c) of Schedule III, the reference "§ 1013.102–3 (k) (7)" in columns 2 and 3 is amended to read "§ 1013.102–3(a) (7)."

Subpart GG—Providing Vehicles to AF Contractors

1. In § 1013.3300, the introductory material is revised to read as follows:

§ 1013.3300 Scope of subpart.

This subpart establishes policies, assigns responsibilities, and prescribes procedures within limitations under § 13.301 of this title for the purpose of:

* * * * *

2. Section 1013.3301(a) is set forth to delete the reference, as follows:

§ 1013.3301 Definition.

(a) Industrial vehicular equipment is that plant equipment that has a direct application and is justified as necessary in support of the manufacture or production of the end item, or is used in actual test programs or in research leading to the development of items that will be produced for the Air Force.

* * * * *

3. In § 1013.3303 the reference in paragraph (b) is revised and in § 1013.3306 the last sentence is revised. These sections now read as follows:

§ 1013.3303 Lease and bailment.

(a) For Leasing see § 1013.3003–5(b).
(b) For Bailment see § 1013.608–51 (c) (6).

§ 1013.3306 Maintenance.

When industrial vehicular equipment and/or commercial type vehicles are provided to a contractor, the contracting officer will insert in the contract a provision requiring the contractor to maintain and repair such Government-owned equipment, including normal parts replacement. See § 7.702–14 of this title for guidance.

Subpart HH—Excess Plant Equipment

In § 1013.3402 paragraphs (a) and (c) are set forth to correct the references, as follows:

§ 1013.3402 General conditions.

(a) When items of plant equipment of types not controlled under reserve inventory procedures (supporting plant equipment), must be provided to contractors according to § 1013.102–3, excess Government property will be used to satisfy the requirement whenever possible.

* * * * *

(c) Supporting plant equipment will be provided to an AF contractor only when each item is specifically identified and authorized for acquisition under its facilities contract or lease. In the absence of a facilities contract or lease, the equipment may be covered by the supply or service contract according to § 13.303 of this title. The buyer for the supply or service contract will secure the coordination and approval of a contracting officer from industrial facilities activity of the cognizant AFSC division prior to authorizing the acquisition of supporting equipment through a supply or service contract.

* * * * *

PART 1014—INSPECTION AND ACCEPTANCE

Subpart A—Inspection

§ 1014.105 [Amended]

In § 1014.105, the reference "§ 1001.-1302" is amended to read "§ 1001.1305."

PART 1016—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

§ 1016.200 [Deleted]

Section 1016.200 is deleted.

Subpart H—Miscellaneous Forms

Section 1016.814–1 is revised to read as follows:

§ 1016.814–1 Architect-Engineer Experience Data (DD Form 1071).

See AFR 85–8 (Selecting Architect-Engineers for Professional Services by Negotiated Contracts).

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart B—Requests for Contractual Adjustment

§ 1017.202 [Deleted]

Section 1017.202 is deleted.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

§ 1030.2 [Amended]

In § 1030.2, Appendix B—Manual for control of Government property in possession of contractors:

1. In B–207, the text is deleted.

2. In B–301(a), the first reference is amended. B–301(a) now reads as follows:

PART III—RECORDS TO BE MAINTAINED

B–301 *General.*

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.608–50 of this subchapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, a specific invitation for bid, or specific request for proposals, and must be covered by inclusion of the Property Records clause in § 1013.552 of this subchapter, in the contract.

(1) * * *

* * * * *

§ 1030.3 [Amended]

In § 1030.3, Appendix C—Manual for control of Government property in possession of nonprofit research and development contractors:

1. C–200 is revised to read as follows:

PART II—GOVERNMENT ADMINISTRATIVE PROVISIONS

C–200 *Scope of part.*

See § 1013.608 of this subchapter regarding delegations of authority with respect to the control of Government-owned industrial property, etc.

2. C–207.1(a) is set forth to amend the first reference, as follows:

C–207.1 *General policy.*

(a) The authority to grant exceptions to the policy that the contractor's records will be designated and used as the official contract records has been delegated as set forth in § 1013.608–50 of this subchapter. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, invitation for bid, or request for proposals and must be covered by inclusion in the contract of the Property Records clause in § 1013.552 of this chapter.

* * * * *

3. In C–213.1, paragraph (m), through its subdivision (iv) is deleted.

§ 1030.5 [Amended]

In § 1030.5, Appendix E—Contract Financing:

E–212.50 is set forth to delete the second reference, as follows:

PART II—BASIC POLICIES

E–212.50 *Facility capability report.* The FCR system (see Subpart I, Part 1 of this title) provides the services of personnel qualified and competent to evaluate credit and financial problems prior to or contemporaneously with contract awards.

E–910 is set forth to amend the second reference as follows:

PART IX—ASSIGNMENT OF CLAIMS ARISING UNDER GOVERNMENT CONTRACTS

E–910 *Transfers of business and corporate mergers.* Transfers of an entire business, corporate mergers, and assignments by operation of law, each of which may effect the assignment of claims under a contract, are not prohibited by the Federal statutes and hence do not depend upon the Assignment of Claims Act of 1940 for their validity. (See § 16.505 and Subpart P, Part 1 of this title.) However, in the case of transfers of a business or corporate mergers, notices of assignment of claims under the contract made by the transferee or successor corporation will not be acknowledged until a supplemental agreement has been executed, substituting the transferee or successor corporation as the contractor with the Government. Similarly, before acknowledging assignments made by transferees by operation of law, the contracting officer will require the submission of a certified copy of the document evidencing the transfer by operation of law.

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

In § 1053.404–2(b) the reference is amended. Paragraph (b) now reads as follows:

§ 1053.404–2 Definitions.

* * * * *

(b) *Contract Management District (CMD).* A component of a contract management region (CMR). It is responsible for surveillance of contractors within an assigned geographical area, excluding contractors referred to in AFP1 1053.404–6(c) * and contractors within a DCASR. The functions, under the responsibility of a CMD, include administration of contracts, industrial property, production and industrial resources analysis, product quality and reliability assurance, industrial security, and accounting and disbursing.

[AFP1 § 1053.404–6(c) filed with document]

* * * * *

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

Section 1054.104 (h) and (n) are revised to read as follows:

§ 1054.104 Matters of contract administration to be handled by Administrative Contracting Officers.

* * * * *

(h) Take administrative action relating to variation in quantities as set forth in § 1001.325 of this subchapter.

* * * * *

(n) Report all litigation involving a CPFF contractor to the Office of the Judge Advocate General, Hq USAF, as required by Part 844, Subchapter D of this chapter. Confer with his staff judge advocate as required.

* * * * *

Subpart K—Reporting Contractors Involved in Bankruptcy, Receivership, Assignment for the Benefit of Creditors, Other Types of Insolvency Proceedings and Probate Proceedings

Section 1054.1102(b) is set forth to amend the reference, as follows:

§ 1054.1102 Reporting institution of bankruptcy, receivership, insolvency, and probate proceedings.

* * * * *

(b) If a contracting officer is informed or is aware of the institution of bankruptcy, receivership, assignment for the benefit of creditors or other type of insolvency proceedings or probate proceedings involving an AF contractor, he will immediately send notice by electrically transmitted message of such proceedings directly to the Contract Financing Division, Directorate of Accounting and Finance, Hq USAF, and to Chief, Tax and Litigation Division, Office of The Judge Advocate General, Hq USAF, Washington, D.C. The notice will include the name of the contractor, address, type of proceedings, court in which proceedings are held, and contracts held by the contractor (see Part 844, Subchapter D of this chapter). If information of such proceedings is first received by the accounting and finance office, that office will submit the information directly to the Contract Financing Division, Directorate of Accounting and Finance, and to Chief, Tax and Litigation Division, Office of The Judge Advocate General. A copy of the notice will be forwarded to the contracting officer, accounting and finance office whose funds are cited in the contract, or the accounting and finance office cited to make payment, as appropriate.

Subpart O—Preparation and Issuance of Shipping Instructions

In § 1054.1502, paragraph (b) (2) is revised to read as follows:

§ 1054.1502 Application.

* * * * *

(b) * * *

(2) Shipping instructions for base procurement as defined in § 1001.201–55 of this subchapter.

* * * * *

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart B—Use of Production Aircraft in Emergency and Control of Test/Acceptance and Demonstration Flights

In § 1059.202, paragraph (d)(2) is revised to read as follows:

§ 1059.202 Control of test/acceptance and demonstration flights.

* * * * *

(d) * * *

(2) Demonstration flights will be performed according to provisions of AFR 60–6 (Participation in Goodwill Flights, Aerial Reviews and Weapons Demonstrations).

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–13994; Filed, Dec. 29, 1965; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MEDROXYPROGESTERONE ACETATE

Correction

In F.R. Doc. 65–13727, appearing at page 16063 of the issue for Friday, December 24, 1965, the equation appearing at the end of § 121.1187 should read as follows:

$$\text{1 part per million of medroxyprogesterone acetate} = \frac{A \text{ sample solution}}{A \text{ standard solution}} \times \frac{100}{\text{weight sample}}$$

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. —), § 204.120 governing the use and navigation of danger zones in the Gulf of Mexico, Fla., is hereby amended redesignating the boundaries of Area No. 1 and

prescribing new firing periods, revising paragraphs (a)(1) and (b)(1), effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 204.120 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, Fla.

(a) *The danger zones.*—(1) *Area No. 1.* The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at latitude 30°04'32", longitude 85°37'07"; thence to latitude 30°03'47", longitude 85°37'58"; thence to latitude 30°03'19", longitude 85°37'00"; thence to a point on shore at latitude 30°04'13", longitude 85°36'47"; thence along the shoreline to the point of beginning.

* * * * *

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the areas during periods of firing. Area No. 1 will be used for firing practice between 6:30 a.m. and 5:00 p.m., as scheduled, Monday through Friday, with possibly some sporadic firings on Saturdays and Sundays. A 10' x 18' red flag will be displayed on a pole at the shoreline whenever firing is in progress.

* * * * *

(Regs., Dec. 10, 1965, 1507-32; Gulf of Mexico, Fla.-ENGCW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 65-13896; Filed, Dec. 29, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

ALABAMA

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing", by the addition of a second place for filing in Lowndes County, Ala., as set out below:

ALABAMA

County; Place for Filing; Beginning Date.
* * * * *
Lowndes; (1) Fort Deposit—Post Office Building; August 10, 1965; (2) Hayneville—trailer at U.S. Post Office; January 3, 1966.

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

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

[F.R. Doc. 65-14009; Filed, Dec. 29, 1965; 10:43 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-1136]

PART 87—AVIATION SERVICES

Exempt Radionavigation Land Test Stations From Log Requirements

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965;

The Commission having under consideration amendment of § 87.99 to exempt licensees of radionavigation land test stations (MTF) from log keeping for this class of station; and,

It appearing, that radionavigation land test stations operate on very low power, are not used for communications and are used solely for testing of radionavigation equipment; and,

It further appearing, that from information obtained at a recent meeting of the Aerospace Flight Test Radio Coordinating Council held in Atlanta, Ga., the keeping of a log for such a station will not provide the Commission with any information that will materially assist it in administering the service; and,

It further appearing, that an exemption from this requirement will relieve licensees of an unnecessary administrative burden; and,

It further appearing, that in view of the foregoing, the public interest, convenience, and necessity would be served by amending Part 87—Aviation Services, to exempt radionavigation land test stations from the log requirements of § 87.99; and,

It further appearing, that the amendment adopted herein removes an unnecessary administrative burden from licensees of radionavigation land test stations and the public interest would be served by the expeditious removal of this requirement hence the prior notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are impracticable; and,

It further appearing, that authority for the rules herein adopted is contained in sections 4(i), 303 (j) and (r) of the Communications Act of 1934, as amended.

It is ordered, That Part 87 of the Commission's rules is amended as set forth in the Appendix below, effective January 4, 1966.

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

NOTE: Rules changes herein will be covered by T.S. V(64)-9.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Wadsworth absent.

1. Section 87.99(a) is amended to read as follows:

§ 87.99 Information required in station logs.

(a) Except for radionavigation land test station (MTF), all stations at fixed locations shall maintain logs showing hours of operation, frequencies used, station with which communication was held, and hours of duty and signature of the operator(s) on duty.

* * * * *

[F.R. Doc. 65-13942; Filed, Dec. 29, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Tennessee National Wildlife Refuge, Tenn.

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

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

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of rabbits and quail on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,500 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and quail subject to the following special conditions:

(1) The open season on the refuge extends from January 27 through February 5, 1966.

(2) The use of dogs is not permitted.

(3) Camping on the area is not permitted.

(4) Bobcats, gray foxs, woodchucks, and crows may be taken.

(5) Hunters may enter public hunting area 1 hour before sunrise and must be out by 1 hour after sunset.

(6) Hunters shall wear red, orange, or yellow as part of their field dress.

(7) A Federal permit is not required to enter the public hunting area.

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

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-13915; Filed, Dec. 29, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO–356]

MILK IN NORTHEAST-CENTRAL FLORIDA MARKETING AREA

Supplemental Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued December 22, 1965, giving notice of a public hearing to be held at the Thunderbird Motor Hotel, 5865 Expressway, Jacksonville, Fla., beginning at 10 a.m., e.s.t., on January 19, 1966, and at the Robert Meyer Motor Inn, 151 East Washington Street, Orlando, Fla., beginning at 10 a.m., e.s.t., on January 24, 1966, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Northeast-Central Florida marketing area.

Supplemental notice is hereby given with respect to proposals to be considered at such hearing.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Sunshine State Dairymen's Cooperative and Chipola Dairy Cooperative:

Proposal No. 7. The proposed order submitted for hearing by the Dairy Farmers Mutual and Northeast Florida Milk Producers Association be amended to provide that the area to be covered by said marketing order be amended so that said area is described as follows:

North and Central Florida Milk Marketing Area comprised of the following counties, all in the State of Florida: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Citrus, Clay, Columbia, Duval, Flagler, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Orange, Osceola, Putnam, St. John, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla and Washington.

Proposed by The Southland Corporation:

Proposal No. 8. We wish to propose the same counties for the tentative Northeast-Central Florida Marketing Area proposed by the proponent cooperative associations, all in the State of Florida: Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Indian River, Lake, Levy, Marion, Nassau, Orange, Osceola, Putnam, St. John, Seminole, Sumter, Suwannee, Union, and Volusia. In addition, we wish to propose the following counties, all in the State of Florida: Bay, Calhoun, Dixie, Franklin, Gadsden, Gulf, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Taylor, Wakulla and Washington.

Proposed by Foremost Dairies of the South, division of Home Town Foods, Inc.:

Proposal No. 9.

§ 1006.6 Northeast-Central Florida Marketing Area.

"The Northeast-Central Florida Marketing Area" hereinafter called the "Marketing Area" means all the territory geographically included within the boundaries of the following counties, all in the State of Florida, including all waterfront facilities connected therewith and all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

Alachua.	Lafayette.
Baker.	Lake.
Bay.	Leon.
Bradford.	Levy.
Brevard.	Liberty.
Calhoun.	Madison.
Citrus.	Marion.
Clay.	Nassau.
Columbia.	Orange.
Dixie.	Osceola.
Duval.	Putnam.
Flagler.	St. Johns.
Franklin.	Seminole.
Gadsden.	Sumter.
Gilchrist.	Suwanee.
Gulf.	Union.
Hamilton.	Taylor.
Holmes.	Volusia.
Indian River.	Wakulla.
Jefferson.	Washington.

Copies of this notice may be procured from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on December 27, 1965.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 65–13927; Filed, Dec. 29, 1965; 8:47 a.m.]

[7 CFR Part 1102]

[Docket No. AO–237–A12]

MILK IN FORT SMITH, ARK., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Smith, Ark., on December 21, 1965, pursuant to notice thereof issued on December 14, 1965 (30 F.R. 15591).

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

1. Class I price.

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested persons to file exceptions thereto and the immediate issuance of a final decision.

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

1. *Class I price in the Fort Smith, Ark., marketing area.* The supply-demand adjustment in the Fort Smith, Ark., order should be plus 25 cents from the effective date of amendment and for each month through June 30, 1966.

The amount of the supply-demand adjustment should be plus 25 cents through June 1966 to provide a continuation of the usual relationship of Fort Smith order Class I prices with the Central Arkansas order Class I prices. A similar modification of the Central Arkansas order supply-demand adjustment was made effective December 17, 1965. During 1965 the amount of the adjustment has varied from plus 18 cents to plus 36 cents, the latter being the adjustment in December.

This modification of Class I pricing was requested on the record by the Central Arkansas Milk Producers Association whose membership on this market comprises the total supply for the market. The total number of producers on the market varies from about 125 to 150, and many of them from time to time also supply milk to the Central Arkansas market. There was no opposing testimony to the requested price change.

While producers in this market requested the same modification be applied to the Fort Smith supply-demand adjustment as under the Central Arkansas order and during the same period, they did not request that the prices be identical each month in the two orders. Because of the difference in the Class I price differentials, the Fort Smith Class I price, modified as proposed, would be 6 cents per hundredweight lower than the Central Arkansas prices in the months of January and February 1966, 35 cents higher in the month of March and 5 cents lower in the months of April, May and June. This, however, is the usual relationship of the Class I prices of these two markets, since price formula factors other than the Class I differentials,

namely the supply-demand adjustment and basic formula price, are the same in the two orders. Producers' representative held that such pattern of relationship to the Central Arkansas prices in these months was proper.

The Fort Smith marketing area is served by two handlers fully regulated under this order. There is route distribution in the marketing area also by handlers regulated by the Central Arkansas, Ozarks, and Oklahoma Metropolitan orders. Fort Smith handlers have route disposition in the Ozarks and Central Arkansas marketing areas. The proposed amendment would tend to stabilize intermarket price relationships with such other markets during the designated period.

In view of the close relationship of the Fort Smith market to the Central Arkansas market where a similar amendment was recently effected, it is necessary that this amendment to this order be made effective as soon as possible to forestall development of disorderly marketing conditions.

The order modification herein proposed should be made effective at the earliest possible date. If the effective date is not the first day of a month, thus resulting in different Class I prices for the two portions of the month, handlers may elect a separate accounting period for each such portion of the month, or may elect to pay for Class I milk received during the entire month at an average price calculated by prorating the two Class I prices according to the number of days of the month each price applies. There would probably be little difference in returns to producers under either option. A handler should indicate the option he selects at the time he files his report for the month.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto, on the above issue.

The conditions in this market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and filing of exceptions thereto would in this instance contribute to the threat of disorderly marketing conditions.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponent and a handler at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

No briefs were filed by interested parties.

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of representative period. The month of October 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Fort Smith, Ark., marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

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

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area

§ 1102.0 Findings and determinations.

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

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

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

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

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

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

In § 1102.51(a) the introductory text of subparagraph (3) is revised to read as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I milk.* * * *

(3) For a "minus deviation percentage" the Class I price shall be increased

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and for a "plus deviation percentage" the Class I price shall be decreased as follows: *Provided*, That the adjustment shall be plus 25 cents for each month from the effective date of this order through June 30, 1966:

* * * * *

[F.R. Doc. 65–13928; Filed, Dec. 29, 1965; 8:48 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Parts 112, 114, 168]

INTERNATIONAL MAIL

Proposed Discontinuance of Eight-Ounce Merchandise Packages to Certain Countries

Correction

In F.R. Doc. 65–13637 appearing at page 15810 in the issue for Wednesday, December 22, 1965, the third to last line of the final paragraph now reads: "* * * any time prior to the 13th day following * * *." It is corrected to read: "* * * any time prior to the 30th day following * * *."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229]

UHF TELEVISION CHANNELS

Fostering Expanded Use; Order Further Extending Time for Filing Comments

1. The National Association of Educational Broadcasters (NAEB) has filed a petition requesting that the time for filing comments on the further notice of proposed rule making in the above-captioned proceeding be extended from December 15, 1965, to January 17, 1966, and for reply comments from January 5, 1966, to February 7, 1966.

2. NAEB desires additional time so that it can examine the new revised UHF assignment plan before submitting its comments with respect to the proposed new low-power community television service on Channels 70 to 83.

3. The Commission wishes to have all pertinent comments with respect to this proposal before reaching a final decision. The desire of NAEB to relate the UHF assignment table to the various aspects of the proposed new service appears reasonable. The revised UHF plan has not yet been issued.

4. *Accordingly, it is ordered*, This 22d day of December 1965, that the request of the National Association of Educational Broadcasters is granted and the time for filing comments is extended from December 15, 1965, to January 17, 1966, and the time for filing replies thereto is extended from January 5, 1966, to February 7, 1966.

5. This action is taken pursuant to the authority contained in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Released: December 27, 1965.

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

[F.R. Doc. 65–13943; Filed, Dec. 29, 1965; 8:49 a.m.]

[47 CFR Part 91]

[Docket No. 16386, FCC 65–1139]

FOREST PRODUCTS RADIO SERVICE

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a petition for rule making (RM–689) filed on November 27, 1964, by Forest Industries Radio Communications (FIRC). FIRC has requested certain amendments to the eligibility provisions of the Forest Products Radio Service, § 91.351. The amendments FIRC as requested are basically two in number. The first of these relates to the dual eligibility of certain persons in both the Forest Products and Manufacturers Radio Services; and the second concerns eligibility of persons who perform specialized transportation functions, such as log hauling, for licensees in the Forest Products Radio Service.

3. Many persons are engaged in activities that constitute dual eligibility, that is, eligibility in both the Forest Products and Manufacturers Radio Services. Indeed, many persons are licensed in both Services and use one set of radio facilities for their logging and other woods operations and another set of facilities for their woods products manufacturing activities. Because of the integrated operational characteristics of these raw products gathering and subsequent manufacturing activities, FIRC has requested that, any person engaged in the manufacture of lumber, plywood, etc., products, and who is also engaged in tree logging, tree farming, or related woods operations, and therefore eligible in the Forest Products Radio Service, be allowed to be authorized to operate all of his radio facilities in the Forest Products Radio Service—on frequencies available to that Service. This amendment, according to FIRC, would enable persons to employ one set of radio facilities for all of their eligible activities and conduce to more efficient and safer day-to-day operations.

4. The second amendment requested by FIRC would accommodate those persons who perform specialized transporting functions for the forest products industry. Under our present rules, persons whose primary business activity is transportation—including the transporting or hauling of logs—must look to the Motor Carrier Radio Service for eligibility and frequency selection. However, as many persons are engaged in transporting activities, on a contract basis solely for the forest products industry; and as this hauling or transporting function is integral, if not essential, to the whole woods-to-mills process, FIRC believes that an eligibility category for log, pulp, etc. haulers should be established in the Forest Products Radio Service.

5. A second category of haulers are those whose activities in association with persons in the forest products industry are on a part-time or as-available basis. These transporters, in short, do not engage in transportation activities that are confined solely or exclusively to the forest products industry. When, however, these persons' vehicles are used in connection with forest products industry activities it is essential, according to FIRC, that these vehicles be able to communicate with the Forest Products Radio Service licensee or licensees to whom their services have been contracted. To establish this necessary communications link, the FIRC requests an amendment to the Forest Products Radio Service rules which would enable a licensee to install radios in the vehicles of the person or persons employed by him.

6. The Commission is persuaded, on the basis of the information brought to its attention by FIRC, that amendments to the rules, along the lines suggested by FIRC, should be considered. In this proceeding, amendments to § 91.351 are proposed which encompass solutions to the problems discussed above in paragraph 3 relating to dual eligibility, and in paragraph 4 concerning prime eligibility for persons who are engaged in hauling activities solely for the forest products industry. With respect to those persons who perform certain specialized hauling functions on a part-time or nonexclusive basis; however, the Commission is not disposed to consider this problem in the narrow context of a simple amendment to the Forest Products Radio Service Rules. On the basis of the Commission's experience in administering other of the Land Mobile Radio Services, we have found that the problem posed by FIRC with reference to persons working under contract to a licensee—and in need of integrated mobile communications facilities—is not unique to the Forest Products Radio Service. In a collateral rule making proceeding in Docket No. 16387, adopted simultaneously with the instant one, we are proposing rules amendments which are applicable to all of the Industrial Radio Services, including the Forest Products Radio Service, which provide, in substance, that a licensee of a base station may install mobile units licensed to him in the vehicles of other persons furnishing to the licensee, under contract, a facility or service within the purview of the eligible activities that govern entry into the particular service. FIRC's attention is specifically directed to the referenced proceeding.

7. The proposed amendments of the rules are contained in the appendix; and

are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1966, and reply comments on or before March 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 22, 1965.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 91.351 is amended as follows:

§ 91.351 Eligibility.

The following persons are eligible to hold authorizations to operate radio stations in the Forest Products Radio Service:

(a) A person who is engaged in tree logging, tree farming, or related woods operations including related hauling activities, if the hauling activities are performed under contract to, and exclusively for, persons engaged in woods operations.

(b) A person directly engaged in manufacturing lumber, plywood, hardboard, or pulp and paper products from wood fiber, if such person is otherwise eligible in this Service under the provisions of paragraph (a) of this section.

(c) A subsidiary corporation proposing to furnish a nonprofit radiocommunication service to its parent corporation or to another subsidiary of the same parent where the party to be served is engaged in any of the activities set forth in paragraph (a) or (b) of this section.

(d) A nonprofit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in one or more of the activities set forth in paragraph (a) or (b) of this section. Such a corporation or association shall render service only on a nonprofit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect this cost-sharing nonprofit basis shall be maintained and held available for inspection by Commission representatives. Each person licensed under the provisions of this paragraph shall obtain prior approval from the Commission for each person who proposes to participate in the licensee's service.

[F.R. Doc. 65-13944; Filed, Dec. 29, 1965; 8:49 a.m.]

[1] Commissioner Wadsworth absent.

[47 CFR Part 91]

[Docket No. 16387; FCC 65-1140]

PERSONS PROVIDING CERTAIN CONTRACTUAL SERVICES TO LICENSEE

Permitted To Install Mobile Units in Vehicles

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. Many licensees in the Industrial Radio Services conduct their day-to-day business activities in conjunction with subcontractors and/or persons who provide specialized services or facilities to the licensees under contract. Very often, these subcontractors and other persons do not have radio equipped vehicles, or, if their vehicles are so equipped, they may be licensed in a radio service other than the one in which the person for whom they are to work is licensed. In many cases, the need for communications, particularly with reference to dispatching and routing, between the parties, is critical to safety and timely and efficient operational or business practices.

3. The purpose of this proceeding is to amend our Industrial Radio Services Rules to the extent that, a base station licensee who employs subcontractors and other persons rendering specialized services or facilities, may be allowed to install mobile transmitters licensed to him in the vehicles of the subcontractors and/or others employed by him. The use to be made of the licensed transmitters installed in another person's vehicles would have to be strictly confined to the licensee's activities that constituted eligibility for him in the Radio Service in which he operates.

4. A licensee would be required to maintain exclusive control over the operation of the stations. A written agreement between the licensee and the persons in whose vehicles transmitters are to be installed shall verify the fact that the licensee has the sole right of control of the mobile units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license.

5. This proposal is responsive to certain relief requested in a petition for rule making filed by Forest Industries Radio Communications (IRC) on November 27, 1964 (RM-689).[1]

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 7, 1966, and reply comments on or before March 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 22, 1965.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Section 91.6 is amended by adding a new paragraph (d) as follows:

§ 91.6 Cooperative arrangements.

* * * * *

(d) A licensee may install mobile units licensed to him in the vehicles of persons furnishing to the licensee, under contract, a facility or service directly related to the activities that constituted eligibility for the station licensee in the service in which he is authorized. The licensee shall maintain exclusive control over the operation of the units. In order to maintain such control, each person in whose vehicles the mobile units of the licensee are proposed to be installed shall enter into a written agreement verifying that the licensee has the sole right of control of the mobile radio units, that the vehicle operators shall operate the radio units subject to the orders and instructions of the base station operator and that the licensee shall at all times have such access to and control of the mobile equipment as will enable him to carry out his responsibilities under his license. A copy of the agreement with vehicle owners required hereby shall be kept with the station records.

[F.R. Doc. 65-13945; Filed, Dec. 29, 1965; 8:49 a.m.]

[1] Other relief requested by FIRC in its Nov. 27, 1964, petition is considered in Docket No. 16386, dated December 22, 1965.

[2] Commissioner Wadsworth absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3–m]

WALL TILE FROM JAPAN

Antidumping Proceeding Notice

DECEMBER 27, 1965.

On December 9, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that ceramic glazed wall tile imported from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows: Extensive information and documentation indicates that the price for exportation to the United States is less than the price of comparable tile to purchasers in the home market, after appropriate adjustment for estimated differences in the merchandise, and circumstances of sale.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations.

The information was submitted by Howrey, Simon, Baker & Murchison, Washington, D.C., on behalf of the Ceramic Tile Manufacturers of the United States.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–13993; Filed, Dec. 29, 1965; 8:50 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 11]

HOME FIRE AND MARINE INSURANCE COMPANY OF CALIFORNIA

Surety Company Acceptable on Federal Bonds

DECEMBER 23, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $783,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in which incorporated, name of company and location of principal executive office

California
Home Fire and Marine Insurance Company of California
San Francisco, Calif.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65–13929; Filed, Dec. 29, 1965; 8:48 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Board of Contract Appeals

The statement of the Department's Organization and Administration as published in the FEDERAL REGISTER of May 25, 1965, at pages 6988–7017, and as amended by 30 F.R. 7969, is further amended by revising § 821.52a to clarify the jurisdiction of Board of Contract Appeals. As so amended, § 821.52a reads as follows:

821.5 Judicial Officer.

* * * * *

.52 Board of Contract Appeals. a. The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of Contracting Officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65–14008; Filed, Dec. 29, 1965; 10:37 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

DECEMBER 22, 1965.

1. Plat of survey of the lands described below will be officially filed in the Anchorage District and Land Office, Anchorage, Alaska, effective at 10 a.m., January 15, 1966.

SEWARD MERIDIAN

T. 2 S., R. 13 W.,
Sec. 3, lots 1 and 2, SW¼, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½NE¼, S½NW¼, SE¼, SW¼;
Sec. 5, lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, S½NE¼, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 8, all;
Sec. 9, all;
Sec. 16, N½;
Sec. 17, N½.

Containing 4,709.01 acres.

2. The area surveyed is located in the Ninilchik area on the Kenai Peninsula.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

4. The greater part of the lands affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9–1(a) and 43 CFR Part 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska.

PEARL C. PETERS,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 65–13916; Filed, Dec. 29, 1965; 8:46 a.m.]

[Sacramento 080090]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 17, 1965.

On December 6, 1965, the Department of the Army, Portland District, Corps of Engineers, filed application Sacramento 080090 for the withdrawal of the lands described below in connection with the planning studies for the Applegate Reservoir Project on the upper Ap-

plegate River, a tributary of the Rogue River, in Jackson County, Oreg., including flowage which could extend into Siskiyou County, Calif.

The purpose for which the withdrawal is requested is for use of the lands in connection with construction, operation, and maintenance of the project. The withdrawal is requested from all forms of appropriation under the public land laws, subject to valid existing rights, including the mining laws and mineral leasing laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulation (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

MOUNT DIABLO MERIDIAN

ROGUE RIVER NATIONAL FOREST

T. 48 N., R. 11 W.,
Sec. 17, lots 2, 3, and 4, S½SW¼ and SW¼SE¼;
Sec. 18, lot 1 and SE¼SE¼;
Sec. 20, NW¼NE¼ and NE¼NW¼.

The area described above aggregates approximately 373.52 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 65–13918; Filed, Dec. 29, 1965; 8:47 a.m.]

IDAHO

Notice of Filing of Idaho Protraction Diagrams

DECEMBER 21, 1965.

Notice is hereby given that effective at and after 10:00 a.m., on January 25, 1966, the following protraction diagrams are officially filed of record in the Idaho Land Office, Room 327, Federal Building, Boise, Idaho, 83701, and are available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized uses. Until this date and time the diagrams have been placed in open file and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 85, 93, 94

BOISE MERIDIAN

Approved November 8, 1965

No. 93

Ts. 5 and 6 N., Rs. 20, 21 and 22 E.

BOISE MERIDIAN

Approved November 15, 1965

No. 85

T. 7 N., Rs. 17, 18 and 19 E.
T. 8 N., Rs. 18 and 19 E.

No. 94

T. 5 N., Rs. 17 and 19 E.
T. 6 N., Rs. 17, 18 and 19 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
Acting Manager, Land Office, Boise, Idaho.

[F.R. Doc. 65–13919; Filed, Dec. 29, 1965; 8:47 a.m.]

IDAHO

Notice of Filing of Plat of Survey

DECEMBER 21, 1965.

1. Plats of survey of the following described land, accepted December 9, 1965, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on January 25, 1966.

BOISE MERIDIAN, IDAHO

T. 2 N., R. 37 E.,
Sec. 12, lots 9 to 15 inclusive;
Sec. 13, lots 9 to 213 inclusive;
Sec. 24, lot 8;
Sec. 25, lots 8 to 19 inclusive;
Sec. 35, lots 8 and 9.

The areas described aggregate 187.94 acres.

2. The lands include an island in the Snake River and other lands along the river which were omitted from the previous survey.

3. The lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the lands described herein can be made, a notice in accordance with the regulations in 43 CFR 2214.6–1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
Acting Manager, Land Office, Boise, Idaho.

[F.R. Doc. 65–13920; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017362]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 21, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 017362 for the withdrawal of the lands described below, from all forms of appropriation under the mining laws (Chap. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires to use the land for an existing recreation area complex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

Breitenbush Hot Springs Recreation Area

T. 9 S., R. 7 E.,
Sec. 19, Unsurveyed, S½NE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼;
Sec. 20, S½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, SE¼NW¼, NE¼SE¼, E½SE¼SE¼;

Sec. 21, Unsurveyed, S½NW¼NW¼, SW¼NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼.

The areas described aggregate 480 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13921; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017358]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMEER 22, 1965.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Oregon 017358 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), subject to valid existing rights.

The applicant desires the land for protection of a site containing hard rock deposits to be used for repair and construction of Governmental and private roads.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 27 S., R. 12 W.,
Sec. 3, lots 1 and 2, S½NE¼ and SE¼.

The area described contains 321.45 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13922; Filed, Dec. 29, 1965; 8:47 a.m.]

[Oregon 017357]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

DECEMBER 21, 1965.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial Number Oregon 017357 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.) but not including the mineral leasing laws or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land for preservation of antiquity values, and after exploration is completed, the land will be developed and used for public outdoor recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 24, NW¼NE¼ and N½NW¼.

The area described contains 240 acres.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 65-13923; Filed, Dec. 29, 1965; 8:47 a.m.]

[Riverside 0126]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 22, 1965.

The Forest Service, U.S. Department of Agriculture filed an application for withdrawal and reservation of lands, serial number Riverside 0126, on January 2, 1962 (27 F.R. 1783-1784). The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310, such lands will be at 10 a.m., on Monday, January 24, 1966, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 S., R. 1 E.,
Sec. 30, SE¼SE¼SW¼NE¼, S½SW¼SE¼NE¼, NE¼SW¼SE¼NE¼, S½NE¼SE¼NE¼, SE¼SE¼NE¼, E½SW¼, SE¼;
Sec. 34, S½NW¼NW¼.
T. 4 S., R. 1 E.,
Sec. 20, SE¼SW¼;
Sec. 33, S½;
Sec. 34, W½, W½E½, SE¼SE¼.
T. 3 S., R. 1 W.,
Sec. 32, E½SE¼.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65-13917; Filed, Dec. 29, 1965; 8:47 a.m.]

Office of the Secretary

CLOVERDALE RANCHERIA, CALIF.

Termination of Federal Supervision Over Property and Individual Members Thereof

Notice is hereby given that the Indians and the dependent members of their immediate families named below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Cloverdale Rancheria has passed from the U.S. Government under the distribution plan approved August 13, 1959, for the rancheria.

Cloverdale Rancheria, described as follows: All these certain lots, pieces or parcels of land, situate, lying and being in the township of Cloverdale, county of Sonoma, State of California, and bounded and particularly described as follows; to with: Beginning at a point in the center of the main public road leading from Cloverdale to Healdsburg and at the northwesterly corner of the land formerly owned by Louis Bee, which is an iron pipe two (2) inches in diameter, two (2) feet long, driven below the surface of the ground, from which a fir tree five (5) feet in diameter marked "R.M.," and known as station 8 on the Musalacon Grant line bears south 47° W., 39.38 chains distant; thence N. 47°40' E., along the northerly line of the land formerly owned by Louis Bee, 49.25 chains; thence north 59°15' W., 6.07½ chains to the southerly line of the land of Helena M. Woolsey, thence S. 47°28' W., along the southerly line of the land of Helena M. Woolsey, 46.68 chains to the center line of the hereinbefore mentioned public road; thence S. 34°15' E., along the center line of said road 5.71 chains to the place of beginning, containing 27.50 acres.

Name	Birth date	Address
Ernest Buck	5- 9-1909	28640 Redwood Highway, 101 South, Cloverdale, Calif.
Virginia Buck	7- 6-1909	Same.
Carl Buck	9-19-1944	Same.
Stephanie Stanley	4-10-1949	Same.
Blanche Hermosillo	6- 7-1915	General Delivery, Cloverdale, Calif.
Karen Hermosillo	6-21-1953	Same.
Carmelita Hermosillo.	8-30-1954	Same.
Ricardo Hermosillo	3- 5-1958	Same.
Elaine Willits	9- 4-1945	Same.
John Santana	2-17-1916	Post Office Box 425, Cloverdale, Calif.
Carmen Santana	2-28-1923	Same.
Gerald Santana	10-11-1944	Same.
Linda Santana	11-27-1945	Same.
Antoinette Santana	10-31-1948	Same.
Patty Santana	4- 9-1957	Same.
Agnes Santana	1877	Same.
Patrick Dollar	3-17-1940	Same.
Lillian Jack	5-10-1909	General Delivery, Cloverdale, Calif.
Eugene Jack	3-11-1943	Same.
Alvin Jack	6-26-1949	Same.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 Act that this notice affects only those Indians who are not members of any other tribe or band of Indians, and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 23, 1965.

[F.R. Doc. 65-13925; Filed, Dec. 29, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

1966 Estimates

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following calendar year 1966 estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1966 is 700 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1966 is 890.1 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, no limitations for the calendar year 1966 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), are authorized to be imposed pursuant to P.L. 88-482 at this time.

Done at Washington, D.C., this 27th day of December 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-13941; Filed, Dec. 29, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-40]

ATOMIC DISPOSAL CO., INC.

Notice of Issuance of Byproduct and Source Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed issuance of byproduct and source material license. The Atomic Energy Commission has this date issued license No. 12-11286-1. The license is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on October 20, 1965, 30 F.R. 13335.

Dated at Bethesda, Md., December 22, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 12-11286-1]

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed operations in such manner as to protect health and minimize danger to life or property.

C. The application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter I, and is for a purpose authorized by that act, and

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 12-11286-1 is hereby issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and in reliance upon the statements and representations contained in the application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965, a license is hereby issued to receive at customers' facilities or at a facility located at 21621 Oak Street, Matteson, Ill., transport to and store at a facility located at 21621 Oak Street, Matteson, Ill., waste byproduct and source material, and to dispose of these materials by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3;

B. 1,000 curies of other byproduct material;

C. 15,000 pounds of source material.

2. Operations shall be conducted by Carl J. Collica. Operations may be conducted by Thomas Philip, James Winans, and/or Frank Pastorelle upon completion of the training program described in the application.

3. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. Specification 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radioactive exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

4. The licensee shall store byproduct and source material only at its facility located at 21621 Oak Street, Matteson, Ill.

5. The licensee shall not open packages containing byproduct and source material.

6. Except as specifically provided otherwise by this license, the licensee shall receive, transport, store, and dispose of byproduct and source material in accordance with the procedures and limitations contained in the application, dated December 23, 1964, and amendments thereto, dated February 18, 1965; April 20, 1965; July 15, 1965; August 16, 1965; and undated document, received August 30, 1965.

This license shall be effective on the date issued and shall expire 2 years from the last day of the month in which this license is issued.

Dated at Bethesda, Md., December 22, 1965.

For the Atomic Energy Commission.

J. A. McBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-13893; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. 50-227]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Construction Permit No. CPRR-89 which authorizes General Dynamics Corp. to construct the Torrey Pines TRIGA Mark III nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes the insertion into the reactor for testing purposes of four control rods having fueled followers and one instrumented fuel element as described in the application amendment dated December 17, 1965.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated December 17, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of December 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

AMENDMENT TO CONSTRUCTION PERMIT

[Construction Permit No. CPRR-89; Amdt. 1]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Testing of the reactor components in accordance with the permit, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

(3) Prior public notice of proposed issuance of the amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Construction Permit No. CPRR-89, issued to General Dynamics Corp., is amended by adding a new subparagraph C. to paragraph 3. as follows:

"C. General Dynamics Corp. is authorized in the construction of the facility to insert into the reactor for testing purposes four control rods having fueled followers and one instrumented fuel element."

This amendment is effective as of the date of issuance.

Date of issuance: December 21, 1965.

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 65-13894; Filed, Dec. 29, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-23023]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of December 1965.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conferences 3-1 and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters, dated December 9 and 10, 1965,[1] as set forth in the attachment hereto name additional specific commodity rates for existing commodity descriptions. The agreements reflect reductions in rates ranging from 25.0 to 58.9 percent of the otherwise applicable rates and are consistent with the present specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 18169, R-38 and Agreement CAB 18504, R-7 and R-8, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[1] Received in the Board Dec. 13, 1965.

Agreement CAB 18169, R-38, IATA Letter, dated December 10, 1965, Commodity Item 9008—Costume Jewelry, Articles de Paris, Ornaments, and parts thereof, N.E.S., excluding Original Works of Art, Antiques, Watches and Clocks, 183 cents per kg., minimum weight 300 kgs. Bombay to New York.

Agreement CAB 18504, R-7, IATA Letter, dated December 9, 1965, Commodity Item 0300—Fish and Seafood, N.E.S., 22 cents per kg., minimum weight 500 kgs. Port au Prince to New York.

Agreement CAB 18504, R-8, IATA Letter, dated December 9, 1965, Commodity Item 1421—Cut Flowers, including Mimosa, 30 cents per kg., minimum weight 100 kgs. Bogota to San Juan.

[F.R. Doc. 65-13933; Filed, Dec. 29, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15752 etc.; FCC 65-1154]

CHARLES W. JOBBINS ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al.; Docket Nos. 15754, 15755, 15756, 15757, 15758, 15759, 15760, 15762, 15763, 15764, 15765, 15766; for construction permits.

1. This proceeding now involves 13 applications for new standard broadcast stations to operate on 1110 kilocycles, which is the frequency formerly used by Station KRLA in Pasadena, Calif. Seven of these applications, Goodson-Todman Broadcasting, Bible Institute of Los Angeles, Crown City Broadcasting, Pasadena Community Station, Voice in Pasadena, Western Broadcasting, and Pasadena Broadcasting Co., propose to operate a class II station with 50,000 watts until local sunset and 10,000 watts thereafter, using directional antennas, at Pasadena. Two other applicants, California Regional Broadcasting and Storer Broadcasting, propose fulltime operation with 50,000 watts and directional antennas at Pasadena. Orange Radio and Pacific Fine Music, applicants for Fullerton and Whittier, Calif., respectively, also propose directional operation with 50,000 watts until sunset and with 10,000 watts at night. Charles W. Jobbins proposes daytime only, nondirectional operation with 1,000 watts at Costa Mesa-Newport Beach, Calif., and Topanga Malibu Broadcasting proposes fulltime, directional operation with 500 watts at Topanga, Calif. Each of the specified station locations is within, or very near, the Los Angeles-Long Beach urbanized area as delineated by the Bureau of the Census in the 1960 census of population.

2. In considering a petition to enlarge the issues in this proceeding, the Review Board concluded (FCC 65R-185, released May 24, 1965) that separate community and 10 percent rule issues should be added to determine whether the Orange Radio and Pacific Fine Music proposals are intended to serve their specified communities or the surrounding area. Orange Radio thereafter filed an application for review of the Board's action. Because this proceeding involved important policy questions similar to those in two other proceedings, the Commission by order (FCC 65-592, released July 9, 1965), granted the application for review and the parties were permitted to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments of the parties in this proceeding have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that each of the applicants proposes 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicant's specified location. Accordingly, we are persuaded, for the reasons stated in our policy statement (FCC 65-1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city, the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of the applicants will be expected to show the extent to which he has ascertained that his specified station location has separate and distinct programming needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which his program proposals will meet these needs. Additionally, each of the applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within his specified station location are adequate to support his proposal as compared with his projected sources from all other areas.

4. An applicant who fails to establish that he will realistically serve his specified station location under the programming and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by his 5 mv/m daytime contour, unless the evidence establishes that he will realistically serve a third community whose boundaries are also penetrated by his 5 mv/m daytime contour.[1] Accordingly, an issue will also be added to determine whether those applicants meet all of the technical provisions of our rules for a station assigned to the appropriate larger community. Insofar as the "10 percent rule" applies to the applications in this proceeding and to others filed prior to the revision of our AM rules on August 13, 1964, we are persuaded that the applicants should also be required to show either that their proposals will comply with the "10 percent rule" or that they are entitled to a waiver of the "10 percent rule." Thus, an applicant who would comply with the "10 percent rule" if his proposal is deemed to be one for his specified station location, but whose proposal is determined to be one for some other community, will also be required to establish that his proposal for that latter community complies with the "10 percent rule" or that he is entitled to waiver of the "10 percent rule." Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, it is ordered, This 22d day of December 1965, that the first three issues added to this proceeding by the Review Board's Memorandum Opinion and Order, FCC 65R-185, released May 24, 1965, are hereby revised, and that the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each applicant to have separate and distinct programming needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific unsatisfied programming needs of his specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within his specified station location are adequate to support his proposal, as compared with his projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or more of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

(c) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that Orange Radio, Inc., Pacific Fine Music, Inc., or Topanga Malibu Broadcasting Co. will not realistically provide a local transmission service for its specified station location, whether the most populous community for which

[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

it is determined that each of these three applicants will provide a realistic local transmission service, has any standard broadcast nighttime facility, or whether the interference which would be received by each of these three applicants would affect more than 10 percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of that section of the rules.

Released: December 27, 1965.

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

[F.R. Doc. 65-13946; Filed, Dec. 29, 1965; 8:49 a.m.]

[Docket Nos. 14755-14757; FCC 65-1156]

JUPITER ASSOCIATES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer d/b 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.

1. This proceeding involves the mutually exclusive applications for construction permits to operate new class II standard broadcast stations, daytime only, on 1530 kilocycles, of (a) Jupiter Associates, Inc. (hereinafter Jupiter), which proposes directional operation with 500 watts of power at Matawan, N.J.; (b) William S. Halpern and Louis N. Seltzer, d/b as Somerset County Broadcasting Company (hereinafter Somerset), which proposes directional operation with 1000 watts of power at Somerville, N.J.; and (c) Radio Elizabeth, Inc. (hereinafter Radio), which proposes nondirectional operation with 500 watts of power at Elizabeth, N.J. Each of the specified station locations is within, or very near, the New York-Northeastern New Jersey urbanized area as delineated by the Bureau of the Census in the 1960 census of population.

2. Both the Hearing Examiner's Initial Decision and the Review Board's Decision would have granted Radio's application. Applications for review of the Board's Decision were filed by Jupiter and Somerset. Because this proceeding involved important policy questions similar to those in two other proceedings, by our Order (FCC 65-591), released July 9, 1965, we granted the applications for review and permitted the parties to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments of the parties in this proceeding have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that Jupiter and Radio propose 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicants' specified station locations. Accordingly, we are persuaded for the reasons stated in our Policy Statement (FCC 65-1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these two suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city (much of which has already been adduced), the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of these two applicants will be expected to show the extent to which it has ascertained that its specified station location has separate and distinct programming needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which its program proposals will meet those needs. Additionally, each of these two applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within its specified station location are adequate to support its proposal as compared with its projected sources from all other areas. Since Somerset's proposal does not fall within our test, we will not enlarge the issues in this proceeding with respect to its application.

4. An applicant who fails to establish that it will realistically serve its specified station location under the programming and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by its 5 mv/m daytime contour, unless the evidence establishes that it will realistically serve a third community which also receives the requisite coverage.[1] Accordingly, an issue will also be added to determine whether these two applicants meet all of the technical provisions of our rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for a station assigned to the appropriate larger community. Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, It Is Ordered, This 22d day of December 1965, that this proceeding is remanded to Hearing Examiner Jay A. Kyle for further hearing and for preparation of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and

It Is Further Ordered, That the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals of Jupiter Associates, Inc., and Radio Elizabeth, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each of the two applicants to have separate and distinct programming needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific, unsatisfied programming needs of its specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or both of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13947; Filed, Dec. 29, 1965; 8:49 a.m.]

[Docket Nos. 14082, 14088; FCC 65-1155]

MONROEVILLE BROADCASTING CO. AND MINERS BROADCASTING SERVICE, INC. (WMBA)

Memorandum Opinion and Order Amending Issues

In re applications of Monroeville Broadcasting Co., Monroeville, Pa., Docket No. 14082, File No. BP-13840; Miners Broadcasting Service, Inc. (WMBA), Ambridge-Aliquippa, Pa., Docket No. 14088, File No. BP-13855; for construction permits.

1. This proceeding involves the mutually exclusive applications of: (a) Monroeville Broadcasting Co. (hereinafter Monroeville) for a construction permit

[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

[2] Commissioner Cox not participating.

to operate a new class II standard broadcast station on 1510 kilocycles with 250 watts of power, daytime only, utilizing a nondirectional antenna at Monroeville, Pa.; and (b) Miners Broadcasting Service, Inc. (hereinafter WMBA), which presently operates a class III standard broadcast station, daytime only, on 1460 kilocycles, with 500 watts of power, utilizing a directional antenna at Ambridge, Pa., for a construction permit to operate a class II standard broadcast station, daytime only, on 1510 kilocycles, with 10,000 watts of power, utilizing a directional antenna, with dual-city identification at Ambridge-Aliquippa, Pa. Each of the specified station locations is within the Pittsburgh urbanized area as delineated by the Bureau of the Census in the 1960 census of population. After our decision, in which we granted Monroeville's application and denied the competing application of Miners, the U.S. Court of Appeals for the District of Columbia Circuit remanded this case for further proceedings, Miners Broadcasting Service, Inc. v. Federal Communications Commission, 349 F. 2d 199, 5 R.R. 2d 2086 (1965).

2. The decision of the Court of Appeals stated that we should establish or clarify the standards used to distinguish between two suburban applicants, both of which propose to serve some parts of their central city and urbanized area. In accordance with that opinion, by our Memorandum Opinion and Order, 1 F.C.C. 2d 319, 5 R.R. 2d 547 (1965), the parties in this proceeding were permitted to file briefs and to present arguments before the Commission, en banc, on October 8, 1965. The briefs and arguments by these parties have provided valuable assistance in clarifying the standards that should be applied to determine which application would better serve the public interest when one or more of the proposed stations is to be located in a suburban community and would serve adjacent metropolitan areas.

3. Our examination of these applications reveals that each of the applicants proposes 5 mv/m daytime service within the geographic boundaries of at least one other community of over 50,000 persons and with a population at least twice as large as that of the applicant's specified station location. Accordingly, we are persuaded for the reasons stated in our Policy Statement (FCC 65–1153), adopted December 22, 1965, that a determination should be made in this proceeding whether each of these suburban proposals will realistically serve its own specified station location or some other larger community. We shall therefore revise the issues in this proceeding so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city (much of which has already been adduced), the parties may fully explore all matters relating to the need for each of these proposals. Thus, each of the applicants will be expected to show the extent to which it has ascertained that its specified station location has separate and distinct programing needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which its program proposals will meet these needs. Additionally, each of the applicants will be expected to adduce evidence as to whether the projected sources of advertising revenues from within its specified station location are adequate to support its proposal as compared with its projected sources from all other areas.

4. An applicant who fails to establish that it will realistically serve its specified station location under the programing and revenues issue will be deemed to propose to serve the most populous community whose geographic boundaries are penetrated by its 5 mv/m daytime contour, unless the evidence establishes that it will realistically serve a third community whose boundaries are also penetrated by its 5 mv/m daytime contour.[1] Accordingly, an issue will also be added to determine whether those applicants meet all of the technical provisions of our rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for a station assigned to the appropriate larger community. Finally, the burden of proof with respect to these additional issues will be upon the individual applicants in each instance.

Accordingly, it is ordered, This 22d day of December 1965, that this proceeding is remanded to Hearing Examiner Charles J. Frederick for further hearing and for preparation of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and

It is further ordered, That the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether each of the proposals will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(1) The extent to which each specified station location has been ascertained by each applicant to have separate and distinct programing needs;

(2) The extent to which the needs of each specified station location are being met by existing standard broadcast stations;

(3) The extent to which each applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location; and

(4) The extent to which the projected sources of each applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with his projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that one or both of the proposals will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

Released: December 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13948; Filed, Dec. 29, 1965; 8:49 a.m.]

[1] See paragraph 11 and especially footnote 1 appended thereto of our policy statement, supra, for the effect of such service to a third community.

[2] Commissioner Cox not participating.

FEDERAL MARITIME COMMISSION

[Docket No. 65–52]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE AND TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Modification of Dual Rate Contract; Order of Investigation and Hearing

The Commission has before it the application of the Japan-Atlantic and Gulf Freight Conference and the Trans-Pacific Freight Conference of Japan for permission to change certain provisions of its form of dual rate contract as approved under Dockets 1078 and 1080.

In order to determine whether the contract as changed should be approved, disapproved, or modified in accordance with the general standards of section 14(b) and the express requirements of section 14(b) (1) through (9):

It is ordered, That pursuant to sections 14(b) and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine whether conditions in these trades are now such as to necessitate a departure from the contract language which was approved under Dockets 1078 and 1080; and, if so, as to whether the use of the contracts as modified will be detrimental to the commerce of the United States, contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers or ports or between exporters from the United States and their foreign competitors, and as to whether this contract should be approved, disapproved or modified pursuant to section 14(b) of the Shipping Act, 1916;

It is further ordered, That the Japan-Atlantic and Gulf Freight Conference, and the Trans-Pacific Freight Conference of Japan, and their member lines, listed in appendixes A and B, respectively, set forth below, be made respondents in this proceeding;

It is further ordered, That this matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Presiding Examiner;

It is further ordered, That any persons, other than respondents, having any interest in this proceeding, shall file a petition for leave to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 13, 1966, with copy to respondents.

It is further ordered, That this order and notice of hearing be published in the FEDERAL REGISTER, that a copy of such order be served upon respondents and that all future notices, orders and decisions issued in this proceeding, including the time and place of hearing and prehearing conference, be mailed directly to each party of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE (3103)

American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Barber-Wilhelmsen Line—Joint Service, % Barber Steamship Lines, Inc., 17 Battery Place, New York, N.Y., 10004.
Japan Line, Ltd., % A. Burbank & Co., Ltd., General Agents, 120 Wall Street, New York, N.Y., 10005.
Kawasaki Kisen Kaisha, Ltd., % Kerr Steamship Co., Inc., General Agents, Clegg Building, 51 Broad Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans 12, La.
Marchessini Lines—Joint Service, 26 Broadway, New York, N.Y., 10004.
Maritime Company of the Philippines, % North American Maritime Agencies, General Agents, 26 Broadway, New York, N.Y., 10004.
Moller-Maersk Line, A.P.—Joint Service, Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y., 10004.
Mitsui O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y., 10004.
States Marine Lines—Joint Service, % States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
United Philippine Lines, Inc., % Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y., 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y., 10004.
Yamashita-Shinnihon Steamship Co., Ltd., % Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y., 10004.
Blue Sea Line—Joint Service, Funch Edye & Co., Inc., 21 Broadway, New York, N.Y., 10004.
Chester Cole, Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Building, 11,3-chome, Kyobashi Chuo Ku, Tokyo, Japan.

APPENDIX B–150

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

American Mail Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Barber-Wilhelmsen Line—Joint Service, % Barber Steamship Lines, Inc., 17 Battery Place, New York, N.Y., 10004.
Fern-Ville Lines, % Fearnley & Eger and A. F. Klaveness & Co., A/S—Joint Service, 39 Broadway, New York, N.Y., 10006.
Japan Line, Ltd., 120 Wall Street, New York, N.Y., 10005.
Kawasaki Kisen Kaisha, Ltd., % Kerr Steamship Co., Inc., General Agents, Clegg Building, 51 Broad Street, New York, N.Y., 10004.
Knutsen Line—Joint Service, % Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y., 10004.
Maritime Company of the Philippines, Inc., % North American Maritime Agencies, General Agents, 26 Broadway, New York, N.Y., 10004.
Mitusi O.S.K. Line, Ltd., 17 Battery Place, New York, N.Y., 10004.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y., 10004.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif.
States Steamship Co., 2 Broadway, New York, N.Y., 10004.
United Philippine Lines, Inc., % Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y., 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y., 10004.
Waterman Steamship Corp., 19 Rector Street, New York, N.Y., 10006.
Showa Shipping Co., Ltd., % Olympic Steamship Co., General Agents, 120 Wall Street, New York, N.Y., 10005.
States Marine Lines—Joint Service, % States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
Yamashita-Shinnihon Steamship Co., Ltd., % Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y., 10004.
D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11,3-chome, Kyobashi Chuo Ku, Tokyo, Japan.

[F.R. Doc. 65–13934; Filed, Dec. 29, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66–211]

ASHLAND OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 23, 1965.

On November 26, 1965, Ashland Oil & Refining Co. (Ashland),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated November 22, 1965.[2]
Purchaser and producing area: Consolidated Gas Supply Corp. (Virginia Field; Buchanan, Russell, and Tazewell Counties, Va., and McDowell County, W. Va.; and Logan-Wyoming Field, Logan and Wyoming Counties, W. Va.).
Rate schedule designation: Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113.
Effective date: December 27, 1965.[3]
Amount of annual increase: $328,800.
Pressure Base: 15.325 p.s.i.a.
Effective Rate: 27.74 cents per Mcf.[4]
Proposed Rate: 31.85 cents per Mcf.[5][6]

The contract for Ashland's sale provides for a base rate of 25.0 cents per Mcf plus an adjustment equal to one-half of any increase in average rate received by Consolidated Gas Supply Corp. (Consolidated) for all sales during the 1-year period following the effective dates of any rate increases filed by Consolidated with the Federal Power Commission or the West Virginia Public Service Commission. Ashland's proposed increase is based on four rate increases filed with this Commission by Consolidated in Docket Nos. G–5474, G–12454, G–17220, and RP61–14. A rate settlement of these proceedings was approved by the Commission's order issued December 7, 1962. The present net effect of these settled rates of Consolidated raises its overall average rate a total of 13.7 cents per Mcf.

Ashland's proposed rate of 31.85 cents per Mcf exceeds the West Virginia area ceilings of 25.0 cents per Mcf for increased rates and 28.0 cents per Mcf for initial service, which are also used as informal ceiling rates for Virginia. The latter area is not covered by the Commission's Statement of General Policy No. 61–1, as amended. Since the proposed rate of 31.85 cents per Mcf is the highest increased rate filed in West Virginia and Virginia, and exceeds the above-mentioned ceilings, we believe it should be suspended for 5 months as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge

[1] Address is: Post Office Box 1503, Houston, Tex., 77001, Attention: J. Paul Fly, Esquire.
[2] Includes letter dated May 17, 1965, showing the dates of Consolidated's rate increases, and letter dated Oct. 25, 1965, in which Consolidated sets out the rate which Ashland is currently entitled to collect under the terms of its contract.
[3] The stated effective date is the effective date proposed by Respondent.
[4] June 7, 1954, rate.
[5] Revenue-sharing rate increase.
[6] Base rate of 25.0 cents per Mcf plus 50 percent of increases in rate received by Consolidated for all gas it sold during year ending Apr. 30, 1965.

contained in Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113.

(B) Pending such hearing and decision thereon, Supplement No. 20 to Ashland's FPC Gas Rate Schedule No. 113 is hereby suspended and the use thereof deferred until May 27, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 9, 1966.

By the Commission.

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

[F.R. Doc. 65-13897; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-206 etc.]

ASSOCIATED OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 21, 1965.

Associated Oil & Gas Co. (Operator), et al., and other respondents listed herein, Docket Nos. RI66-206, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-206	Associated Oil & Gas Co. (Operator), et al., 3703 Yoakum Blvd., Houston, Tex., 77006.	9	2	Tennessee Gas Transmission Co. (New Taiton Field, Wharton County, Tex.) (R.R. District No. 3).	$1,200	11-26-65	[2] 1-1-66	6-1-66	13.5	[4] 14.5	
RI66-207	Helmerich & Payne, Inc. (Operator), et al., Utica at 21st, Tulsa, Okla., 74114.	34	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	[6] 2,657	11-24-65	[3] 12-25-65	5-25-66	[6] 17.0	[3 4 6 7] 20.43	
RI66-208	The Shamrock Oil & Gas Corp., Post Office Box 631, Amarillo, Tex., 79105.	32	4	Panhandle Eastern Pipe Line Co. (McKee Plant, Moore County, Tex.) (R.R. District No. 10).	364,500	11-29-65	[2] 1-1-66	6-1-66	[6 10] 12.0	[3 4 9 10] 13.5	RI64-542.

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[6] Includes amount attributable to upward B.t.u. adjustment.
[7] Subject to upward B.t.n. adjustment based on 1/100 cent per Mcf for each additional B.t.u. per cubic foot in excess of 1,000 B.t.u. to a maximum of 1,200 B.t.u. per cubic foot.
[7] Includes base rate of 19.5 cents per Mcf plus upward B.t.u. adjustment for gas containing 1093 B.t.u.'s per cubic foot as shown in filing.
[9] Filing erroneously shows present effective rate of 17.0 cents per Mcf subject to upward B.t.u. adjustment. However, the present effective rate under the rate schedule is the permanently certificated rate, which is 17.0 cents per Mcf.
[9] Includes 1.0 cent per Mcf compression charge paid by buyer to seller.
[10] Subject to downward B.t.u. adjustment.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

[F.R. Doc. 65-13898; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. CP66-190]

CITY OF CORYDON, KY., AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 22, 1965.

Take notice that on December 13, 1965, the City of Corydon, Ky. (Applicant), 215 First Street, Henderson, Ky., filed in Docket No. CP66-190 an application pursuant to section 7(a) of the National Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant is located approximately seven miles from Henderson, the county seat of Henderson County, Ky., and that Henderson is on the southern bank of the Ohio River approximately 8 miles south of Evansville, Ind. Applicant's present population is stated to be 800 and the county is stated to have an estimated 35,000 inhabitants.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	28,825	35,421	39,390
Peak day (Mcf)	369	455	512

Applicant proposes to construct and operate a natural gas distribution system consisting of approximately 38,480 feet of 4-inch steel pipe and 33,200 feet of 2-inch pipe together with appurtenant measuring and regulating facilities at a total estimated cost of $215,000, which cost will be financed through the issuance by Applicant of gas revenue bonds.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 7, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13899; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-209]

KERR-McGEE CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 10, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-209	Kerr-McGee Corp. (Operator), et al., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	[1] 78	2	Southern Natural Gas Co. (Lake La Rose Field, St. Martin Parish, La.) (South Louisiana).	$98,531	11-29-65	[2] 1-1-66	[3] 1-2-66	[4] 13.3	[4] [5] 21.25	

[1] Contract executed after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] Subject to a downward B.t.u. price adjustment.

Kerr-McGee Corp. (Operator), et al., (Kerr-McGee) claims that their proposed 21.25 cents per Mcf rate is in reality an initial rate and should be accepted without suspension. It is also claimed that the presently effective rate of 13.3 cents per Mcf was an interim price to hold until January 1, 1966, and that such price was agreed to because of the distress nature of this sale at the time the contract was executed on February 28, 1963. Since the contract was executed subsequent to February 28, 1960, the date of issuance of the General Policy Statement No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved, we are suspending Kerr-McGee's proposed rate increase for 1 day from January 1, 1966, the proposed effective date.

[F.R. Doc. 65-13900; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. E-7262]

OTTER TAIL POWER CO.

Order Providing for Hearing and Suspension of Notice of Cancellation of Filed Rate Schedules

DECEMBER 22, 1965.

This order directs a hearing to determine the lawfulness of a notice of cancellation by Otter Tail Power Co. (Otter Tail), of certain filed rate schedules of the Company pursuant to which Otter Tail provides electric service to the Minnesota Valley Cooperative Light & Power Association (Cooperative). Pending conclusion of that hearing and the Commission's decision, this order suspends the operation and effectiveness of the proffered notice of cancellation until May 23, 1966.

Otter Tail's notice of cancellation, tendered for filing with the Commission on November 22, 1965, pursuant to Part 35.15 of the Commission's Regulations under the Federal Power Act, has been designated in the files of the Commission as Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104. Rate Schedule FPC No. 104 and Supplement No. 1 thereto embody the terms and provisions of a transmission agreement between Otter Tail and Cooperative pursuant to which the Cooperative receives power as a preference customer of the Bureau of Reclamation; and they provide that Otter Tail shall furnish standby or firming services. Additionally, the agreements provide for the use by Otter Tail of certain of Cooperative's 69 kv transmission facilities used by the Company in providing electric service to the city of Madison, Minn. During the calendar year 1964, Otter Tail delivered a total of 15,303,672 kilowatt hours to the Cooperative at two delivery points, 69 kv at Madison, Minn., and 41.6 kv at Canby, Minn.

Otter Tail, incorporated under the laws of the State of Minnesota, is engaged in the generation, transmission, distribution, and sale of electric energy in the States of Minnesota, North Dakota, and South Dakota. Its principal business office is at Fergus Falls, Minn. Cooperative, incorporated under the laws of the State of Minnesota, is engaged in the transmission, distribution, and sale of electric energy in the State of Minnesota and maintains its principal place of business at Montevideo, Minn.

Otter Tail, a participant in certain interchange or wheeling arrangements with the Bureau of Reclamation, U.S. Department of the Interior, and Northern States Power Co. (Northern States), delivers power and energy to Cooperative at the aforementioned delivery points essentially for the account of Northern States Power Co. Northern States serves six other delivery points of the Cooperative as a preference customer of the Bureau of Reclamation, but is without direct connections with the Cooperative at Madison and Canby. The underly-

ing contractual arrangements between Northern States and Otter Tail for such services are reflected in the former Company's Rate Schedule FPC No. 95 as supplemented, and the latter Company's Rate Schedule FPC No. 94, as supplemented.

Otter Tail receives 2 mills per kilowatt hour from Northern States for power and energy supplied to Cooperative. Additionally, the Company receives 1½ mills per kilowatt hour delivered to Cooperative for standby or firming service to the latter.

Under Rate Schedule FPC No. 104, Otter Tail undertakes to compensate Cooperative at the rate of $7,000 annually, effective November 1, 1965, for use of the latter's facilities in providing service to the city of Madison, the first payment to be made November 1, 1966.

Information available to the Commission indicates that Cooperative will become a direct service customer of the Bureau of Reclamation at the Madison and Canby points effective June 30, 1966, upon completion of certain facilities. However, until then, those portions of Cooperative's electric system are dependent for electric supply upon service from Otter Tail.

On December 16, 1965, Otter Tail advised the Commission of its undertaking to continue service to Cooperative on a month-to-month basis, upon certain terms and conditions which apparently were not communicated to the Cooperative. By letter dated December 10, 1965, Cooperative, through its counsel, objected to Otter Tail's proposed notice of cancellation and cessation of service.

The Commission finds:

In view of the foregoing, it is necessary and appropriate for purposes of the Federal Power Act, that the Commission pursuant to authority under the Act, particularly sections 205, 206, 308, and 309 thereof, enter upon a hearing concerning the lawfulness of Otter Tail's Rate Schedule FPC No. 104 and Supplement Nos. 1 and 2 thereto; and that the operation or effectiveness of Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104 be suspended, and the use thereof deferred all as hereafter provided.

The Commission orders:

(A) A public hearing shall be held concerning the lawfulness of Otter Tail's rate schedules as referred to in the finding above; that hearing to be convened January 24, 1966, e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Pending such hearing and decision thereon, the operation or effectiveness under the Federal Power Act of Supplement No. 2 to Otter Tail's Rate Schedule FPC No. 104 is suspended and the use thereof deferred until May 23, 1966. On that date, the proffered rate schedule shall take effect in the manner prescribed by the Federal Power Act, unless this proceeding has been disposed of prior thereto.

(C) During the period of suspension, Otter Tail's Rate Schedule FPC No. 104 and Supplement No. 1 thereto, now on file with the Commission, shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Otter Tail shall not change the terms and provisions of its supplemental rate schedule as referred to in paragraph (B) above or those of its rate schedule and supplement thereto on file with the Commission as referred to in paragraph (C) above, until this proceeding has been disposed of or until the period of suspension has expired.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before January 13, 1966.

By the Commission.

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

[F.R. Doc. 65-13902; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66-205]

PANO TECH EXPLORATION CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-205	Pano Tech Exploration Corp., 906 C & I Bldg., Houston, Tex.	[1] 1	— 1	Southern Natural Gas Co. (La Rose Area, St. Martin Parish, La.) (South Louisiana).	$286,200	11-22-65	[2] 1-1-66	[2] 1-2-66	13.3	[4] [5] 21.25	

[1] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date requested by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.

Pano Tech Exploration Corp. (Pano Tech) claims that its proposed rate increase, while technically a "stated periodic increase", is in reality an "initial rate". It claims Southern Natural Gas Co. was oversupplied and in a "take-or-pay" situation at the date of the contract (February 21, 1963) and did not need Pano Tech's gas, but to accommodate Pano Tech, Southern Natural Gas Co. agreed to take for the interim period (date of initial delivery on July 5, 1963 to January 1, 1966) this gas at a distress price of 13.3 cents per Mcf. Since the contract was executed subsequent to September 28, 1960, the date of issuance of the General Policy Statement No. 61–1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved, we are suspending Pano Tech's proposed rate increase for one day from January 1, 1966, the proposed effective date.

[F.R. Doc. 65–13903; Filed, Dec. 29, 1965; 8:45 a.m.]

[Docket No. RI66–210]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 21, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1966.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66–210	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020, Attn.: Mr. F. C. Sweat.	319	2	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	$2,190	11–30–65	[1] 1–1–66	[2] 1–2–66	[3] [4] 16.0	[3] [4] 16.5	

[1] Contractually provided effective date.
[2] The suspension period is limited to 1 day.
[3] "Fractured" rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Less processing cost of 3.3 cents per Mcf for gas remaining after processing for removal of carbon dioxide diluent (processing cost shall not exceed 4.5 cents per Mcf in any event).
[6] Initial rate.

Shell Oil Co. (Shell) a producer-respondent in the Permian Basin Opinion No. 468, proposes a "fractured" rate increase from 16.0 cents to 16.5 cents per Mcf, amounting to $2,190 annually, for a sale of gas-well gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas. Payment is based upon residue volumes remaining after processing and the propdsed rate is equal to the applicable ceiling prescribed by Commission Opinion No. 468.

The contract covering the subject sale contains quality standards which do not conform to the standards prescribed in Opinion No. 468, as amended. The contract provides for a maximum diluent content (nitrogen, hydrogen sulphide, organic sulphur, and carbon dioxide) not in excess of 60 percent by volume. The principal impurity is carbon dioxide and the contract provides for a maximum deduction of 4.5 cents per Mcf from the contract rate for removal of the diluent content. The producer indicates in its rate increase filing that the processing cost for the removal of the CO_2 is 3.3 cents per Mcf. As for delivery pressure, the contract provides for delivery at the natural well flowing pressure, with the buyer having the right to operate its gathering system at pressures not to exceed 1000 p.s.i.g. Opinion No. 468, as modified by Opinion No. 468–A, prescribes a minimum delivery pressure of 500 p.s.i.g. The contract contains no B.t.u. adjustment provisions.

Although Shell's increased rate of 16.5 cents per Mcf is equal to the area base rate prescribed in Opinion Nos. 468 and 468–A, it may require adjustment for less than pipeline quality gas. Under the circumstances, we believe that Shell's proposed increase from 16.0 cents to 16.5 cents per Mcf should be suspended for 1 day from January 1, 1966, the proposed effective date.

Shell shall file with the Commission as a condition of this order within 60 days of the date of issuance of this order a statement setting forth either that the residue gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion Nos. 468 and 468–A, or in which respects the residue gas deviates from such standards; the agreed cost to the purchaser to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

[F.R. Doc. 65–13904; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. RI66–196]

SOUTHDOWN, INC.

Order Permitting Rate Filing, Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 21, 1965.

On October 18, 1965,[1] Southdown, Inc. (Southdown)[2] tendered for filing a proposed change in its presently effective

[1] Filing completed Nov. 10, 1965.
[2] Address is Post Office Box 52378, New Orleans, La.

rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated October 14, 1965.[2]
Purchaser and producing area: United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.) (South Louisiana).
Rate schedule designation: Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1966.[4]
Amount of annual increase: $3,300.
Effective rate: 21.25 cents per Mcf.[5 6]
Proposed rate: 22.8917 cents per Mcf.[5 7]
Pressure base: 15.025 p.s.i.a.

Southdown has submitted a notice of change in rate proposing an increase from 21.25 cents to 22.8917 cents per Mcf, for gas sold under its FPC Gas Rate Schedule No. 1 to United Gas Pipe Line Co. from the Hollywood Field, Terrebonne Parish, South Louisiana. The proposed 1.6417 cents per Mcf increase, amounting to $3,300 annually, is from a conditioned initial rate, being the initial service ceiling for the area, to a redetermined rate which was attained by averaging the highest prices paid by three different purchasers for gas for resale in interstate commerce, other than United, for gas produced from the area specified in the contract involved.[8]

The proposed rate of 22.8917 cents per Mcf exceeds the area increased ceiling level of 14.0 cents per Mcf as set forth in the Commission's Statement of General Policy No. 61–1, as amended, and should be suspended as hereinafter ordered.

The proposed changed rate and charge may be just, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Southdown's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until June 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 10, 1966.

By the Commission.

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

[F.R. Doc. 65–13905; Filed, Dec. 29, 1965; 8:46 a.m.]

[2] Includes Letter Agreement dated Sept. 7, 1965, providing for the redetermined rate for 5-year period commencing Jan. 1, 1966.
[4] The stated effective date is the effective date proposed by Respondent.
[5] Includes 1.75 cents per Mcf tax reimbursement.
[6] Conditioned initial rate provided in the temporary certificate issued in Docket No. CI62–551 in lieu of contractually provided initial price of 22.25 cents per Mcf.
[7] Redetermined rate increase.
[8] The prices utilized are not in issue in suspension or certificate proceedings.

[Docket No. CP66–192]

TRUNKLINE GAS CO.

Notice of Application

DECEMBER 22, 1965.

Take notice that on December 15, 1965, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP66–192 a "budget-type" application pursuant to section 7 (c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the calendar year 1966 and operate miscellaneous field facilities including field compressors, dehydration units, meter and regulator equipment and gathering lines to facilitate the taking by Applicant of natural gas into its certificated main pipeline system which is or may become available from time to time in the general area of its system or which is or may become available due to expansion, development or production of existing sources of supply during the calendar year 1966.

Total estimated cost of Applicant's proposed construction is not to exceed $2,500,000, with no single project expenditure to exceed $500,000, which cost will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–13906; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. CP66–193]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 23, 1965.

Take notice that on December 16, 1965, Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kans., 67301, filed in Docket No. CP66–193 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Smith-North Area, Leavenworth County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the instant application, Applicant seeks the sale and delivery by Respondent to Applicant of up to 64 Mcf of natural gas per day at an interconnection of Applicant's proposed lateral pipeline with Respondent's 26-inch transmission line in eastern Leavenworth County, Kans. Specifically, Applicant proposes to construct, own, and operate a natural gas distribution system in the community known as the Smith-North Area in Leavenworth County, Kans. Applicant also proposes to construct, own, and operate pipeline facilities consisting of 1.66 miles of 2-inch I.D. pipeline and 0.40 mile of 1¼-inch I.D. pipeline extending south and east from the proposed point of interconnection. The community proposed to be served has an estimated population of approximately 65 with 20 residences and 1 public school.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial

3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	4,538	5,206	5,540
Peak day (Mcf)	51	60	64

Total estimated cost of Applicant's proposed distribution system and lateral pipeline facilities is $14,690, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13907; Filed, Dec. 29, 1965; 8:46 a.m.]

[Docket No. CP66-191]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 21, 1965.

Take notice that on December 13, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-191 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas transportation service now being rendered to Tennessee Gas Transmission Co. (Tennessee) and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the transportation service provided by Applicant for Tennessee between the Carthage Field, Panola County, Tex., and West Monroe, La., was commenced on January 22, 1946, and that by letter dated January 20, 1965, Tennessee has advised Applicant that it does not elect to extend the term of the existing transportation agreement between the parties dated January 15, 1945, but would allow same to expire on January 22, 1966, by its own terms.

The facilities and service involved in the instant application were authorized by orders of the Commission issued on July 5, 1945, in Docket No. G-622 (as modified and amended on November 9, 1945, and June 23, 1948), and December 22, 1949, in Docket No. G-1252, 4 FPC 307 and 8 FPC 584, respectively.

Applicant proposes, after the termination of the aforementioned transportation agreement, to utilize its 20-inch Carthage-Longview and 18-inch Champlin Oil & Refining Co. lines by the operation of tie-over facilities between said lines. Specifically, Applicant proposes to construct a tie-over line 20 feet long and 10 inches in diameter with appurtenant facilities from the 20-inch Carthage-Longview line to the 18-inch Champlin Oil & Refining Co. line located in Panola County, Tex.

Total estimated cost of Applicant's proposed construction is $5,668, which cost will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before January 10, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13908; Filed, Dec. 29, 1965; 8:46 a.m.]

NATURAL GAS ADVISORY COUNCIL

Determination for Continued Existence

DECEMBER 21, 1965.

Pursuant to paragraph 9 of the Commission's Order establishing the Natural Gas Advisory Council, issued February 8, 1962, the Commission hereby determines that the continued existence of the Natural Gas Advisory Council for an additional period of 2 years is in the public interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-13901; Filed, Dec. 29, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY BANK

Order Approving Merger of Banks

In the matter of the application of Fidelity Bank for approval of merger with South Bay Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Fidelity Bank, Beverly Hills, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and South Bay Bank, Manhattan Beach, Calif., under the charter and title of the former. As an incident to the merger, the sole office of South Bay Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved.

It is further ordered, That the said merger may be consummated at any time within, but not later than, 3 months after the date of this order, the Board having determined, pursuant to its rules of procedure (12 CFR 262.2(f)(5)), that the public interest would be served by waiver of the requirement that the transaction not be consummated with 7 calendar days after the date of this order.

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

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13912; Filed, Dec. 29, 1965; 8:46 a.m.]

OTTO BREMER CO.

Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The Otto Bremer Co., St. Paul, Minn., a bank holding company, for a determination that the activities planned to be undertaken by its proposed subsidiaries, The Farmers Agricultural Credit Co., Inc., The Farmers Insurance Agency, Inc., American Insurance Agency, Inc., and The International State Agency, are of the kind described in the aforementioned sections of the Act and the Regulation so as to make it unnecessary

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Vice Chairman Balderston, and Governors Robertson, Shepardson, Mitchell, Daane, and Maisel. Absent and not voting: Chairman Martin.

for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing.

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on January 20, 1966, at 10 a.m. at the offices of the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That, on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Minneapolis, on or before January 14, 1966, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely request will be notified of the hearing examiner's decision.

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

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13913; Filed, Dec. 29, 1965; 8:46 a.m.]

VIRGINIA COMMONWEALTH CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Virginia Commonwealth Corp., Richmond, Va., for approval of the acquisition of voting shares of the Peoples Bank of Stafford, Falmouth, Va.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Virginia Commonwealth Corp., Richmond, Va., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the outstanding voting shares of the Peoples Bank of Stafford, Falmouth, Va.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Commissioner of Banking of the Commonwealth of Virginia. The Commissioner expressed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 7, 1965 (30 F.R. 8599), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

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

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-13914; Filed, Dec. 29, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1860]

EATON & HOWARD BALANCED FUND

Filing of Application for Order Exempting Sale by Open-End Company of Its Shares

DECEMBER 23, 1965.

Notice is hereby given that Eaton & Howard Balanced Fund ("applicant"), 24 Federal Street, Boston, Mass., 02110, which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value to Algonquin Investment Co. ("Algonquin") in exchange for substantially all of the assets of Algonquin. An exemptive order is requested since the proposed sale of applicant's shares is to be made at a price other than at the public offering price, which normally includes a sales charge in addition to the net asset value which applicant receives from the principal underwriter through whom such public offering is made. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Algonquin, a corporation organized under the laws of Missouri, is a personal holding company whose shares are owned by two individuals and two trusts. Pursuant to an Agreement and Plan of Reorganization, applicant will acquire substantially all of the assets of Algonquin in exchange for stock of applicant which will thereafter be distributed to shareholders of Algonquin in liquidation. Neither Algonquin nor any of the shareholders thereof has any present intention of redeeming the shares of applicant which they will acquire.

The application and the exhibits annexed thereto indicate that the number of shares of applicant's stock to be delivered to Algonquin will be determined by dividing the net asset value per share of applicant into the aggregate value of the net assets of Algonquin, as adjusted. The proposed adjustment, which is described in the application, is designed to compensate applicant for potential federal income taxes which would become payable upon realization of the appreciation in the value of the securities of Algonquin to the extent that any such appreciation may proportionately exceed the appreciation in the value of the securities of applicant.

As of September 30, 1965, the net assets of applicant amounted to $228,177,893, of which $96,824,194 or 42.4 percent represented unrealized appreciation, and the net assets of Algonquin amounted to $4,618,294, of which $2,061,447 or 44.6 percent represented unrealized appreciation. Applicant presently intends to sell, subsequent to acquisition, approximately 10 percent of the assets of Algonquin to be acquired. Applicant's per share asset value as of September 30, 1965, was equal to $13.27 and if the exchange had been consummated that day, 347,824 shares would have been delivered to Algonquin after the adjustment in the valuation of Algonquin's net assets.

Notice is further given that any interested person may, not later than January 12, 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 of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Unanimous, with all members present.

Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 65–13926; Filed, Dec. 29, 1965; 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).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12–1–65 to 11–30–66 (men's dress shirts and work pants).

Alabama Textile Products Corp., Troy, Ala.; effective 12–1–65 to 11–30–66 (men's dress shirts).

The Andala Co., Andalusia, Ala.; effective 12–1–65 to 11–30–66 (men's work shirts and work pants).

Bestform Foundations of Windber, Inc., Stockholm Avenue, Windber, Pa.; effective 12–9–65 to 12–8–66 (brassieres and girdles).

Byrds Manufacturing Corp., Albany, Ky.; effective 11–29–65 to 11–28–66 (ladies' shirts).

Byrds Manufacturing Corp., Byrdstown, Tenn.; effective 11–29–65 to 11–28–66 (ladies' shirts).

Cowden-Lancaster Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11–28–65 to 11–27–66 (overalls and dungarees).

Duti-Duds, Inc., 300 Monticello Avenue, Lynchburg, Va.; effective 12–2–65 to 12–1–66 (women's cotton uniforms).

Frisco Sportswear Co., Inc., Frisco City, Ala.; effective 12–4–65 to 12–3–66 (ladies' woven slacks).

Garan, Inc., Corinth Division, Corinth, Miss.; effective 11–26–65 to 11–25–66 (boys' sport shirts).

Gattman Sportswear, Inc., Gattman, Miss.; effective 12–8–65 to 12–7–66 (men's dress slacks).

Glen of Michigan, Division of Glen Manufacturing, Inc., 77 Hancock Street, Manistee, Mich.; effective 12–6–65 to 12–5–66; Learners may not be employed at special minimum wage rates in the production of skirts (misses' dresses and blouses).

Hartsville Manufacturing Co., Inc., Hartsville, S.C.; effective 11–26–65 to 11–25–66 (ladies' dresses).

Hercules Trouser Co., Hillsboro, Ohio; effective 12–1–65 to 11–30–66 (men's and boys' pants).

Hercules Trouser Co., Manchester, Ohio; effective 12–1–65 to 11–30–66 (men's and boys' pants).

Lamar Manufacturing Co., Millport, Ala.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Lismore Manufacturing Corp., 460 Globe Street, Fall River, Mass.; effective 12–1–65 to 11–30–66 (women's and children's underwear (woven)).

The Manhattan Shirt Co., 461 West Cherry Street, Jesup, Ga.; effective 12–3–65 to 12–2–66 (men's sport shirts).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 12–6–65 to 12–5–66 (children's polo shirts).

Phillips-Van Heusen Corp., Brinkley, Ark.; effective 12–2–65 to 12–1–66 (men's dress shirts).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 12–8–65 to 12–7–66 (girdles and brassieres).

Salant & Salant, Inc., Trumann, Ark.; effective 12–8–65 to 12–7–66 (men's and boys' pants and slacks).

Scott Co., Inc., Route 6, Anderson, S.C.; effective 11–26–65 to 11–25–66 (men's dress and sport shirts).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Seminole Manufacturing Co., Columbus, Miss.; effective 11–23–65 to 11–22–66 (men's and boys' pants).

Smith & Co., 102 West Kaskaskia, Paola, Kans.; effective 11–29–65 to 11–28–66 (loungewear).

Troy Textiles, Inc., Troy, Ala.; effective 11–24–65 to 11–23–66 (men's sport shirts).

Whiteville Manufacturing Co., Wilmington Road; Whiteville, N.C.; effective 11–7–65 to 11–6–66 (children's pants, outerwear jackets, shirts and jeans).

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

Allee-Berry, Inc., Columbus, Kans.; effective 12–8–65 to 12–7–66; 10 learners (men's and boys' pants).

Blue Bell, Inc., Shenandoah, Va.; effective 11–29–65 to 11–28–66; 10 learners (men's, boys', ladies' and girls' dungarees).

Elpern Manufacturing Inc., 113 Summit Avenue, Hagerstown, Md.; effective 11–24–65 to 11–23–66; 10 learners (children's dresses).

Marcus Manufacturing Co., 215 North Maple, Nowata, Okla.; effective 11–18–65 to 11–17–66; 10 learners (men's and boys' slacks).

Meyers & Son Manufacturing Co., Inc., New Castle, Ky.; effective 11–16–65 to 11–15–66; 10 learners (men's work suits).

Safford Manufacturing Corp., Safford, Ariz.; effective 11–15–65 to 11–14–66; 10 learners in the production of women's woven garments (women's and misses' underwear, nightwear and negligees).

Sorbeau, Inc., 821 Central Avenue, Dubuque, Iowa; effective 12–1–65 to 11–30–66; 10 learners (infants' and children's pajamas and playwear).

Sue Frocks, Inc., Broad and Pine Streets, Tamaqua, Pa.; effective 11–24–65 to 11–23–66; 5 learners (children's dresses).

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

Marcus Manufacturing Co., 215 North Maple, Nowata, Okla.; effective 11–18–65 to 5–17–66; 15 learners (men's and boys' slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Warren Industries, Inc., 9 Broad Street, Glens Falls, N.Y.; effective 11–29–65 to 11–28–66; 10 learners for normal labor turnover purposes (dress gloves).

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

Francis Louise Full Fashion Mills, Inc., West Connelly Street, Valdese, N.C.; effective 11–28–65 to 11–27–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Maguet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 11–29–65 to 11–28–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wigwam Mills, Inc., 1321 North 14th Street, Sheboygan, Wis.; effective 12–5–65 to 12–4–66; 5 percent of the total number of factory production workers for normal labor turnover purposes and in the manufacture of knitted outerwear (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 H. W. Gossard Co., Huntingburg, Ind.; effective 11–29–65 to 5–28–66; 95 learners for plant expansion purposes (brassieres, girdles, lingerie, sleepwear, slips and pants).

The H. W Gossard Co., Huntingburg, Ind.; effective 11–29–65 to 11–28–66; 5 learners for normal labor turnover purposes (brassieres, girdles, lingerie, sleepwear, slips and pants).

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' tee shirts).

Kain - Murphey Corp., Manufacturers' Road, Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' briefs, children's sleepers).

Lismore Manufacturing Corp., 460 Globe Street, Fall River, Mass.; effective 12–1–65 to 11–30–66; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knit underwear).

Rocky Mount Undergarment Co., Inc., 1536 Boone Street, Rocky Mount, N.C.; effective 11–18–65 to 5–17–66; 20 learners for plant expansion purposes (ladies' and children's panties).

Safford Manufacturing Corp., Safford, Ariz.; effective 11–15–65 to 11–14–66; 5 learners for normal labor turnover purposes in the production of women's knitted garments (women's, and misses' underwear, nightwear and negligees).

Signal Knitting Mills, Manufacturers' Road; Chattanooga, Tenn.; effective 11–14–65 to 11–13–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Van Raalte Co., Inc., High Rock Avenue, Saratoga Springs, N.Y.; effective 11–19–65 to 11–18–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear 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.

Eleven Eleven Corp., Km. 2, Carretera No. 174, Apartado 817, Bayamon, P.R.; effective 11–1–65 to 10–31–66; 10 learners for normal labor turnover purposes in the occupations of: (1) Looping, for a learning period of 960 hours at the rates of 69 cents an hour for the first 480 hours and 76 cents an hour for the remaining 480 hours; (2) pairing, for a learning period of 360 hours at the rate of 69 cents an hour; and (3) knitting, seaming, examining, preboarding and boarding, each for a learning period of 240 hours at the rate of 69 cents an hour (men's and children's hosiery).

Four Stars Industries, Inc., Road, No. 132, Km. 12.1, Post Office Box 98, Penuelas, P.R.; effective 11–1–65 to 4–30–66; 37 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of 75 cents an hour; and (2) turners, for a learning period of 160 hours at the rate of 75 cents an hour (ties).

Juncos Sport Co., Inc., Avenida Munoz Rivera, Apartado A, Juncos, P.R.; effective 11–8–65 to 5–7–66; 20 learners for plant expansion purposes in the occupation of handsewing of baseballs and softballs, for a learning period of 320 hours at the rate of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours (baseballs and soft balls).

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 10th day of December 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–13935; Filed, Dec. 29, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 40207—*Clay from Ochlocknee, Ga.*—Filed by O. W. South, Jr., agent (No. A4819), for interested carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Ochlocknee, Ga., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southern Freight Association, agent, tariff ICC S–438.

FSA 40208—*Cinders from Erwinville, La.*—Filed by Southwestern Freight Bureau, agent (No. B–8802), for interested carriers. Rates on coal, clay, shale, or slate cinders, in carloads, from Erwinville, La., to points in Mississippi.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–13931; Filed, Dec. 29, 1965; 8:48 a.m.]

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