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Agencies in this issue—

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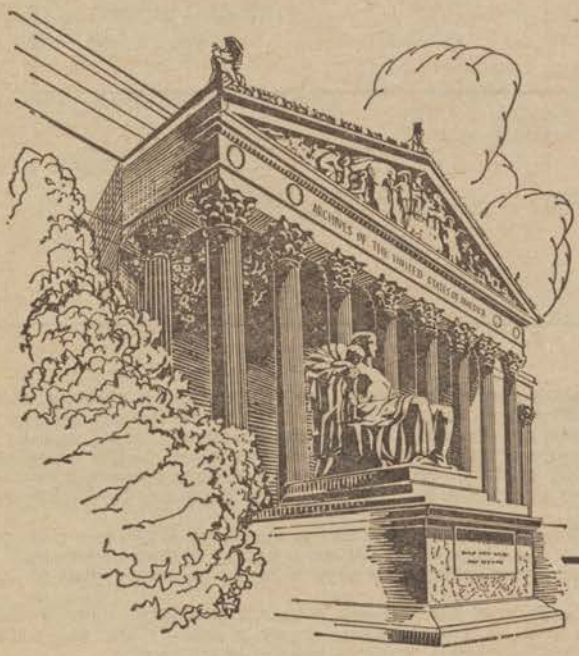

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1966)

Title 26—Internal Revenue (Parts 500–599)

No changes during 1965

(Retain Supplement as of January 1, 1965)

Title 35—Panama Canal

No changes during 1965

(Retain Supplement as of January 1, 1965)

A cumulative checklist of CFR issuances for 1966 appears in the first issue of each month under Title 1.

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to permit the appointment under Schedule A of not to exceed 20 post-doctoral Research Associates in the Environmental Sciences Administration each year. Effective on publication in the FEDERAL REGISTER, the headnote of paragraph (j), and subparagraph (3) thereunder, of § 213.3114 are amended as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(j) *Enviromental Science Services Administration.* * * *

(3) Scientific and professional research positions at GS–12 and above when filled on a temporary, part-time, or intermittent basis by persons having a doctoral degree in meteorology, oceanography, physical and geophysical sciences, or related fields of studies, for research activities of mutual interest to the appointee and the Environmental Science Services Administration. Appointments under this provision may not exceed 20 each calendar year. Employment under this provision is limited to 1 year in each individual case: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed an additional year.

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

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

[F.R. Doc. 66–2019; Filed, Feb. 25, 1966; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the positions of Confidential Assistant to the Director, Confidential Secretary to the Director, and Private Secretary to the Director are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (11) and (12) are added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(11) One Confidential Assistant to the Director.

(12) One Confidential Secretary and one Private Secretary to the Director.

* * * * *

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

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

[F.R. Doc. 66–2020; Filed, Feb. 25, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–EA–84]

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

Revocation of Control Area Extension

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Norfolk, Va., control area extension.

The Norfolk, Va., control area extension is contained within the Norfolk and a portion of the Richmond, Va., 1,200-foot floor transition areas (29 F.R. 17643). Therefore, there is no need to continue the designation of the control area extension.

This action involves, in part, navigable airspace outside the United States. The Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is minor in nature and does not require the designation of additional controlled airspace, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (31 F.R. 2055) the Norfolk, Va., control area is revoked.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565)

Issued in Washington, D.C., on February 21, 1966.

W. R. ANDREWS,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–2064; Filed, Feb. 25, 1966; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33–4819, 34–7824, 35–15403, TI–229, IC–4516, IA–196]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 261—INTERPRETATIVE RELEASES RELATING TO TRUST INDENTURE ACT OF 1939 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 276—INTERPRETATIVE RELEASES RELATING TO INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Beneficial Ownership of Securities Held by Family Members

The Securities and Exchange Commission published a release on January 19, 1966 (Securities Exchange Act Release No. 7793) (see 31 F.R. 1005, Jan. 26, 1966), concerning the beneficial ownership of securities held by family members. The staff of the Commission has received a number of inquiries about the application of the opinions expressed in the release to filings that had been made with the Commission prior to its publication. The text of the release is set forth in full below.

The Commission did not intend that opinions expressed in the release would be applied retroactively; accordingly, prior reports need not be amended. In order that ample time may be afforded to give effect to the opinions expressed in the release, it will be sufficient if reports, proxy solicitation material, regis-

tration statements and other material filed after May 1, 1966, reflect beneficial ownership as described in the release. Reports filed for the month of April under section 16(a) of the Securities Exchange Act of 1934 should reflect beneficial ownership as described in the release. If no transactions occurred during that month, a report should nevertheless be filed under section 16(a) by May 10, 1966, if the last report filed does not reflect current beneficial ownership as described in the release.[1]

The Commission also wishes to point out that the opinions expressed in the release were directed to the information contained in reports and other material filed with the Commission. The fact that ownership of securities and transactions in those securities are reported under section 16(a) of the Securities Exchange Act of 1934 does not necessarily mean that liability will result therefrom under section 16(b). The question whether liabilities under section 16(b) will arise from transactions is, of course, to be determined by the facts of each particular case in an appropriate action brought by the issuer or its security holders.

The text of Securities Exchange Act Release No. 7793 is as follows:

The Securities and Exchange Commission is publishing this release to restate [1a] and clarify the meaning of "beneficial ownership of securities" [2] under the securities acts administered by the Commission as such term relates to the beneficial ownership of securities held in the name of family members.

Although the discussion below relates to the reporting of beneficial ownership of securities under section 16(a) of the Securities Exchange Act of 1934 (Exchange Act), it should be noted that generally the same principles apply to disclosing beneficial ownership in registration statements,[3] annual reports,[4] proxy statements,[5] applications for registration as a broker-dealer or as an investment adviser,[6] and statements of eligibility and qualification to act as indenture trustee [7] under the securities acts where such disclosure is required.

Section 16 of the Exchange Act. Section 16(a) of the Exchange Act requires every person owning beneficially, directly or indirectly, more than 10 percent of a class of equity security registered on a national securities exchange or registered pursuant to new section 12(g) of the Act, or who is a director or an officer of the issuer of such security, to file an initial report disclosing the amount of each class of the issuer's equity securities, whether or not registered, which are beneficially owned by such person at the time the issuer's securities become registered, or at the time a person becomes such a director, officer or beneficial owner after registration.[8] Thereafter, each such person must report any change in his beneficial ownership of the issuer's equity securities within 10 days after the end of each calendar month during which any change occurs.[9] Persons required to file reports under section 16(a) are also subject to sections 16 (b) and (c) of the Act.[10]

Thus, the determination of whether a person is the beneficial owner of securities held in the name of his spouse, minor children or other relatives is significant in deciding whether such securities should be included in the reports filed by officers, directors and beneficial owners pursuant to section 16(a). It is also significant in determining whether a person is subject to section 16 as the beneficial owner of more than 10 percent of a class of registered equity security.

Generally a person is regarded as the beneficial owner of securities held in the name of his or her spouse and their minor children. Absent special circumstances such relationship ordinarily results in such person obtaining benefits substantially equivalent to ownership, e.g., application of the income derived from such securities to maintain a common home, to meet expenses which such person otherwise would meet from other sources, or the ability to exercise a controlling influence over the purchase, sale,[11] or voting of such securities. Accordingly, a person ordinarily should include in his reports filed pursuant to section 16(a) securities held in the name of a spouse or minor children as being beneficially owned by him.

A person also may be regarded as the beneficial owner of securities held in the name of another person, if by reason of any contract, understanding, relationship, agreement, or other arrangement, he obtains therefrom benefits substantially equivalent to those of ownership. Accordingly, where such benefits are present such securities should be reported as being beneficially owned by the reporting person. Moreover, the fact that the person is a relative or relative of a spouse and sharing the same home as the reporting person may in itself indicate that the reporting person would obtain benefits substantially equivalent to those of ownership from securities held in the name of such relative. Thus, absent countervailing facts, it is expected that securities held by relatives who share the same home as the reporting person will be reported as being beneficially owned by such person.[11a]

---

[1] Similar reports should be filed by persons filing under section 30(f) of the Investment Company Act of 1940 and section 17 of the Public Utility Holding Company Act of 1935.

[1a] An early interpretation concerning beneficial ownership of securities held by members of a family was published in SEA Release No. 175 (Apr. 16, 1935) (11 F.R. 10968). This release supersedes SEA Release No. 175.

[2] The term "beneficial ownership" as used herein includes both direct and indirect beneficial ownership.

[3] E.g., Item 19, Principal Holders of Securities, Form S–1 under the Securities Act of 1933 (17 CFR 239.11); Item 11, Principal Holders of Securities, Form 10 under the Exchange Act (17 CFR 249.210); Item 15, Twenty Largest Holders of Capitol Stock, Form U5B under the Public Utility Act of 1935 (listed and described at 17 CFR 259.5b); Item 14(b), Persons Owning Equity Securities of Registrant, Form N–8B–1 under the Investment Company Act of 1940 (listed and described at 17 CFR 274.11).

[4] E.g., Item 5, Principal Holders of Securities, and Item 6, Directors of Registrant, Form 10–K under the Exchange Act (17 CFR 249.310); Item 8, Holders of Capitol Stock, Form U5S under the Public Utility Act of 1935 (listed and described at 17 CFR 259.5s); Item 1.09(b), Persons Owning Equity Securities of Registrant, Form N–1R under the Investment Company Act of 1940 (17 CFR 274.101).

[5] E.g., Item 5, Voting Securities and Principal Holders Thereof, and Item 6, Nominees and Directors, Schedule 14A under the Exchange Act (17 CFR 240.14a-101).

[6] E.g., Item 3(c) of Form BD under section 15(b) of the Exchange Act (listed and described at 17 CFR 249.501) and Item 3(c) of Form AVD under section 203(c) of the Investment Advisers Act of 1940 (listed and described at 17 CFR 279.1).

[7] E.g., Item 6, Voting Securities of the Trustee Owned by the Obligor or Its Officials, Form T–1 (17 CFR 269.1); Item 4, Securities of the Obligor Owned or Held by the Trustee, Form T–2 (17 CFR 269.2) under section 310 (b) (subsections 5, 6, 7, and 8), of the Trust Indenture Act of 1939.

[8] Similarly, under section 17 of the Public Utility Act of 1935 periodic ownership reports disclosing the beneficial ownership of officers and directors of a registered holding company in all securities of their company and any subsidiary company thereof are required. Also, by virtue of section 30(f) of the Investment Company Act of 1940, the provisions of section 16 of the Exchange Act attach to beneficial owners of more than 10 percent of any class of securities, other than short-term paper, issued by a registered closed-end investment company, officers and directors of such a company, as well as other persons, specified in section 30(f), having specified relationship with such a company.

[9] The initial report form, designated Form 3 (listed and described at 17 CFR 249.103), is required to be filed within 10 days after registration is effective or after a person becomes the beneficial owner of more than 10 percent of a registered class of equity security or a director or officer of the issuer of such security. Changes in beneficial ownership are required to be reported on Form 4 (listed and described at 17 CFR 249.104). By virtue of Rule 72 (17 CFR 250.72) under the Public Utility Act of 1935 and Rule 30f–1 (17 CFR 270.30f–1) under the Investment Company Act of 1940, Forms 3 and 4 are made applicable to the persons required by those acts to file periodic beneficial ownership reports.

[10] Section 16(b) provides that profits realized by persons required to report pursuant to section 16(a) from the purchase and sale, or sale and purchase, of any equity security, whether or not registered, of the issuer, within a period of less than 6 months inure to and are recoverable by or on behalf of the issuer. Section 16(c) prohibits the sale by such persons of any equity security of such issuer if the person selling the security or his principal (1) does not own the security sold, or (2) if owning the security does not promptly deliver it against such sale—sometimes referred to as selling against the box.

[11] The words "or the ability to exercise a controlling influence over the purchase, sale," were inadvertently omitted from the release.

[11a] Where individual members of a family hold less than 10 percent of a class of registered equity security, but when combined in accordance with the standards herein discussed, such holdings exceed 10 percent, a single filing by the head of the family group as the beneficial owner of more than 10 percent of a class of registered equity security will suffice.

A person also is regarded as the beneficial owner of securities held in the name of a spouse, minor children or other person, even though he does not obtain therefrom the aforementioned benefits of ownership, if he can vest or revest title in himself at once, or at some future time.

In order to determine section 16(a) obligations to report options and similar rights, and securities held in a trust or other fiduciary capacity, the applicable provisions of the rules and regulations promulgated under section 16 should be consulted.

The final determination of the existence of beneficial ownership under section 16 is, of course, a question to be determined in the light of the facts of the particular case. It should be noted that although a report includes the holdings of other members of the family of the person filing reports, a person may avail himself of the privilege granted by Rule 16a-3 (17 CFR 240.16a-3) and disclaim that such report is an admission of beneficial ownership of any securities included in the report.

If special circumstances exist indicating that a person is not the beneficial owner of securities held in the name of members of his family, e.g., the person is divorced or legally separated from his spouse and does not receive any benefits of ownership from the securities held by such spouse—or if he wishes advice as to whether he should report securities held by family members as being beneficially owned—he may write to the Securities and Exchange Commission, Washington, D.C., 20549, setting forth the relevant facts involved and request from the staff of the Commission an expression of opinion with respect to whether such securities should be reported as being beneficially owned.

By the Commission, February 14, 1966.

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

[F.R. Doc. 66-2039; Filed, Feb. 25, 1966; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

SUBCHAPTER B—REGULATIONS UNDER THE RAILROAD RETIREMENT ACT

PART 208—ELIGIBILITY FOR AN ANNUITY

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Miscellaneous Amendments

Pursuant to the general authority contained in Section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 282j), §§ 208.7(a) (3) and (4), 208.11(a), 208.17(a), and 208.25 of Part 208 (20 CFR 208.7(a) (3) and (4), 208.11(a), 208.17 (a), 208.25) of the Regulations under such act are amended, § 208.10 is added, § 208.15 is deleted, and § 237.306(b) (4) of Part 237 (20 CFR 237.306(b) (4)) is amended by Board Order 66-15, dated February 10, 1966, as follows:

§ 208.7 Annuities for employees.

(a) * * *

(3) The individual has a current connection with the railroad industry and his permanent physical or mental condition, as that term is defined in § 208.10, is such as to be disabling for work in his regular occupation, and (i) has completed at least 234 months of service, or (ii) has attained the age of 60, or

(4) The individual's permanent physical or mental condition, as that term is defined in § 208.10, is such as to be disabling for work in any regular employment.

* * * * *

§ 208.10 Permanent physical or mental condition defined.

(a) For the purpose of an annuity under §§ 208.7(a) (3) and 208.7(a) (4), and § 237.409 of this chapter, the term "permanent physical or mental condition" means a physical or mental impairment that can be expected to result in death or has lasted, or can be expected to last, for a continuous period of not less than 12 months.

(b) A determination as to whether or not an individual's permanent physical or mental condition is such as to be disabling for work in his regular occupation or in any regular employment made on or after February 10, 1966, shall be made under the provisions of this section: *Provided, however,* That any annuity for which an individual may be found entitled solely by reason of this section shall not accrue before September 1, 1965.

(c) In any case in which an annuity under the provisions of §§ 208.7(a) (3) or 208.7(a) (4), or § 237.409 of this chapter has previously been denied because the determination of disability for work in the applicant's regular occupation or in any regular employment was made under the provisions of this chapter in effect prior to February 10, 1966, the decision denying the claim in whole or in part may be reopened and reconsidered under the provisions of this section: *Provided, however,* That any annuity for which an individual may be found entitled solely by reason of this section shall not accrue before September 1, 1965, or more than 12 months before the date of such reopening whichever is later.

§ 208.11 Establishment of permanent disability for work in the applicant's "regular occupation".

(a) An individual shall be deemed to be permanently disabled for work in his regular occupation, whether or not he has been disqualified for such work by his employer, if he has a permanent physical or mental condition, as that term is defined in § 208.10, and he is, in accordance with the occupational disability standards established by the Board, because of such condition physically or mentally unable to perform the duties of such occupation. The cause of the disabling physical or mental condition is immaterial. If the employee's regular occupation is one with respect to which occupational disability standards have not been established by the Board, the occupational disability standards established by the Board for a reasonably comparable occupation in the railroad industry shall govern the determination of the individual's inability to work in his regular occupation; and in the absence of such comparable occupation, such determination shall be made by ascertaining whether under the practices generally prevailing in other industries having such occupation, the individual's physical or mental condition is a permanent disqualification for work in his regular occupation. The condition of permanent disability for work in the individual's regular occupation must be established in each particular case in the manner and to the extent prescribed by the Board.

* * * * *

§ 208.17 Establishment of permanent disability for work in any regular employment.

(a) An individual shall be deemed to be permanently disabled for work in any regular employment if he has a permanent physical or mental condition, as that term is defined in § 208.10, and he is because of such condition unable to perform regularly, in the usual and customary manner, the substantial and material duties of any regular and gainful employment which is substantial and not trifling, with any employer, whether or not subject to the act.

* * * * *

§ 208.25 Proof of continuance of disability.

An individual who has been awarded an annuity upon the basis of his having become permanently disabled for any regular employment, or upon the basis of his having become permanently disabled for work in his regular occupation, shall, as and whenever notified by the Board, submit any information which the Board may require relating to his employment, including self-employment, and earnings therefrom, while in the receipt of such an annuity, and shall submit to an examination to be made by a physician, or physicians, or a board of physicians, designated by the Board. The Board may at any time or times require additional proof of the continuance of the disability which served as the basis for awarding such annuity. The provisions of this section shall not apply to an individual after he has attained age 65.

§ 237.306 Definition of "child."

* * * * *

(b) *Requirements.* * * *

(4) The individual shall be less than 18 years of age, or shall have a permanent physical or mental condition, as that term is defined in § 208.10 of this chapter, which is such as to be disabling for work in any regular employment: *Provided,* That such disability began before the child attains age 18. Permanent disability for work in any regular employment

shall be established in accordance with § 208.17 of this chapter.

Dated: February 21, 1966.

By Authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 66-2037; Filed, Feb. 25, 1966; 8:46 a.m.]

SUBCHAPTER E—REGULATIONS ON EMPLOYEE RESPONSIBILITIES AND CONDUCT

PART 396—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 396 is added to Title 20 of the Code of Federal Regulations, reading as follows:

Sec.
396.735-101 Adoption of regulations.
396.735-102 Review of statements of employment and financial interests.
396.735-103 Disciplinary and other remedial action.
396.735-104 Gifts, entertainment, and favors.
396.735-105 Outside employment.
396.735-106 Specific provisions of Board regulations governing special Government employees.
396.735-107 Statements of employment and financial interest.
396.735-108 Board regulations governing statements of employment and financial interest of special Government employees.

AUTHORITY: The provisions of this Part 396 issued under E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101 et seq.

§ 396.735-101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Railroad Retirement Board (referred to hereinafter as the Board) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: 735.101-.102, 735.202 (a), (c), (d), (e)-.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403(a)-(c), 735.404-.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 396.735-102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Secretary of the Board. When this review indicates a conflict between the interests of an employee or special Government employee of the Board and the performance of his services for the Government, the Secretary of the Board shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Secretary of the Board shall forward a written report on the indicated conflict to the Board.

§ 396.735-103 Disciplinary and other remedial action.

An employee or special Government employee of the Board who violates any of the regulations in this part or adopted under § 396.735-101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

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

(c) Disqualification for a particular assignment.

§ 396.735-104 Gifts, entertainment, and favors.

The Board authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)-(4).

§ 396.735-105 Outside employment.

(a) An employee of the Board may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment.

§ 396.735-106 Specific provisions of Board regulations governing special Government employees.

(a) Special Government employees of the Board shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 396.735-101, except 5 CFR 735.203(b).

(b) Special Government employees of the Board may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Board authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 396.735-104.

§ 396.735-107 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403(a)-(c), the Director of Supply and Service shall submit statements of employment and financial interest.

(b) Each statement of employment and financial interest required by this section shall be submitted to the Secretary of the Board, 844 North Rush Street, Chicago, Ill., 60611.

§ 396.735-108 Board regulations governing statements of employment and interest of special Government employees.

Pursuant to 5 CFR 735.412(c), special Government employees who are not consultants or experts as defiend in 5 CFR 735.412(c) are not required to submit statements of employment and financial interest.

This part 396 was approved by the Civil Service Commission on January 25, 1966.

Effective date. This Part 396 shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 21, 1966.

By Authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 66-2038; Filed, Feb. 25, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

NIHYDRAZONE; CORRECTION

To restore a phrase inadvertently omitted from an order published in the FEDERAL REGISTER of April 8, 1965 (30 F.R. 4536), and effective on date of publication of this order in the FEDERAL REGISTER, § 121.237 *Nihydrazone* is amended by changing in item 1 of the table in paragraph (d) the second indication for use to read as follows:

In the presence of chronic respiratory disease (air-sac infection) to reduce mortality and severity of infection, to reduce the number of lesions, and to assist in maintaining weight gains and feed efficiency.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 17, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2048; Filed, Feb. 25, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6877]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Miscellaneous Amendments

On January 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 217) to amend 26 CFR Part 170, to (1) provide for the deferred payment of taxes on distilled spirits, withdrawn from internal revenue bond under section 5174(a)(2) of the Internal Revenue Code, after operations incidental to the rectification and bottling of such spirits have been completed; and (2) discontinue the optional 3-day period (provided for in Subpart W of 26 CFR Part 170 as added by Treasury

Decision 6848, 30 F.R. 11599) for the filing of returns by proprietors of distilled spirits plants. On January 12, 1966, a Correction Notice was published in the FEDERAL REGISTER (31 F.R. 352). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the clarifying changes set forth below:

PARAGRAPH 1. Section 170.41 is changed by adding a new sentence.

PAR. 2. Section 170.62 is changed by amending the second sentence.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: February 23, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

Subpart C—Regulations Respecting the Filing of Returns and Payment of Taxes on Distilled Spirits and Rectified Products by Return

Preamble. The regulations in this subpart shall not affect any liability accruing or accrued, or any suit commenced before the effective date of the regulations in this subpart.

Sec.
170.41 Scope of subpart.
170.42 Other regulations applicable.
170.43 Meaning of terms.

PAYMENT OF TAXES ON DISTILLED SPIRITS AND RECTIFIED PRODUCTS

170.44 General.
170.45 Deferred payment of distilled spirits tax by proprietor of bonded premises.
170.46 Deferred payment of distilled spirits tax by proprietor of bottling premises.
170.47 Deferral denied under certain conditions.
170.48 Deferred payment of tax on rectified products.
170.49 Return periods and times for filing.
170.50 Computation of amount of tax to be paid by proprietor of bottling premises.
170.51 Default in payment of taxes.

CONTROL PREMISES

170.52 Control premises.
170.53 Segregation of stocks.

BONDS AND CONSENTS OF SURETY

170.54 Bonds.
170.55 Consents of surety.

OPERATIONS BY ALTERNATING PROPRIETORS

170.56 Procedure for alternating proprietors.

DISCONTINUANCE OF BUSINESS

170.57 Permanent discontinuance of business.

INVENTORIES AND RECORDS

170.58 Establishment of controlled stock inventory.
170.59 Inventories of controlled stock.
170.60 Record of inventories.
170.61 Summary records.
170.62 Record of tax liability.
170.63 Credits against assumed liability.

§ 170.41 Scope of subpart.

This subpart provides regulations respecting (a) the deferred payment, by proprietors of distilled spirits plants, of taxes on distilled spirits pursuant to returns on Form 2522 and Form 4077, and of taxes on rectified products and wines pursuant to returns on Form 2527, (b) the periods to be covered by such returns, and (c) the times for filing such returns, with remittances. The requirements of this subpart with respect to control premises and controlled stock shall be applicable only to proprietors of bottling premises required to file returns on Form 4077 under the provisions of this subpart.

§ 170.42 Other regulations applicable.

All provisions of Part 201 of this chapter not inconsistent with the provisions of this subpart shall remain in full force and effect, and all such provisions applicable to returns, remittances, bonds and consents of surety (other than the provisions of § 201.194 of this chapter relating to powers of attorney), operations by alternate proprietors, and inventories and records, shall be applicable to returns, remittances, bonds and consents of surety, operations by alternate proprietors, and inventories and records under this subpart. The provisions of Subpart B of this part shall be applicable to powers of attorney authorizing agents or officers to execute bonds and consents of surety given under this subpart.

§ 170.43 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in Part 201 of this chapter and in this subpart.

Control premises. The premises, as provided in § 170.52, on which controlled stock is rectified, bottled, packaged, or stored.

Controlled stock. Stock on control premises, comprising:

(a) Tax-determined domestic spirits received for rectification or bottling;

(b) Tax-determined imported spirits received from internal revenue bond (as authorized by section 5232, I.R.C.) for rectification or bottling;

(c) Other tax-determined imported spirits dumped and reported on batch record Form 122 for use in production of rectified distilled spirits product;

(d) Alcoholic flavoring materials, wines, and products made with wine, dumped and reported on batch record Form 122 for use in production of a rectified distilled spirits product;

(e) Distilled spirits products received and dumped for reprocessing or rebottling;

(f) Any mixture of, or product made from, the preceding;

(g) Any of the preceding (1) on the control premises of a proprietor on the commencement of business under the provisions of this subpart, or (2) received from an outgoing proprietor as controlled stock under the provisions of § 170.56.

PAYMENT OF TAXES ON DISTILLED SPIRITS AND RECTIFIED PRODUCTS

§ 170.44 General.

Nothwithstanding any provision of Part 201 of this chapter, or of Subpart W of this part, relating to (a) the periods to be covered by returns on Form 2522 for the deferred payment of taxes on distilled spirits, and on Form 2527 for the deferred payment of taxes on rectified products and wines, (b) the times for filing returns for the deferred payment of taxes, and (c) the amount of tax to be included for payment with such returns, proprietors of distilled spirits plants shall file returns for the deferred payment of taxes on distilled spirits, and on rectified products and wines, determined on and after the effective date of this subpart, on the forms, for the periods, by the times, and with remittances in the amounts, as provided in this subpart.

§ 170.45 Deferred payment of distilled spirits tax by proprietor of bonded premises.

A proprietor of bonded premises who has withdrawn spirits from such premises on determination and before payment of tax shall file a tax return covering such spirits on Form 2522, with remittance, for the periods and by the times provided in § 170.49. The proprietor of bonded premises shall include, for payment, on his return on Form 2522 the full amount of distilled spirits tax determined in respect of all spirits released for withdrawal from bonded premises on determination of tax during the period covered by the return (except spirits on which tax has been prepaid, and spirits withdrawn on determination of tax by proprietors of bottling premises). The proprietor of bonded premises who is qualified under bond, Form 2613 or 2615, to defer payment of distilled spirits tax, shall execute and file a return on Form 2522 to cover each return period, nothwithstanding that no tax is due for payment for such period.

§ 170.46 Deferred payment of distilled spirits tax by proprietor of bottling premises.

A proprietor of bottling premises who has assumed the liability for tax on spirits withdrawn from internal revenue bond under section 5174(a)(2), I.R.C., shall pay such tax pursuant to returns on Form 4077, or, if he is in default, pursuant to a prepayment return on Form 2521, as prescribed in § 170.51. Returns on Form 4077 shall be filed for the periods and by the times provided in § 170.49. The amount of such tax to be paid with each return on Form 4077 shall be computed as provided in § 170.50. Spirits withdrawn from bond under section 5174(a)(2), I.R.C., shall be conveyed without delay to the bottling premises and shall be reported as received when they arrive at the bottling premises. The proprietor of such bottling premises who is qualified under bond, Form 2614 or 2615, to defer payment of distilled

spirits tax, shall execute and file a return on Form 4077 to cover each return period, notwithstanding that no tax is due for payment on such form.

§ 170.47 Deferral denied under certain conditions.

Any proprietor deferring payment of tax under the provisions of § 170.46 who, after having been advised of his deficiency by the assistant regional commissioner, fails to maintain the records required by, or who otherwise fails to conform to any provisions of, this subpart and who is then so notified by the assistant regional commissioner, may thereafter withdraw from internal revenue bond for rectification or bottling only spirits in respect of which the tax thereon has been paid prior to such withdrawal: *Provided,* That he shall be permitted to again withdraw spirits under the provisions of section 5174(a)(2), I.R.C., if he satisfies the assistant regional commissioner that he is properly maintaining the prescribed records and will, in all respects, conform to the provisions of this subpart.

§ 170.48 Deferred payment of tax on rectified products.

A proprietor of bottling premises who has, during a return period, incurred liability for taxes determined on rectified products, and has not prepaid such taxes, shall file a tax return for that period, covering such products, on Form 2527, with remittance, in the full amount of the taxes so determined but not paid. Returns on Form 2527 shall be filed for the periods and by the times provided in § 170.49.

§ 170.49 Return periods and times for filing.

Return periods shall run from the 1st day of each month through the 15th day of that month, and from the 16th day of each month through the last day of that month. Returns for periods ending on the 15th day of the month shall be filed, with remittances, not later than the 25th day of the same month; and returns for periods ending on the last day of a month shall be filed, with remittances, not later than the 10th day of the next succeeding month. Commencing with the return for the period beginning July 1, 1966, and for each subsequent return period, returns shall be filed, with remittances, for each such return period, not later than the last day of the return period next succeeding that period. The provisions of § 201.383 of this chapter regarding (a) the 2 p.m. time of filing the return and remittance, (b) the person with whom the return and remittance shall be filed, and (c) the date of delivery when delivery is by U.S. mail, shall be applicable to the filing of returns, with remittances, under this subpart.

(72 Stat. 1335; 26 U.S.C. 5061)

§ 170.50 Computation of amount of tax to be paid by proprietor of bottling premises.

A proprietor of bottling premises who is required to file returns on Form 4077 (as provided in § 170.46) shall, as of the close of each return period, compute the amount of tax to be paid with such return, in the following manner:

(a) Determine the balance of his outstanding liability from the record required by § 170.62 (less any payments made by returns on Form 4077 for prior return periods but filed subsequent to the close of the return period for which the computation is being made).

(b) Determine the tax value of the controlled stock inventory (1) by deducting from the total proof gallons in such inventory (i) the proof gallons of all alcoholic materials (distilled spirits, wines, products made with wine, and alcoholic flavoring materials) entered into controlled stock during the period which were not withdrawn from bond under the provisions of section 5174(a)(2), I.R.C., and (ii) the proof gallons in the controlled stock inventory of any mixture or product which derived less than half of its proof gallon content from tax-determined spirits, and (2) by multiplying the remainder of proof gallons by an amount equal to the rate of tax prescribed by section 5001(a)(1), I.R.C.

(c) Determine, and pay with the return for the period, the amount by which the balance of his outstanding liability (as determined in paragraph (a) of this section) exceeds the tax value (as determined in paragraph (b) of this section) of the controlled stock inventory: *Provided,* That in any case where the proof gallons to be deducted from the controlled stock inventory under the provisions of paragraph (b)(1) of this section equals or exceeds the total proof gallons in the end of the period inventory of controlled stock, the total liability remaining unpaid (as determined under the provisions of paragraph (a) of this section) shall be paid with the return for the period.

(d) Notwithstanding the provisions of paragraph (c) of this section, the amount to be paid with the return shall be increased by any amount necessary to comply with the requirements of paragraphs (e) and (f) of this section, and shall be reduced by the amount of any authorized credit taken on the return.

(e) Any tax for which liability for payment was assumed under the provisions of section 5174(a)(2), I.R.C., which has not been previously paid as provided in this subpart shall be paid with the return on Form 4077 for the twelfth return period next succeeding (1) the return period in which falls the date of receipt at the bottling premises of the spirits reported on the withdrawal form, or (2) the return period in which falls the twenty-first day after the date of the certificate of tax determination on the withdrawal form, whichever period occurs first.

(f) The outstanding liability which would remain after compliance with the provisions of paragraphs (a) through (e) of this section shall not exceed the tax value of the controlled stock removed by the proprietor during any six consecutive return periods within the thirty return periods preceding the period for which the return on Form 4077 is being prepared; such tax value to be computed by (1) determining (from the record prescribed by § 170.61(c)(3)) the total proof gallons removed from controlled stock during the six consecutive return periods, and (2) multiplying that total by an amount equal to the rate of tax prescribed by section 5001(a)(1), I.R.C. The six consecutive return periods shall be designated by the proprietor. The provisions of this paragraph shall not be applicable to the liability outstanding at the close of each of the first six return periods after the commencement of operations by the proprietor under this subpart.

§ 170.51 Default in payment of taxes.

The provisions of Part 201 of this chapter relating to default in deferred payment of taxes shall be applicable to default in deferred payment of taxes under this subpart. In addition, if a proprietor of bottling premises has defaulted in payment of any tax under this subpart, he shall not remove any controlled stock from his control premises until he has filed a return on Form 2521 (appropriately modified), with remittance, in an amount not less than the product of the number of proof gallons of the controlled stock proposed to be removed and the rate of tax prescribed by section 5001(a)(1), I.R.C.; however, notwithstanding that the tax is paid pursuant to return on Form 2521 under the provisions of this section, a return on Form 4077 shall be filed for each return period as provided in § 170.46. The proprietor shall retain with his copy of each return on Form 2521 (showing receipt of the remittance by the internal revenue officer or district director, as the case may be) a record showing the kind of spirits, type, size, and serial numbers of the containers and the proof gallons of the spirits removed, or to be removed, pursuant to such return. Where a proprietor of bottling premises has defaulted in any payment of tax under this subpart, during the period of such default and thereafter until the assistant regional commissioner finds that the revenue will not be jeopardized by payment of tax pursuant to return on Form 4077, tax shall be paid by such proprietor in accordance with the provisions of this section.

CONTROL PREMISES

§ 170.52 Control premises.

The bottling premises of the distilled spirits plant shall constitute the control premises: *Provided,* That a proprietor who desires to establish additional control premises on his general plant premises may submit to the assistant regional commissioner an application for amended registration, Form 2607, and an amended plat delineating such additional premises. Approval of the Form 2607 by the assistant regional commissioner shall constitute approval of the additional control premises, and the control premises shall then consist of the bottling premises and the additional premises depicted on the amended plat. Each plat submitted under this section shall be prepared in accordance with the applicable provisions of §§ 201.154 and 201.155 of

this chapter, and shall depict the relative location of the bottling premises and the proposed additional control premises. The provisions of § 201.174(a) of this chapter shall be applicable to operation by alternating proprietors of additional control premises established under the provisions of this subpart.

§ 170.53 Segregation of stocks.

Proprietors of bottling premises shall keep all controlled stock physically separated from other stock on their control premises. Such separation shall be effectuated by use of separate tanks, rooms, or buildings, or by partitioning, or by such other manner or method satisfactory to the assistant regional commissioner as will clearly and readily distinguish controlled stock from other stock on the control premises and as will facilitate verification of the inventory. All stock on control premises shall be so identified as to enable internal revenue officers to readily ascertain whether the stock is controlled stock or other stock.

BONDS AND CONSENTS OF SURETY

§ 170.54 Bonds.

(a) *Form 2613, 2614, or 2615.* A proprietor whose bond on Form 2613, 2614, or 2615, covering the deferred payment of taxes on distilled spirits withdrawn from bonded premises on determination of tax, is in a sufficient penal sum shall give either a new bond on Form 2613, 2614, or 2615, as applicable, or a consent of surety on Form 1533 to extend the terms of his bond then in force to cover the deferred payment of tax on distilled spirits under the provisions of this subpart. A proprietor whose bond on Form 2613, 2614, or 2615 is not in a sufficient penal sum, shall give either a new bond in a sufficient penal sum on Form 2613, 2614, or 2615, as applicable, or a strengthening bond to increase the total penal sum of the bonds in force to a sufficient penal sum. Each proprietor giving a strengthening bond shall also file a consent of surety on Form 1533 to extend the terms of his bond, Form 2613, 2614, or 2615, then in force to cover the payment of taxes on distilled spirits under the provisions of this subpart.

(b) *Form 2601.* A proprietor of bottling premises who files returns on Form 2527 shall give either a new bond on Form 2601 or a consent of surety on Form 1533 to extend the terms of his bond, Form 2601, then in force, to cover the payment of taxes on rectified products and wines under the provisions of this subpart.

(c) *Exception.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, a proprietor whose bond is in a sufficient penal sum and who is qualified under the provisions of Subpart W of this part (as added by Treasury Decision 6848, effective September 24, 1965) for extended deferral of payment of taxes (1) on spirits withdrawn from bond in his capacity as a proprietor of bonded premises, or (2) on rectified products and wines, shall be deemed to be qualified for deferral of payment of taxes on spirits so withdrawn or on rectified products and wines, as the case may be, under the provisions of this subpart.

(72 Stat. 1349, 1352; 26 U.S.C. 5173, 5174)

§ 170.55 Consents of surety.

Each consent of surety on Form 1533 required under the provisions of § 170.54 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows—

(a) With respect to bond, Form 2613, 2614, or 2615:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the deferred payment of taxes on distilled spirits withdrawn from bond on determination of tax will be made as provided for by regulations in Subpart C of 26 CFR Part 170.

(b) With respect to bond, Form 2601:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the deferred payment of taxes on rectified products and wines will be made as provided for by regulations in Subpart C of 26 CFR Part 170.

OPERATIONS BY ALTERNATING PROPRIETORS

§ 170.56 Procedures for alternating proprietors.

(a) *General.* Where bottling premises are operated by alternating proprietors under § 201.174 of this chapter, the outgoing proprietor may transfer any or all of his controlled stock to the incoming proprietor, and such transfer shall constitute a removal of controlled stock from control premises by the outgoing proprietor. The outgoing proprietor may retain on the bottling premises any of his controlled stock which has not been packaged or cased for removal, and he may retain on any portion of his control premises which is not to be operated by the incoming proprietor any of his controlled stock which has been packaged or cased for removal. Any controlled stock not transferred to the incoming proprietor and not retained by the outgoing proprietor as provided in this section shall be considered to have been removed from the control premises by him at the time the premises are alternated to the incoming proprietor.

(b) *Procedure for outgoing proprietor.* The outgoing proprietor shall file a return on Form 4077 (with remittance, if payment is due) for the return period in which the change in proprietorship is made and for each subsequent return period during which the alternate proprietor operates the bottling premises. If the outgoing proprietor is in default, a return on Form 2521, with remittance, must be filed as provided in § 170.51 before the removal or transfer of any controlled stock, as provided in paragraph (a) of this section.

(c) *Procedure for incoming proprietor.* If the outgoing proprietor transfers any of his controlled stock to the incoming proprietor, all stock so transferred which has not been packaged or cased for removal shall become a part of the incoming proprietor's inventory of controlled stock when received by him, and he shall include the quantity of such controlled stock in his record required by § 170.61(a).

DISCONTINUANCE OF BUSINESS

§ 170.57 Permanent discontinuance of business.

Where the proprietor of bottling premises permanently discontinues business, he shall comply with the provisions of § 201.176 of this chapter, and shall include for payment with his return on Form 4077, for the period in which such discontinuance becomes effective, the full amount of any unpaid tax for which liability was assumed by him under section 5174(a)(2), I.R.C.: *Provided,* That where such proprietor is required to pay tax pursuant to return on Form 2521 as provided in § 170.51, he shall, before filing Form 2607 as provided in § 201.176 of this chapter, file a return on Form 2521 with remittance in the full amount of any unpaid tax for which liability was assumed by him under section 5174(a)(2), I.R.C.

INVENTORIES AND RECORDS

§ 170.58 Establishment of controlled stock inventory.

Each proprietor of bottling premises shall, before commencing business on or after the effective date of this subpart, take a physical inventory of his controlled stock. Such inventory shall show all quantities in proof gallons and shall be taken under such supervision, or verified in such manner, as the assistant regional commissioner may require.

§ 170.59 Inventories of controlled stock.

Each proprietor of bottling premises shall establish an inventory, in proof gallons, of his controlled stock on hand as of the close of each return period. The inventory shall differentiate between stocks of mixtures and products which derive less than half of their proof gallon content from tax-determined spirits and other controlled stocks. For the return periods ending June 30 and December 31 of each year, and for such other return periods as may be required by the assistant regional commissioner, physical inventories shall be taken. Physical inventories required under the provisions of this section shall be taken under such supervision, or verified in such manner, as the assistant regional commissioner may require. Whenever a physical inventory of controlled stock is to be taken, the proprietor shall, at least 5 business days in advance, advise the assistant regional commissioner of the date and time he will take such inventory.

§ 170.60 Record of inventories.

Each proprietor of bottling premises shall prepare a record of each required physical inventory of controlled stock taken by him under the provisions of this subpart. The record of each such inventory shall show the following:

(a) As to containers (including uncased bottles), the kind, size, and serial number where applicable, of each container, and the kind, and quantity in

proof gallons, of spirits contained therein;

(b) As to cases of bottled spirits, the kind of spirits therein, the number and size of bottles per case, the proof gallons per case, and the number of such cases; and

(c) The total proof gallons of the inventory.

The provisions of § 201.627 of this chapter relating to the signing and retention of inventories shall be applicable to the signing and retention of inventories required by this subpart.

§ 170.61 Summary records.

Each proprietor of bottling premises qualified to defer payment of tax under the provisions of this subpart shall, in addition to the records required under the provisions of 26 CFR Part 201, prepare summaries, in proof gallons, of additions to and removals from controlled stock as follows:

(a) *Daily summary of additions to controlled stock.* Additions to controlled stock shall be summarized daily, showing separately (1) spirits received on withdrawal from internal revenue bond under section 5174(a)(2), I.R.C., and (2) all other additions to controlled stock. Each summary shall be supported, as applicable, by copies of Forms 179 covering spirits withdrawn from internal revenue bond on determination of tax; by invoices or other commercial documents covering other tax-determined domestic spirits received for rectification or bottling; by batch records, Forms 122, reporting imported spirits (other than those received from internal revenue bond), alcoholic flavoring materials, wines, and products made with wine, dumped for use in rectified distilled spirits products; and by Forms 122 covering returned distilled spirits products dumped for reprocessing or rebottling.

(b) *Daily summary of removals from controlled stock.* In addition to the daily summary of removals required under § 201.623(h) of this chapter, removals from controlled stock shall be summarized daily, showing separately (1) removals, (2) spirits voluntarily destroyed, (3) determined breakage after completion, and determined casualty losses, and (4) losses or gains disclosed by inventories: *Provided,* That removals in cases may, in lieu of being reported in the proof gallon total of removals, be recorded in the summary by number of cases, wine gallons per case, and proof of the contents but, if that is done, the proprietor shall, on request by an internal revenue officer, promptly convert the quantities of such removals to proof gallons. Each summary shall be supported, where applicable, by records showing the name and address of each consignee..

(c) *Summary of controlled stock operations for return period.* At the close of each return period, a summary shall be prepared for that return period showing:

(1) Spirits received on withdrawal from internal revenue bond under section 5174(a)(2), I.R.C.;

(2) Other additions to controlled stocks; and

(3) Removals of controlled stock (total proof gallons of items required by paragraph (b) of this section to be summarized daily).

A copy of each return period summary required by this paragraph shall be delivered to the assigned officer on or before the third business day preceding the due date for filing the return for that period.

§ 170.62 Record of tax liability.

Each proprietor of bottling premises qualified to defer payment of tax under the provisions of this subpart shall maintain a record of the tax-determined liability assumed by him on spirits withdrawn from internal revenue bond under the provisions of section 5174(a)(2), I.R.C. Such record shall show, in chronological order, the tax liability on each lot of such spirits received on the bottling premises (unless previously entered therein as required by this section), the amount of tax paid and credited with each return, and the daily balance of outstanding liability on spirits received on the bottling premises. Each entry on the record shall show, as to each receipt of spirits, the date of receipt, the serial number of the withdrawal Form 179, and the liability assumed; and as to each tax return on Form 4077, the period covered by the return, the date filed, and the amount credited and paid. Where an entire lot of spirits withdrawn from internal revenue bond under the provisions of section 5174(a)(2), I.R.C., is lost prior to receipt on the bottling premises, the proprietor shall, at the time he makes the report required by § 201.484 of this chapter, enter the total tax liability on such spirits in his tax liability accounting; and where any lot of spirits so withdrawn has been in transit for two return periods following the return period in which falls the 21st day after the date of the certificate of tax determination on the withdrawal form, the liability thereon, if not previously entered into the tax liability accounting, shall, at the beginning of the third return period next succeeding that in which fell the said 21st day, be entered by the proprietor in his tax liability accounting. The record shall also show, as of the close of each return period, but not as a part of the tax liability accounting, the serial numbers of the Forms 179 and the tax liability assumed thereon, for those spirits which were in transit at the close of each return period, showing separately those which were in transit less than 21 days and those which were in transit 21 days or more.

§ 170.63 Credits against assumed liability.

Notwithstanding any provisions of this subpart with respect to the method of computing the tax to be paid with the return on Form 4077, or of maintaining records of tax liability, amounts paid or credited on returns filed under the provisions of § 170.46 shall be considered to be in satisfaction of the oldest outstanding liability in respect of tax-determined spirits withdrawn under the provisions of section 5174(a)(2), I.R.C.

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

[F.R. Doc. 66-2083; Filed, Feb. 25, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 100]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Registered Professional Male Nurses

By virtue of the authority delegated to me in Executive Order No. 11266, dated January 18, 1966, and having been advised by the Secretary of Defense that a special requisition for registered professional male nurses under authority of § 1631.4 of these regulations will be issued for the delivery of registrants in such category, paragraph (a) of § 1622.30, *Registrant With a Child or Children; and Registrant Deferred by Reason of Extreme Hardship to Dependents,* is amended by adding thereto a new subparagraph (1) to read as follows:

(1) As used in paragraph (a), above, the term "allied specialist category" shall include, but is not limited to, registered professional male nurses.

(Sec. 10, 62 Stat. 618; 50 U.S.C. App., Sec. 460; E.O. 11266, Jan. 18, 1966, 31 F.R. 743)

This order shall become effective upon the filing thereof with the Office of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

FEBRUARY 21, 1966.

[F.R. Doc. 66-2056; Filed, Feb. 25, 1966; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

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

[NSA Order 47 (AGE-4, Amdt. 11)]

AGE-4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS AND BERTH AGENTS

Compensation of General Agents for Predelivery Services

Effective as of December 4, 1965, section 2 of AGE-4 is hereby amended by adding a new paragraph at the end thereof reading as follows:

(e) *Compensation of General Agents for Predelivery Services.* When the

General Agent is required by the Director, National Shipping Authority, to inspect, survey and prepare specifications for the reactivation of a vessel in the reserve fleet prior to delivery of such vessel to a General Agent for repair or operation, the General Agent shall be paid at the rate of $75.00 per day per vessel for each day such services are rendered by the General Agent.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Approved: February 14, 1966.

NICHOLAS JOHNSON,
Director,
National Shipping Authority.

[F.R. Doc. 66-2094; Filed, Feb. 25, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following materials set forth miscellaneous amendments to Chapter 5B relating to the requirements for listing of subcontractors when bidding on construction and alteration contracts.

Chapter 5B of Title 41 is amended, as follows:

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

Section 5B–2.202–70 is amended to incorporate certain changes designed to eliminate difficulties experienced under the existing requirements. The principal changes relate to the rules governing determinations concerning inclusion of the subcontractor listing requirement in invitations for bids and the categories of work for which subcontractors must be named; the manner in which work covered by alternate prices is to be considered in making such determinations; and the naming of more than one subcontractor for a single category of work where alternate prices are provided for in the bid form. As amended, the section reads as follows:

§ 5B–2.202–70 Listing of subcontractors.

(a) Except as otherwise provided in paragraph (b) of this section, invitations for bids shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work). Contracting officers shall determine the categories of work for which subcontractors' names are to be submitted. The listing of the categories of work shall include, whenever applicable, plumbing, heating, airconditioning and ventilation, electrical, and elevators. In addition, such listing shall include all other general construction categories of work which, individually, are determined by the contracting officer to comprise at least 3½ percent of the estimated cost of the entire contract. Categories estimated to cost less shall not be included.

(b) The requirement to name subcontractors shall not be included in invitations for bids on new construction contracts not estimated to exceed $150,000 or on alteration contracts not estimated to exceed $500,000. It may be omitted from invitations for bids on contracts estimated to exceed such amounts if determined by the contracting officer to be clearly inappropriate, provided that such determinations are documented and retained in the contract file.

(c) Where alternate prices are provided for, the estimated cost of the maximum amount of work which might be included in an award of the contract shall serve as the basis for determining both whether the requirements for listing of subcontractors shall be included in the invitation and the categories of work to be included on the list.

(d) The list of categories of work for which subcontractors are required to be named shall be made a part of the bid form. Separate lines for the subcontractor's name and address will be provided opposite each named category. For emphasis, the words "name" and "address", respectively, will be printed under the lines provided therefor. The following provision shall be inserted on the subcontractor list between the last category and the space provided for the bidder's signature:

NOTE: The listing of a subcontractor who does not meet the requirements of the Specialty Subcontractor or Competency of Bidders clauses, wherever applicable, may be ground for rejection of the bid.

(e) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

(a) For each of the categories of work contained in the list included as part of the Bid Form, the bidder shall submit the name and address of the firm to whom he proposes to subcontract the work. If alternate bids are required under this invitation, the bidder may list both the name of the individual or firm with whom he proposes to subcontract if awarded the contract on the base bid only and the name of a different individual or firm with whom he proposes to subcontract for the work if award is made on the basis of base bid plus an alternate (or alternates) which affects the category for which alternate subcontractors are so listed, provided that the bidder clearly indicates after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category of the work. The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If sent separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except in accordance with Instruction No. 7 of the Instructions to Bidders (Standard Form 22). Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories of work involved in the performance of this contract performed by any subcontractor other than the subcontractor named for the performance of such work.

(b) The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for a listed category of work or material. If subcontracts are to be made with more than one subcontractor for a category of work or material, each proposed subcontractor shall be listed with a statement of the service to be furnished by each.

(c) The bidder shall list himself if it is his intention to perform one or more of the listed categories of work. In this case, all personnel performing such work at the site shall be carried on his own payroll. If equipment is leased with operators, the operators need not be carried on bidder's payroll.

(d) Nothing contained in the clause shall be construed as changing the percentage requirement in the General Conditions for the contractor to perform work with his own forces.

(e) The Contractor shall be responsible for all work performed by subcontractors.

(f) No substitutions for the firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval.

(g) Notwithstanding any of the provisions of this clause, the contracting officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible. He shall have the right to require any information concerning the cost of performance of this contract by any subcontractor listed or proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or subcontractor proposed as a substitute. Imposition of any requirements under this subparagraph shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

(h) Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor.

(i) In the event the bidder fails in connection with this bid either (1) to identify the subcontractors as required by subparagraph (a), or (2) to comply with subparagraph (c) the bid will be rejected as nonresponsive to the invitation.

(j) In order to effectively implement the objectives of the foregoing provisions and to assure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid, a written proposal (or written abstract) with or without price, outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

(f) Contracting officers shall treat separate submissions of lists of subcontractors in the same manner as submissions of bids with respect to timeliness of receipt, modification, or withdrawal, and may consider lists of subcontractors, modifications, or withdrawals thereof, received after bid opening time only under the conditions specified in Instruction No. 7 of Instructions to Bidders (Standard Form 22).

Subpart 5B–2.4—Opening of Bids and Award of Contract

New §§ 5B–2.404–2 and 5B–2.404–70 are added relating to rejection of bids due to causes arising from the subcontractor listing requirement. Note that rejection is not required for failure to list a subcontractor for a category of work improperly included under the criteria established in § 5B–2.202–70(a); or where substitution of another subcontractor is justifiable under the conditions set forth in § 5B–53.7001(a). The new sections read as follows:

§ 5B–2.404 Rejection of bids.

§ 5B–2.404–2 Rejection of individual bids.

Any bid which fails to conform to the essential requirements of the subcontractor listing provisions of § 5B–2.202–70 (e) or which is defective under the provisions of § 5B–2.404–70 shall be rejected.

§ 5B–2.404–70 Causes arising from subcontractor listing requirements.

(a) When an invitation for bids contains the Listing of Subcontractors clause prescribed in § 5B–2.202–70(e), bids shall be rejected if:

(1) The bidder fails either to name a subcontractor or to list his own firm for any of the categories included on the list other than a category which was improperly included under the criteria prescribed by § 5B–2.202–70(a);

(2) The bidder lists alternate subcontractors for a category, where alternate listing is authorized, without indicating after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category of the work;

(3) A named subcontractor does not meet the standards of responsibility prescribed in § 1–1.310–5, unless the contracting officer finds that substitution is justifiable under the conditions prescribed in § 5B–53.7001(a)(8); or

(4) A named subcontractor does not meet the specified requirements of an applicable Specialty Subcontractor or Competency of Bidders clause, unless the contracting officer finds that substitution is justifiable under the conditions prescribed in § 5B–53.7001(a)(9) or that the deficiency in qualifications is so minor as not to be considered substantive (e.g., a lack of one month of a required 5 years' experience).

PART 5B–53—CONTRACT ADMINISTRATION

Subpart 5B–53.70—Administration of Construction Contracts

New § 5B–53.7001 is added to set forth the criteria under which substitution of a different subcontractor for one named in the bid may be permitted.

§ 5B–53.7001 Circumstances permitting substitution for subcontractor named in bid.

(a) The contracting officer may permit substitution of a subcontractor for one named in a bid pursuant to the Listing of Subcontractors provision prescribed in § 5B–2.202–70(e), in unusual situations, upon submission by the contractor or bidder of a complete justification therefor. The term "unusual situations" includes (but is not limited to) a subcontractor's—

(1) Death or physical disability, if the named subcontractor is an individual.

(2) Dissolution, if a corporation or partnership.

(3) Bankruptcy.

(4) Inability to furnish a reasonable performance and payment bond.

(5) Inability to obtain, or loss of, a license necessary for the performance of the particular category of work.

(6) Failure or inability to comply with a requirement of law applicable to contractors, subcontractors, or construction, alteration or repair projects.

(7) Failure or refusal to execute the subcontract in accordance with the terms of an offer submitted to the contractor or bidder prior to the latter's submission of his bid, but only where the contracting officer can ascertain with reasonable certainty the terms of such offer.

(8) Failure to meet any criteria of responsibility set out in § 1–1.310–5, but only when the contracting officer, in the exercise of sound discretion, finds that substitution for this cause would be in the best interests of the Government (i.e., that it would not be prejudicial to the rights of other bidders and that the contractor or bidder has not attempted to circumvent the restraint on bid shopping by listing a nonresponsible subcontractor in order to gain an opportunity to bid shop prior to making the requested substitution).

(9) Failure to meet the qualifications requirements of an applicable Specialty Subcontractor or Competency of Bidders Clause, but only when the contracting officer, in the exercise of sound discretion, after discussion with the contractor or bidder and, if appropriate, the named subcontractor, finds that substitution for this cause would be in the best interests of the Government as specified in § 5B–2.202–70(g)(8) above.

(b) Where the contracting officer ascertains that a proposed substitution is justified, the substitution shall be authorized at no increase in the bid or contract price, or, if the proposed substitute offers the contractor or bidder a lower price than the named subcontractor, at a reduction in the bid or contract price.

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

Effective date: These regulations are effective with respect to invitations for bids issued after March 31, 1966, but may be observed earlier.

Dated: February 18, 1966.

CASPER F. HEGNER,
Commissioner,
Public Buildings Service.

[F.R. Doc. 66–2051; Filed, Feb. 25, 1966; 8:47 a.m.]

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 65–58]

PART 11–1—GENERAL

Subpart 11–1.3—General Policies

RECORDS OF CONTRACT ACTION

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167–17 (20 F.R. 4976) and Treasury Department Order 167–50 (28 F.R. 530):

1. Section 11–1.313 is revised to read as follows:

§ 11–1.313 Records of contract action.

(a) Each contract file shall contain documentation of actions taken with respect to the contract, including final disposition, sufficient to constitute a full history of the transaction which will permit ready reconstruction of all of the stages of the transaction to:

(1) Support actions taken by various personnel in the procurement cycle;

(2) Provide information for reviews conducted by organizational components of units concerned, the General Accounting Office, or others;

(3) Supply data for use in preparing replies to congressional inquires; and

(4) Furnish essential facts in the event of litigation. To the extent that retained copies of documents do not represent all actions taken, suitable memoranda or summary statements of undocumented actions should be prepared promptly and be retained in the contract file in chronological order.

(b) Each contract file shall include the following data, in the appropriate order and to the extent applicable:

(1) A copy of the procurement request;

(2) The original or a copy of the Determination and Findings statement and justifications for authority to negotiate (see Subpart 11–3.3 of this chapter);

(3) The list of sources solicited or justification for limiting such sources and a list of any firms or persons whose requests for copies of the solicitation were denied, together with the reasons for denial;

(4) Any small business or labor surplus set-aside determinations (see §§ 1–1.706, 1–1.804 of this title and § 11–1.750 of this chapter).

(5) A copy of the invitation for bids or the request for proposals, including the drawings and specifications or an identifiable reference thereto;

(6) All bids or proposals received with an abstract thereof;

(7) The bidders' Statement of Contingent Fees (see § 1–1.507 of this title);

(8) All preaward surveys (see § 1–1.310–9 of this title);

(9) Selection of the successful contractor, including—

(i) The reasons for selection;

(ii) The contracting officer's determination of the contractor's responsibility (see § 1–1.310–6 of this title), and;

(iii) Any Small Business Administration Certificate of Competency (see § 1–1.708 of this title);

(10) All price and cost data submitted or used, including Certificate of Current Cost or Pricing Data (see §§ 1–2.102(b), 1–3.807–3 and 1–3.807–4, of this title);
(11) A full record of negotiations, including but not limited to—
(i) Participants;
(ii) Dates of meetings or phone calls;
(iii) Government-furnished materials or facilities provided;
(iv) Subcontracting;
(v) Terms and conditions agreed to;
(vi) Deviations, if any, from prescribed contract clauses;
(vii) Technical recommendations; and
(viii) Justification for final price;
(12) Justification for type of contract used (see § 1–3.403 of this title);
(13) Any exceptions or exemptions from the Buy American Act (see Parts 1–6, of this title and 11–6 of this chapter);
(14) A copy of contract award;
(15) Required approvals of contract;
(16) All pertinent correspondence;
(17) Copies of all change orders, and supplements, with supporting documents;
(18) Comprehensive termination data;
(19) Copies of royalty reports received (see § 1–15.107 of this title);
(20) Final release upon completion of the contract;
(21) Evidence of legal review where required, and copy of comments, if any, made by legal counsel; and
(22) Any additional documents considered necessary to present a complete résumé of the contract action.

(c) Complete record of all advertised and negotiated contract action, will be preserved in the cognizant procuring activity concerned for a period of time as stipulated in Enclosure (4) General Records Schedule to Commandant Instruction 5212.1 (latest issuance).

(d) The original of each rejected proposal (bid and quotations) will be attached to the copy of the related contract retained for the contract files. Where all bids and quotations are rejected and no award is made, the original of each rejected proposal will be filed with the related solicitation under which the proposals were received.

(e) This § 11–1.313 does not apply in the case of small purchases.

Dated: February 11, 1966.

[SEAL] E. J. ROLAND,
Admiral U.S. Coast Guard,
Commandant.

[F.R. Doc. 66–2044; Filed, Feb. 25, 1966; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

ALABAMA

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

ALABAMA

County; Place for Filing; Beginning Date.
* * * * *
Autauga; (1) Prattville—U.S. Post Office; November 8, 1965; (2) Marbury—building adjacent to U.S. Post Office, intersection of Main Street and State Highway 143; February 26, 1966.
Dallas; (1) Selma—Federal Building; August 10, 1965; (2) Orrville—U.S. Post Office, State Highway 22; February 26, 1966.
Elmore; (1) Wetumpka—U.S. Post Office; November 8, 1965; (2) Eclectic—trailer at U.S. Post Office; February 26, 1966; (3) Elmore—trailer at U.S. Post Office; February 26, 1966.
Hale; (1) Greensboro—Post Office Building; August 10, 1965; (2) Moundville—Tidmore Building; February 26, 1966.
Jefferson: (1) Bessemer—Post Office Building, North 19th Street, January 24, 1966; (2) Birmingham—Post Office and Courthouse Building, 18th at 5th Avenue, North; January 24, 1966; (3) Fairfield—4412 Gary Avenue; January 24, 1966; (4) North Birmingham—Post Office Building; 2003 41st Avenue (Sayreton), Birmingham; February 14, 1966; (5) Powderly—Library Building, Birmingham Baptist College, 630 Ishkooda Road, Birmingham; February 14, 1966; (6) Wylam—trailer at Post Office, 4221 7th Avenue (Wylam), Birmingham; February 21, 1966; (7) Irondale—7949–A Crestwood Boulevard; February 26, 1966; (8) Homewood—1820 28th Avenue; February 26, 1966.
Montgomery: (1) Montgomery—Post Office and Courthouse Building, corner of Church, Lee, and Moulton Streets, Rooms 332, 334, 336; October 6, 1965; (2) Mount Meigs—trailer at U.S. Post Office, intersection of U.S. Highway 80 and Pike Road; February 26, 1966.

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

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

[F.R. Doc. 66–2126; Filed, Feb. 25, 1966; 8:48 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—U.S. Standards for Grades of Fresh Asparagus [1]

On December 31, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 17170) regarding a proposed revision of U.S. Standards for Grades of Fresh Asparagus (7 CFR 51.3720–51.3733).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of considerations leading to the revision of the grade standards. The existing U.S. Standards for Asparagus (Fresh) have been in effect since February 15, 1941, and have not been codified in accordance with the Administrative Procedure Act of 1946.

In addition to codification, the revision of the standards is designed to make the application of tolerances adaptable to current packing practices. It accommodates small containers which, under the present application of tolerances, may fail to meet requirements because of only a few defective stalks. The revision provides that small packages of asparagus may contain four times the tolerance specified or at least 2 defective and 2 off-size stalks, provided that not more than 1 stalk is affected by decay. The revision does not relax the present average tolerances. This is in line with other recent grade revisions and current practice. The only change in the text of the standards from that published under notice of proposed rule making is the addition of § 51.3734 containing a metric conversion table.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Fresh Asparagus are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3720 U.S. No. 1.
51.3721 U.S. No. 2.

UNCLASSIFIED

51.3722 Unclassified.

APPLICATION OF TOLERANCES

51.3723 Application of tolerances.

DIAMETER CLASSIFICATION

51.3724 Diameter classification.

AMOUNT OF GREEN COLOR

51.3725 Amount of green color.

STALK LENGTH

51.3726 Stalk length.

DEFINITIONS

51.3727 Fresh.
51.3728 Well trimmed.
51.3729 Damage.
51.3730 Diameter.
51.3731 Fairly well trimmed.
51.3732 Badly misshapen.
51.3733 Serious damage.

METRIC CONVERSION TABLE

51.3734 Metric Conversion Table.

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

GRADES

§ 51.3720 U.S. No. 1.

"U.S. No. 1" consists of stalks of asparagus which are fresh, well trimmed, and fairly straight; which are free from decay and free from damage caused by spreading or broken tips, dirt, disease, insects, or other means.

(a) *Size.* Unless otherwise specified, the diameter of each stalk is not less than one-half inch.

(b) *Color.* Unless otherwise specified, not less than two-thirds of the stalk length is of a green color.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(1) *For defects.* 10 percent for stalks in any lot which fail to meet the requirements of this grade other than for trimming, including therein not more than 5 percent for defects causing serious damage: *Provided,* That not more than one-fifth of this latter amount, or 1 percent, shall be allowed for stalks affected by decay. In addition, not more than 10 percent of the stalks in any lot may fail to meet the trimming requirement.

(2) *For off-size.* 10 percent for stalks in any lot which fail to meet the specified diameter or length requirements.

§ 51.3721 U.S. No. 2.

"U.S. No. 2" consists of stalks of asparagus which are fresh, fairly well trimmed, and not badly misshapen; which are free from decay and free from serious damage caused by spreading or broken tips, dirt, disease, insects or other means.

(a) *Size.* Unless otherwise specified, the diameter of each stalk is not less than five-sixteenths inch.

(b) *Color.* Unless otherwise specified, not less than one-half of the stalk length is of a green color.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(1) *For defects.* 10 percent for stalks in any lot which fail to meet the requirements of this grade other than for trimming, including therein not more than one-tenth of this tolerance, or 1 percent, shall be allowed for stalks affected by decay. In addition, not more than 10 percent of the stalks in any lot may fail to meet the trimming requirement.

(2) *For off-size.* 10 percent for stalks in any lot which fail to meet the specified diameter or length requirements.

UNCLASSIFIED

§ 51.3722 Unclassified.

"Unclassified" consists of stalks of asparagus which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.3723 Application of tolerances.

The contents of individual packages in the lot are subject to the following limitations:

(a) Packages which contain more than 50 stalks shall have not more than 1½ times a specified tolerance of 10 percent or more, or not more than double a specified tolerance of less than 10 percent: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) Packages which contain 50 stalks or less shall have not more than 4 times the tolerance specified, except that at least 2 defective and 2 off-size stalks may be permitted in any package: *Provided,* That not more than 1 stalk which is affected by decay may be permitted in any package: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

DIAMETER CLASSIFICATION

§ 51.3724 Diameter classification.

The following terms are provided for describing the diameters of any lot:

Very Small	Less than 5/16 inch.
Small	5/16 inch to less than 8/16 inch.
Medium	8/16 inch to less than 11/16 inch.
Large	11/16 inch to less than 14/16 inch.
Very Large	14/16 inch and up.

AMOUNT OF GREEN COLOR

§ 51.3725 Amount of green color.

When the asparagus in a lot has less or more green color than is specified in the grade it may be described as ¼ stalk length green, ¾ stalk length green, etc., in accordance with the facts.

STALK LENGTH

§ 51.3726 Stalk length.

There is no minimum stalk length specified in the grades but the minimum stalk length may be stated in terms of whole inches or whole and half inches in connection with the grade designation as "U.S. No. 1, 8½-inch minimum", "U.S. No. 1 Large, 7-inch minimum", "U.S. No. 1 Large, 10½-inch minimum", etc., in accordance with the facts.

DEFINITIONS

§ 51.3727 Fresh.

"Fresh" means that the stalk is not limp or flabby.

§ 51.3728 Well trimmed.

"Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

§ 51.3729 Damage.

"Damage" means any defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk.

§ 51.3730 Diameter.

"Diameter" means the greatest thickness of the stalk measured at a point approximately 1 inch from the butt.

§ 51.3731 Fairly well trimmed.

"Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

§ 51.3732 Badly misshapen.

"Badly misshapen" means that the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

§ 51.3733 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

METRIC CONVERSION TABLE

§ 51.3734 Metric conversion table.

Inches		*Millimeters (mm)*
1/8	equals	3.2
1/4	equals	6.4
5/16	equals	7.9
3/8	equals	9.5
1/2	equals	12.7
5/8	equals	15.9
11/16	equals	17.5
3/4	equals	19.1
7/8	equals	22.2
1	equals	25.4
1 1/4	equals	31.8
1 1/2	equals	38.1
1 3/4	equals	44.5
2	equals	50.8
3	equals	76.2
4	equals	101.6
5	equals	127.0
6	equals	152.4
7	equals	177.8
8	equals	203.3
9	equals	228.7
10	equals	254.1

The U.S. Standards for Grades of Fresh Asparagus contained in this subpart shall become effective April 1, 1966, and will thereupon supersede the U.S. Standards for Asparagus (Fresh) which have been in effect since February 15, 1941.

Dated: February 21, 1966.

G. R. GRANGE,
Deputy Administrator, Marketing Services, Consumer and Marketing Service.

[F.R. Doc. 66-2024; Filed, Feb. 25, 1966; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amendment 7]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Transfer of Allotments and Feed Grain Bases; State Public Lands

Basis and purpose. This amendment is issued pursuant to section 706 of the Food and Agriculture Act of 1965 (Public Law 89-321, 79 Stat. 1210, Nov. 3, 1965). The purpose of this amendment is to establish the procedure for transfer of allotments and feed grain bases and related history acreages between farms in the same county where both farms are composed of public lands of the State.

In order that State agencies charged with administration of public lands of the State may make plans for the 1966 crops, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and the 30-day effective date provision of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to

the public interest, and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Regulations Governing the Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370), as amended, are amended by adding a new section at the end thereof to read as follows:

§ 719.14 Transfer of allotments and feed grain bases—State public lands.

(a) *General authority.* Section 706 of the Food and Agriculture Act of 1965 (79 Stat. 1210, 7 U.S.C. 1305) enacted November 3, 1965, authorizes the Secretary to permit transfers of allotments and feed grain bases between farms in the same county where both farms are composed of public lands of the State. Such transfers, effective beginning with the 1966 crops, shall be permitted in accordance with the conditions prescribed by the section.

(b) *Applications for transfer.* An application in writing requesting the transfer of one or more of the allotments and feed grain bases on a farm entirely composed of public lands of a State shall be filed with the county committee by the agency of the State charged with the administration of the land in such farms. The application shall identify the farms as being within the same county, show that each farm is entirely composed of public lands of the State, and list the acreages requested to be transferred. Additional information as to the present operations on the farms, including all leasing arrangements, shall also be set forth in the application.

(c) *Closing date for filing applications.* The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the date when planting of the commodity involved in the transfer becomes general in the county.

(d) *Productivity adjustments in allotments, bases, and history acreages.* Each transfer of allotment and feed grain base under this section shall be adjusted for differences in farm productivity if the yield (projected for the year the transfer is to take effect) for the farm to which transfer is made exceeds the yield (projected for the year the transfer is to take effect) for the farm from which transfer is made by more than 10 percent. The county committee shall determine the amount of allotment or base to be transferred where productivity adjustment is required by dividing (1) the product of the yield for the farm from which transfer is made and the acreage to be transferred from such farm, by (2) the yield for the farm to which transfer is made. History acreage for the farm receiving allotment or base shall be adjusted by the same percentage as the allotment or base being transferred is adjusted. The amount of allotment, base, and related farm history acreage transferred from the farm from which the transfer is made with respect to that farm shall be the full amount but the amount of allotment, base, and related farm history acreage for the farm to which the transfer is made shall be the adjusted amount. The county acreage history, if applicable, shall be reduced to correspond with the adjusted history transferred to the farm. The history remaining unassigned to the county as a result of such productivity adjustments shall be tabulated by the State committee and included with the sum of county history acreages for purposes of determining the State history acreage.

(e) *Limitation on acreages to be transferred.* The amount of allotment or feed grain base on a farm after a transfer under this section is made shall not exceed the average amount of allotment or feed grain base of at least three but not more than five farms with acreages of cropland similar to the farm receiving the transfer in the community having the applicable allotment or base on these farms.

(f) *Permanent vegetative cover requirement.* Each transfer of any allotment or base shall be subject to the condition that an acreage equal to the allotment or base transferred (before any productivity adjustment) shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made.

(g) *County committee action.* The county committee shall approve transfer under this section only if it determines that a timely filed application has been received, that the conditions of this section have been met, and a representative of the State committee has approved the transfer. The county committee shall issue revised notices of allotments and bases for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the transfer be canceled and retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of allotment and bases showing the reasons for cancellation of the transfer.

(Secs. 706, 375, 79 Stat. 1210, 52 Stat. 66, as amended; 7 U.S.C. 1305, 1375)

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

Signed at Washington, D.C., on February 23, 1966.

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

[F.R. Doc. 66-2057; Filed, Feb. 25, 1966; 8:48 a.m.]

[Amdt. 1]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Diversion, and Wheat Certificate Programs for the Crop Years 1966 Through 1969

COUNTY PROJECTED YIELDS AND RATES, 1966

In § 728.416 *County projected yields and county rates used for determining diversion payments for the 1966 crop of wheat,* the following changes are made:

a. For Billings County, N. Dak., change the 1966 wheat projected yield from 18.4 to 18.8 bushels.

b. Change spelling of Ransom County, N. Dak., from Ranson to Ransom.

c. For Washington County, Oreg., change the 1966 wheat projected yield from 48.6 to 51.6 bushels.

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

Signed at Washington, D.C., on February 23, 1966.

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

[F.R. Doc. 66-2058; Filed, Feb. 25, 1966; 8:48 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

COUNTY PROJECTED YIELDS AND COUNTY RATES

In § 775.427 *County projected yields and county rates,* make the following changes:

a. Add the following county projected yield and rate for use under the 1966 feed grain program:

KENTUCKY

County	Barley		Corn		Grain sorghum	
	Projected yield	Rate dollars per bushel	Projected yield	Rate dollars per bushel	Projected yield	Rate dollars per bushel
District 4: Bracken					50.0	1.19

b. For Swift County, Minn., change the 1966 corn projected yield from 57.0 to 58.0 bushels.

c. For Jefferson County, Oreg., change the 1966 barley projected yield from 43.1 to 44.1 bushels.

d. For Davison County, S. Dak., change the 1966 corn projected yield from 37.3 to 38.2 bushels.

e. For Fall River County, S. Dak., change the 1966 corn projected yield from 63.5 to 53.2 bushels.

f. For Ransom County, N. Dak., correct spelling from Ranson to Ransom County, N. Dak.

g. For Pierce County, Wash., add corn yield 70.0 bushels and rate $1.43.

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

Signed at Washington, D.C., on February 23, 1966.

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

[F.R. Doc. 66-2059; Filed, Feb. 25, 1966; 8:48 a.m.]

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

[Orange Reg. 52, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 30 F.R. 13933) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of oranges, including Temple oranges, but not including Murcott Honey oranges, grown in Florida.

Order. In § 905.479 (Orange Regulation 52; 31 F.R. 5, 148, 2694) the provisions of paragraph (b)(3)(ii) and (b)(3)(iv) are amended to read as follows:

§ 905.479 Orange Regulation 52.

* * * * *

(b) * * *

(3) * * *

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2 1/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter or smaller;

* * * * *

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos;

* * * * *

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

Dated February 24, 1966, to become effective at 12:01 a.m., e.s.t., February 28, 1966.

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

[F.R. Doc. 66-2119; Filed, Feb. 25, 1966; 8:48 a.m.]

[Navel Orange Reg. 102]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.402 Navel Orange Regulation 102.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 24, 1966.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 27, 1966, and ending at 12:01 a.m., P.s.t., March 6, 1966, are hereby fixed as follows:

(i) District 1: 900,000 cartons;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 24, 1966.

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

[F.R. Doc. 66-2145; Filed, Feb. 25, 1966; 11:42 a.m.]

[Valencia Orange Reg. 148]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.448 Valencia Orange Regulation 148.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of

Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 24, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 27, 1966, and ending at 12:01 a.m., P.s.t., March 6, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 44,210 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 24, 1966.

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

[F.R. Doc. 66–2146; Filed, Feb. 25, 1966; 11:42 a.m.]

[Lemon Reg. 203]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.503 Lemon Regulation 203.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 27, 1966, and ending at 12:01 a.m., P.s.t., March 6, 1966, are hereby fixed as follows:

(i) District 1: 15,810 cartons;

(ii) District 2: 199,950 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: February 24, 1966.

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

[F.R. Doc. 66–2120; Filed, Feb. 25, 1966; 8:48 a.m.]

[971.308 Amdt. 4]

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

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the han-

dling of lettuce grown in the production area.

Order, as amended. In § 971.308 (30 F.R. 13935; 15655; 16256; 31 F.R. 557; 1239), the last sentence in the opening paragraph, relating to packaging lettuce on Sunday, is deleted as of the effective date of this amendment.

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

Effective date: Dated February 24, 1966, to become effective February 26, 1966.

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

[F.R. Doc. 66-2121; Filed, Feb. 25, 1966; 8:48 a.m.]

[980.104 Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Pursuant to the requirements of section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), § 980.104 *Onion import regulation* (30 F.R. 10834) is hereby amended by deleting the introductory paragraph and paragraphs (a) and (h) and substituting in lieu thereof a new introductory paragraph and new paragraphs (a) and (h) as set forth below. Paragraph (b) is republished for information.

§ 980.104 Onion import regulation.

Except as otherwise provided, during the period beginning March 7, 1966, and continuing through June 15, 1966, no person may import dry onions, except red onions, unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1-inch minimum diameter; all other (except red) varieties—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of Chapter I of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2850 of Chapter I of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 1 grade shall be deemed to comply with the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Findings. It is hereby found and determined that during the period March 7 through June 15, 1966, onions imported into the United States will be in most direct competition with onions produced in the South Texas production area and that import regulations during such period shall be based on regulations in effect for South Texas onions under Marketing Order No. 959, as amended (7 CFR Part 959). It is further found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the requirements of section 608e–1 of the act make this amendment mandatory; (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date; and (3) notice hereof is hereby determined to be reasonable in accordance with the requirements of the act which is in excess of the minimum period of 3 days specified in the act.

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

Dated: February 23, 1966, to become effective March 7, 1966.

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

[F.R. Doc. 66-2060; Filed, Feb. 25, 1966; 8:48 a.m.]

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

[Milk Order No. 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area (7 CFR Part 1063), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. Section 1063.18.
2. Section 1063.19.
3. Section 1063.22(j)(3) and the "and" at the end of § 1063.22(j)(2).
4. Section 1063.22(l).
5. In § 1063.30(a) the provision "including for each month of March through June the aggregate quantities of base milk and excess milk, respectively".
6. Section 1063.64.
7. Section 1063.65.
8. In § 1063.72(b) the provision "and except for the months of March through June, shall be".
9. Section 1063.73.
10. In § 1063.80(a) the provision "for milk received each of the months of July through February and at not less than the applicable base and excess prices pursuant to § 1063.73, for milk received each of the months of March through June".
11. In § 1063.82(a) the provision "and the uniform price for base milk pursuant to § 1063.73 for producer milk".

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest in that:

1. This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.
2. This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.
3. A hearing on the proposed termination of the base and excess provisions was conducted at Moline, Ill., on January 25, 1966, pursuant to notice thereof which was issued January 10, 1966 (31 F.R. 434). Interested parties were afforded opportunity to file written exceptions to a recommended decision concerning this termination (31 F.R. 2659). None were filed in opposition to the proposed termination.
4. The "base and excess" plan for distributing returns for milk among producers no longer tends to effectuate the purposes of the Agricultural Marketing Agreement Act and should be discontinued.

The base and excess plan was incorporated in the order September 1, 1963, to supplement the seasonally variable Class I prices in providing incentive to producers to reduce the fluctuations in the amount of milk supplied to the market throughout the year. The base and excess plan permits each producer to establish a base according to his deliveries to pool plants in September, October, and November of each year. In each subsequent month of March through June separate uniform prices are computed for "base" milk and "excess" milk so that Class I uses are allotted first to base milk. The uniform price for excess milk is the Class II price. Producers receive the marketwide uniform price for all milk

delivered to pool plants in all other months.

Producer associations representing about 75 percent of the producers on the market proposed that the base and excess plan be removed from the order. Handlers supported the proposal. There was no opposition to it at the hearing.

The base and excess plan has served the purpose for which it was placed in the order and need for such provision no longer exists. Changed marketing circumstances in this market indicate that the base and excess plan should be removed from the order to prevent disorderly marketing conditions and to maintain a sufficient supply of milk to meet the fluid milk needs of the market.

Producers for this market have farms interspersed in the milksheds of the Cedar Rapids-Iowa City, Chicago, Madison, Rock River Valley, St. Louis, Suburban St. Louis, and Central Illinois markets. Madison is the only market of this group which has a base-excess method of payment. The base and excess plans formerly contained in the Chicago and Rock River Valley milk orders have been discontinued. Producers and handlers testified that some producers for this market have been offered higher returns for their milk during March through June 1966 by handlers in other surrounding markets which do not have base and excess plans. This has resulted in a loss of some producers to the other markets. A survey made by the cooperatives revealed that many more producers are threatening to leave the market if the base-excess plan is retained in the order. This transfer of producers is occurring at a time when the trend in average daily production per farm is decreasing and while many producers are quitting milk production in favor of alternative enterprises.

Representatives of the producer associations and handlers attribute most of the recent loss of producers by this market, and the threatened loss of many more, largely to the base and excess plan of the order that may reduce some individual producer prices below prices offered in alternative markets. One cooperative estimates it will lose 30 to 50 member-producers to other markets from now until the end of the base-paying period solely because of the base and excess plan.

Proponents pointed out that the base and excess plan has not only influenced present producers to shift to other markets but has discouraged the addition of new producers in recent months. The base and excess plan requires that a producer who has not earned a base in the previous September–November period shall be allotted a base of 50 percent of his deliveries of producer milk in the months of March and April and 40 percent of his deliveries in the months of May and June. The remainder of his producer milk deliveries return only the excess (Class II) price.

Producer association representatives and handlers stated that some dairy farmers in the area are willing to begin deliveries to pool plants under this order if they were assured of obtaining the uniform price on all of their milk, but will not become producers of milk for this market unless the base and excess plan is terminated.

Individual producers testified that they had been approached by several handlers in other markets to begin delivery of milk to such handlers' plants. Each of these handlers was offering higher prices for milk than the producers could receive in the Quad Cities-Dubuque market through June 1966. One producer testified that a handler had offered him a price of up to 50 cents per hundredweight more than he would receive as a producer on this market.

United States milk production was down 4 percent in December 1965 from the same month a year earlier. Milk production in the States of Iowa, Illinois, and Wisconsin, parts of which are in the milkshed of the Quad Cities-Dubuque market, was down 13 percent, 7 percent, and 7 percent, respectively, in December 1965 from December 1964.

Producer milk receipts in the Quad Cities-Dubuque marketing area began a decline in September 1965. In October receipts from producers were 8 percent less than in October 1964. In November 1965 receipts were down 14 percent and in December 1965 they declined 15 percent from producer milk receipts in the same period of the preceding year. Eighty producers have left the market since August 1965. In each month since August from 1 million to 1.5 million pounds of other source milk has been transferred from other Federal order markets to meet the demand for Class I milk in this market.

Removal of the base-excess plan from this order will be in the public interest in that it will tend to assure the maintenance of an adequate supply of milk for consumers. Discontinuance of the base-excess plan will provide incentive for producers who have been unable to build satisfactory bases to remain associated with this market. It will also encourage additional producers to begin delivering milk to the market and higher levels of milk production by present producers in the months of March through June 1966.

Retention of the base-excess plan would jeopardize the maintenance of an adequate supply of milk to meet the fluid needs of the market by obstructing efforts to develop additional supplies of milk for the market in advance of the fall months of 1966. At that time, presently indicated supplies are expected to be critically short of fluid market needs.

Producers who would get smaller returns if the base-excess plan is removed supported its removal. They stated that since they had been able to build large bases in the preceding fall months, they would receive a higher return in March through June under the base-excess payment plan. However, they recognized that the overriding need is to maintain an adequate supply of producer milk for this market so as to avoid the loss of Class I sales in this market to handlers in other markets. They also recognized that they have already received higher returns for their milk by delivering a greater quantity during the fall months when prices were seasonally higher.

Discontinuing the base and excess plan for distributing returns from milk among producers will not change handlers' costs for milk in its use classifications and will not affect total returns to all producers on the market.

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

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: March 1, 1966.

Signed at Washington, D.C., on February 23, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-2042; Filed, Feb. 25, 1966; 8:47 a.m.]

[Milk Order No. 67]

PART 1067—MILK IN THE OZARKS MARKETING AREA

Order Amending Order

§ 1067.0 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

(3) The said order as hereby amended, regulates the handling of milk in the

same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued January 25, 1966, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued February 9, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

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

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ozarks 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:

Revise § 1067.17 to read as follows:

§ 1067.17 Fluid milk product.

Fluid milk product means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour), and any mixture of fluid milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized milk and milk products in hermetically sealed containers, and sour cream or sour cream mixtures which are not disposed of under a Grade A label).

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

Effective date: March 1, 1966.

Signed at Washington, D.C., on February 23, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–2061; Filed, Feb. 25, 1966; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM I (27 F.R. 6395) National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region Order No. 3 (21 F.R. 1493) as amended, it is proposed to amend § 7.34 of Title 36, Code of Federal Regulations, as is set forth below.

The purpose of this amendment is to assure management of Parkway fish populations in accordance with sound, accepted practices and in conformance with the terms of agreements between the United States and the States of Virginia and North Carolina; afford visitors increased recreation benefits; conserve and perpetuate this valuable area resource and promote protection of the Parkway's scenic values.

Section 7.34, paragraph (b) is to be amended by the addition of new subparagraphs (3) and (4).

§ 7.34 Blue Ridge Parkway.

* * * * *

(b) *Fishing.* * * *

(3) Fishing from the dam or the bridge at Price Lake or the footbridges in the Price Park Picnic Area, Watauga County, N.C., and from the James River Parkway Bridge, Bedford and Amherst Counties, Va., is prohibited.

(4) Native trout waters. The following waters are designated as native trout waters and are subject to the restrictions indicated:

(i) *North Carolina.* (*a*) Price, Trout, and Sim's Lakes, Watauga County. The use of bait other than artificial lures having one single hook is prohibited.

(*b*) Boone Fork, Watauga County, from Price Lake Dam downstream to the Parkway boundary; and Basin Creek and its tributaries, Doughton Park. The use of bait other than artificial flies is prohibited.

(*c*) On all of the above designated waters in North Carolina, the daily catch or creel limit shall be five (5) trout. It shall be unlawful to retain rainbow or brown trout of less than nine (9) inches in total length or brook trout of less than six (6) inches in total length.

(ii) *Virginia.* Peaks of Otter Lake, Bedford County. The creel and possession limits for this impoundment are two (2) trout, not less than nine (9) inches in length. The use of bait other than artificial lures having one single hook is prohibited.

* * * * *

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, Va., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

SAM P. WEEMS,
Superintendent, Blue Ridge Parkway.

JANUARY 24, 1966.

[F.R. Doc. 66-2034; Filed, Feb. 25, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

GREENHOUSE TOMATOES

Proposed United States Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Greenhouse Tomatoes (7 CFR 51.3345–51.3361) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than March 28, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Grades of Greenhouse Tomatoes have been in effect since April 15, 1962. In January 1966 the National Association of Greenhouse Vegetable Growers submitted a formal request to the U.S. Department of Agriculture for a revision of these standards. This request was made after a poll showed that 98 percent of their members were in favor of a grade revision. The proposal incorporates several changes suggested by industry representatives. The proposed revision would provide a more satisfactory basis for trading.

The present standards include U.S. Fancy, U.S. No. 1 and U.S. No. 2 grades. The U.S. Fancy grade is rarely, if ever, used because its requirements have proven to be overly restrictive. As a result the industry has requested that this grade be eliminated entirely. This would permit improvement in the shape requirements for the remaining grades, U.S. No. 1 and U.S. No. 2. Cleanness requirements would be added to each grade, and the length of growth cracks allowed in the U.S. No. 2 grade would be reduced. Minor changes in wording

The proposal includes the following major changes:

1. Elimination of the U.S. Fancy grade.

2. Addition of a cleanness requirement to the U.S. No. 1 and U.S. No. 2 grades. Each grade would require the tomatoes to be "clean."

3. "Fairly well formed" would become the shape requirement for the U.S. No. 1 grade.

4. "Reasonably well formed" would become the shape requirement of the U.S. No. 2 grade.

5. In the U.S. No. 2 grade the aggregate length of healed growth cracks allowed on a 5 ounce tomato would be reduced from 2½ inches to 1½ inches. The length of individual radial cracks would be reduced from 1 inch to ¾ inch.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3345 U.S. No. 1.
51.3346 U.S. No. 2.

UNCLASSIFIED

51.3347 Unclassified.

TOLERANCES

51.3348 Tolerances.

APPLICATION OF TOLERANCES

51.3349 Application of tolerances.

SIZE CLASSIFICATION

51.3350 Size classification.

STANDARD PACK

51.3351 Standard pack.

DEFINITIONS

51.3352 Similar varietal characteristics.
51.3353 Mature.
51.3354 Soft.
51.3355 Clean.
51.3356 Fairly well formed.
51.3357 Reasonably well formed.
51.3358 Damage.
51.3359 Serious damage.
51.3360 Metric conversion table.

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

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

§ 51.3345 U.S. No. 1.

"U.S. No. 1" consists of tomatoes of similar varietal characteristics which are mature but not overripe or soft, clean, fairly well formed; which are free from decay and freezing injury, and free from damage caused by bruises, cuts, shriveling sunscald, puffiness, catfaces, growth cracks, scars, disease, insects or other means. (See § 51.3348.)

§ 51.3346 U.S. No. 2.

"U.S. No. 2" consists of tomatoes of similar varietal characteristics which are mature but not overripe or soft, clean, reasonably well formed; which are free from decay and freezing injury, and free from serious damage caused by cuts, shriveling, sunscald, puffiness, catfaces, growth cracks, scars, disease, insects or other means. (See § 51.3348.)

UNCLASSIFIED

§ 51.3347 Unclassified.

"Unclassified" consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3348 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified:

(a) *Defects*—(1) *U.S. No. 1 grade.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay.

(2) *U.S. No. 2 grade.* 10 percent of the tomatoes in any lot may fail to meet the requirements of the grade, but not more than one-tenth of this amount or 1 percent shall be allowed for tomatoes which are soft or affected by decay.

(b) *Off-size.* 15 percent of the tomatoes in any lot may vary from the specified size, including therein not more than 5 percent for tomatoes which fail to meet any specified minimum size.

APPLICATION OF TOLERANCES

§ 51.3349 Application of tolerances.

The contents of individual packages in the lot are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages shall have not more than one and one-half times the tolerance specified: *Provided,* That when the package contains 15 specimens or less, any individual package shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and done off-size specimen may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

SIZE CLASSIFICATION

§ 51.3350 Size classification.

The size of tomatoes may be specified in accordance with one of the following classifications:

(a) "Small" under 3½ ounces;

(b) "Medium" from 3½ to 9 ounces; and,

(c) "Large" over 9 ounces.

STANDARD PACK

§ 51.3351 Standard pack.

Tomatoes shall be fairly uniform in size when packed in containers.

(a) "Fairly uniform in size" means that not more than 10 percent, by weight, of the tomatoes in any container may vary more than the following within the applicable size classification:

(1) 4 ounces for "Medium," "Small to Medium" or "Medium to Large"; and,

(2) 6 ounces for "Large" size.

DEFINITIONS

§ 51.3352 Similar varietal characteristics.

"Similar varietal characteristics" means that the tomatoes are alike as to character of color (bright red varieties shall not be mixed with varieties having a purplish tinge).

§ 51.3353 Mature.

"Mature" means that the contents of two or more seed cavities have developed a jellylike consistency and the seeds are well developed. External color shows at least a definite break from green to tannish-yellow, pink or red color on not less than 10 percent of the surface.

§ 51.3354 Soft.

"Soft" means that the tomato yields readily to slight pressure.

§ 51.3355 Clean.

"Clean" means that the individual tomato is practically free from dirt and other foreign matter.

§ 51.3356 Fairly well formed.

"Fairly well formed" means that the tomato is not more than slightly kidney-shaped, lopsided, elongated, angular, or otherwise slightly deformed.

§ 51.3357 Reasonably well formed.

"Reasonably well formed" means that the tomato is not more than moderately kidney-shaped, lopsided, elongated, angular, or otherwise moderately deformed.

§ 51.3358 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the tomato. The following specific defects shall be considered as damage:

(a) Puffiness when the open space in one or more locules materially detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a locule, or when the appearance of the tomato is affected to a greater extent than that of a small size tomato with a fairly smooth catface on an area equivalent to that of a circle three-eighths inch in diameter; a medium size tomato with one-half inch area; or a large size tomato with three-fourths inch area;

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having any individual radial crack one-half inch in length, or having more than a 1 inch aggregate length of all radial cracks measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle three-eighths inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one-half inch in length.

§ 51.3359 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or shipping quality of the tomato. The following specific defects shall be considered as serious damage:

(a) Puffiness when the open space in one or more locules seriously detracts from the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(b) Catfaces when channels extend into the locule, when the wall has been weakened to the extent that slight pressure will cause the tomato to leak, or when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a fairly smooth catface with an area equivalent to that of a circle 1 inch in diameter;

(c) Growth cracks (radiating from or concentric to the stem scar) when not well healed, when more than one-eighth inch in depth, or when affecting the ap-

pearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having individual radial cracks three-fourths inch in length, or having more than a 1½ inch aggregate length of all radial cracks, measured from the edge of the stem scar;

(d) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 5 ounces in weight having a scar with no depth which has an area equivalent to that of a circle 1 inch in diameter; and,

(e) Cuts, not well healed, not shallow, or which affect the appearance or shipping quality of the tomato to a greater extent than that of a tomato 5 ounces in weight having a cut one-half inch in length.

§ 51.3360 Metric conversion table.

METRIC CONVERSION TABLE

Inches	*Millimeters (mm)*
⅛ equals	3.2
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
⅞ equals	22.2
1 equals	25.4
1¼ equals	31.8
1½ equals	38.1
1¾ equals	44.5
2 equals	50.8
3 equals	76.2
4 equals	101.6

Dated: February 21, 1966.

G. R. GRANGE,
Deputy Administrator, Marketing Service, Consumer and Marketing Service.

[F.R. Doc. 66-2025; Filed, Feb. 25, 1966; 8:45 a.m.]

[7 CFR Part 1101]

[Docket No. AO-195-A12]

MILK IN KNOXVILLE, TENN., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn of Knoxville Downtown, 2000 Chapman Highway, Knoxville, Tenn., beginning at 10 a.m., e.s.t., on April 5, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Knoxville, Tenn., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

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

Proposed by Knoxville Milk Producers Association:

Proposal No. 1. Revise and amend § 1101.5 *Knoxville, Tenn., marketing area,* to read as follows:

§ 1101.5 Knoxville, Tenn., marketing area.

"Knoxville, Tenn., marketing area," called the marketing area in this subpart means all the territory within the boundaries of the Counties of Knox, Anderson, Union, Grainger, Hamblen, Jefferson, Cocke, Sevier, Blount, Monroe, Loudon, and Roane, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such territory, all within the State of Tennessee.

Proposal No. 2. Revise and amend § 1101.12 *Producer,* to read as follows:

§ 1101.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant; or (b) diverted by a handler from a pool plant to a nonpool plant for the account of the diverting handler, subject to the following conditions:

(1) A cooperative association may divert without limit for its account the milk of any member-producer during any of the months of March through August. However, the total quantity of milk so diverted may not exceed 35 percent in the months of September through February of its member-producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer-milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;

(2) A handler in his capacity as an operator of a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this subparagraph, without limit during the months of March through August. However, the total quantity of milk so diverted may not exceed 35 percent in the months of September through February of the milk received at such handler's pool plant from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this subparagraph. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk;

Provided, If such milk is diverted pursuant to the foregoing conditions for his account by a handler from a pool plant to a nonpool plant, not an other order plant (except an other order plant fully subject to the provisions of part 1090 regulating the handling of milk in the Chattanooga, Tenn., marketing area), the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

Proposal No. 3. Revise and amend § 1101.85(a) "Butterfat differential to producers" to read as follows:

(a) *Butterfat differential to producers.* The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of 1 percent which the average butterfat content of his milk is above or below 3.5 percent respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to such class by the appropriate butterfat differentials for each class as determined by section 1101.52, dividing by the total butterfat in producer milk and rounding to the nearest fifth of a cent.

Proposal No. 4. Revise and amend the payment provisions of the Knoxville Order No. 101 so as to provide for handlers to pay the market administrator at the applicable class prices for all producer milk delivered to handler plants, and to have the market administrator, in turn, distribute such moneys to producers either directly or to cooperatives authorized to collect for their members.

Proposal No. 5. Revise and amend § 1101.7 "Producer-handler" to read as follows:

§ 1101.7 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging and distribution business are the personal enterprise and risk of such person.

Proposal No. 6. Revise and amend § 1101.52 "Butterfat differential to handlers" to read as follows:

(a) *Class I milk.* Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month.

Proposed by Norris Creamery, Inc.:

Proposal No. 7. Eliminate the city of Oak Ridge from the presently defined Marketing Area and omit the inclusion of any part of the following counties: Anderson, Roane, Cumberland, Scott, and Campbell.

Proposal No. 8. So define the Marketing Area as to include the counties of Anderson, Roane, Cumberland, Morgan, Scott, and Campbell.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 10508, Knoxville, Tenn., 37919, or 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 February 21, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66–2062; Filed, Feb. 25, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

LOW-DOSE ELECTRON BEAM RADIATION FOR TREATMENT OF FOOD

Notice of Proposed Rule Making

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4M1276) filed by High Voltage Engineering Corp., Burlington, Mass., 01803, and other relevant material, proposes that the food additive regulations be amended to provide for the conditions under which electrons may be safely used in the treatment of wheat and wheat products. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120) it is proposed that Part 121 be amended by adding to Subpart G a new section, as follows:

§ 121 Low-dose electron beam radiation for the treatment of food.

Electron beam radiation for the treatment of food may be safely used under the following conditions:

(a) The radiation source consists of an electron accelerator producing a beam of electrons at energy levels not to exceed 5.0 million electron volts.

(b) The electron beam radiation is used or intended for use in a single treatment as follows:

Food for radiation	Limitation	Use
Wheat	Absorbed dose: 20,000 to 50,000 rads. Maximum thickness of food under irradiation: 0.6 cm. per Mev. of electron energy under single beam irradiation or 1.4 cm. per Mev. of electron energy with crossfiring beams. Maximum flow: 10 tons per hour per kilowatt under single beam irradiation, or 14 tons per hour per kilowatt with crossfiring beams.	Control of insect infestation.
Wheat flour from unirradiated wheat.	do	Do.

(c) In the case of electron beam radiation used for treatment of food, a permanent record of the radiation intensity and power used in the processing shall be made with recorders coupled to the electron accelerator, and the records shall be retained for Food and Drug Administration inspection for a period of 1 year. Such records shall provide information identifying completely the food that has been subjected to the radiation recorded thereon.

(d) To assure safe use the label and labeling of any market package of food so treated shall bear, in addition to the other information required by the act, the statement: "Treated with ionizing radiation—do not treat again." In the case of bulk shipments, the invoices or bills of lading shall bear such a statement when the bulk commodity has been so treated.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 18, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66–2049; Filed, Feb. 25, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7057]

AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

The Federal Aviation Agency has had under consideration a proposed airworthiness directive requiring inspection, and replacement where necessary, of the fuel dump system limit switches and wiring on Boeing Model 707 and 720 Series airplanes. This proposed directive was set forth in a notice of proposed rule making which was published in the FEDERAL REGISTER, December 14, 1965 (30 F.R. 15374).

Upon further consideration by the Agency and in the light of comments received in response to the notice of proposed rule making, it has now been determined that the modifications required by the proposed AD are not effective. The domestic operators have embarked upon a voluntary inspection program and no further incidents of dump chute limit switch malfunctions have appeared.

Withdrawal of this notice of proposed rule making constitutes only such action and does not preclude the Agency from issuing another notice in the future, or commit the Agency to any course of action in the future.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER on December 14, 1965 (30 F.R. 15374) is hereby withdrawn.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on February 17, 1966.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66–2028; Filed, Feb. 25, 1966; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 7175]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744, 745D, and 810 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Model 744, 745D, and 810 Series airplanes. There have been failures of the tubes and end fittings of high time engine nacelle structures due to fatigue and corrosion on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require dye penetrant and radiographic or ultrasonic inspection of the tubes and end fittings and replacement as necessary on Vickers Viscount Model 744, 745D, and 810 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 28, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before

and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 744, 745D, and 810 Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent failures of tubes and end fittings of high time engine nacelle structures due to fatigue and corrosion, accomplish the following:

(a) For airplanes with 20,000 or more hours' time in service on the effective date of this AD, comply with paragraph (g) within the next 1,000 hours' time in service after the effective date of this AD.

(b) For airplanes with 19,000 or more but less than 20,000 hours' time in service on the effective date of this AD, comply with paragraph (g) before the accumulation of 21,000 hours' time in service.

(c) For airplanes with 17,000 or more but less than 19,000 hours' time in service on the effective date of this AD, comply with paragraph (g) within the next 2,000 hours' time in service after the effective date of of this AD.

(d) For airplanes with less than 17,000 hours' time in service on the effective date of this AD, comply with paragraph (g) before the accumulation of 19,000 hours' time in service.

(e) For airplanes with 17,000 or more hours' time in service on the effective date of this AD, comply with paragraph (h) within the next 3,500 hours' time in service after the effective date of this AD.

(f) For airplanes with less than 17,000 hours' time in service on the effective date of this AD, comply with paragraph (h) before the accumulation of 20,500 hours' time in service.

(g) Inspect the end fittings for cracks using dye penetrant or an FAA-approved equivalent in accordance with Inspection "A", British Aircraft Corp. (BAC) Ltd. Preliminary Technical Leaflet (PTL) No. 258, Issue 2 (700 Series), or No. 122, Issue 2 (800/810 Series), or later ARB-approved issues.

(h) Inspect the nacelle structure tubes and end fittings for cracks using radiographic or ultrasonic methods or an FAA-approved equivalent in accordance with Inspection "B", BAC Ltd. PTL No. 258, Issue 2 (700 Series), or No. 122, Issue 2 (800/810 Series), or later ARB-approved issues.

(i) Replace tubes and end fittings found cracked during the inspections required by paragraphs (g) and (h) before further flight.

Issued in Washington, D.C., on February 21, 1966.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-2029; Filed, Feb. 25, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AC643.3–p]

TITANIUM DIOXIDE FROM JAPAN

Withholding of Appraisement Notice

FEBRUARY 23, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of titanium dioxide, pigment grade, rutile type, imported from Japan, exported by Sakai Trading Co., Ltd., Osaka, Japan, The Kouyoh Trading Co., Ltd., Osaka, Japan, and Marubeni-Iida Co., Ltd., Osaka, Japan, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being directed to withhold appraisement of titanium dioxide, pigment grade, rutile type, imported from Japan, exported by Sakai Trading Co., Ltd., Osaka, Japan, The Kouyoh Trading Co., Ltd., Osaka, Japan, and Marubeni-Iida Co., Ltd., Osaka, Japan, in accordance with the provisions of § 14.9(a) of the Customs Regulations 19 CFR 14.9(a)). This withholding order, and the dumping investigation on which it is based, is limited to the importations from and transactions of and with Sakai Trading Co., Ltd., Osaka, Japan, The Kouyoh Trading Co., Ltd., Osaka, Japan, and Marubeni-Iida Co., Ltd., Osaka, Japan.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on November 17, 1964.

This notice is published pursuant to § 14.6(e) of the Custom Regulations (19 CFR 14.6(e)).

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

[F.R. Doc. 66–2096; Filed, Feb. 25, 1966; 8:48 a.m.]

Coast Guard

[CGFR 66–9]

NEW LONDON HARBOR

Closure to Navigation During Launching of the Sturgeon

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of I. J. Stephens, Rear Admiral, U.S. Coast Guard, Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby establish a Security Zone in the waters of New London Harbor, New London, Conn., between the latitudes of 41 degrees 20 min. 32 sec. North, and 41 degrees 21 min. 03 sec. North, from 1200 e.s.t., Saturday, February 26, 1966, until the "STURGEON" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "STURGEON" is scheduled for 1230 e.s.t., on Saturday, February 26, 1966. The Northern and Southern Limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shoreline and the main ship channel.

No person or vessel shall enter this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall board or take or place any article or thing on board any vessel in this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall take or place any article or thing upon any waterfront facility in this zone without such permission. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State, and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order. Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: February 21, 1966.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66–2066; Filed, Feb. 25, 1966; 8:48 a.m.]

Office of the Secretary

[Antidumping—AC 643.3–b]

TITANIUM DIOXIDE FROM JAPAN

Determination of Sales at Less Than Fair Value

FEBRUARY 18, 1966.

On November 24, 1965, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value" that titanium dioxide, pigment grade, imported from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until December 24, 1965, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

After consideration of all comments received, I hereby determine that titanium dioxide, pigment grade, rutile type, from Japan, exported by Sakai Trading Co., Ltd., Osaka, Japan, The Kouyoh Trading Co., Ltd., Osaka, Japan, and Marubeni-Iida Co., Ltd., Osaka, Japan, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of new or additional reasons:

In response to the November 24, 1965, Notice of Intent to Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value, persuasive evidence and argument were presented which convinced the Department that no determination should be made that there are not, and are not likely to be, sales below fair value of titanium dioxide, pigment grade, rutile type, from Japan exported by the aforementioned companies.

The November 24, 1965, Notice of Intent was based on the theory that there had been price revisions and cessation of shipments which brought the case within the purview of 19 CFR 14.7b(9). This provision of the regulations is not construed to prevent the Secretary of the Treasury from making determinations of sales at less than fair value where the sales to the United States which are complained of, made before the price revision or cessation of shipments, are considered sufficiently substantial so as to constitute "hit and run" dumping. Under the circumstances of this case, it is determined that sufficient evidence is present in connection with the sales made prior to the price revision

to justify referring the case to the U.S. Tariff Commission for a determination as to whether or not such sales injured an industry in the United States. It will be noted that the present tense found in the provision in the Antidumping Act relative to merchandise which "is being * * * sold in the United States * * * at less than its fair value" is construed to refer to the period at or reasonably near to the time when the complaint was filed.

The present determination is worded in terms of "is likely to be" as well as "is being * * * sold in the United States * * * at less than its fair value" despite the assurances given by the Japanese firms as to the prices of any future sales which are referred to in the November 24, 1965, Notice of Intent. Use of the additional words "is likely to be" is not meant in any way to suggest that the assurances given were not to be taken at face value. (Cf. statement of Commissioner Fenn in the no-injury determination relating to White Portland Cement from Japan, 29 F.R. 9636.) The reason for the use of the additional words is simply this: The assurances were conditioned (or must be assumed to have been conditioned) on a determination of no sales at less than fair value. The condition not having been fulfilled, the assurances can no longer be considered binding. While no one can predict at this time what the United States Tariff Commission's determination will be, it appears likely that should it produce a result favorable to the Japanese exporters—for example an unqualified determination of no injury by the Commission—imports at less than fair value, either in smaller or larger quantities, would be resumed.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 66-2097; Filed, Feb. 25, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

RAYMOND RILEY

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of Section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of the Prince William Forest Park and George Washington Memorial Parkway, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period January 1, 1966, through December 31, 1966, the concession permit under which Raymond Riley provides concession facilities and services for the public at Seneca, Md.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

FLOYD B. TAYLOR,
Superintendent of Prince William Forest and George Washington Memorial Parkway.

FEBRUARY 4, 1966.

[F.R. Doc. 66-2035; Filed, Feb. 25, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FARMERS AND RANCHERS AUCTION BARN ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Farmers and Ranchers Auction Barn, Batesville, July 10, 1963.	Hill & Montgomery Livestock Auction, Sept. 30, 1965.
COLORADO	
Western Slope Livestock Sales Commission Co., Montrose, Mar. 11, 1957.	Western Slope Livestock Commission Co., Dec. 3, 1965.
GEORGIA	
Emanuel County Livestock Market, Swainsboro, Aug. 30, 1959.	Emanuel County Livestock Market, Inc., Nov. 1, 1965.
Farmers Market, Soperton, May 19, 1959	Soperton Stockyard, Oct. 12, 1965.
INDIANA	
Goshen Community Auction Sale, Goshen, June 17, 1959.	Goshen Community Auction, Inc., Nov. 1, 1965.
IOWA	
Oskaloosa Livestock Auction, Oskaloosa, Jan. 17, 1962.	Oskaloosa Livestock Auction, Inc., Nov. 1, 1965.
Stuart Sales Co., Stuart, June 2, 1959	Stuart Sales Company, Nov. 16, 1965.
Walker Sales Company, Walker, May 21, 1959	Walker Sales Co., Nov. 1, 1965.
KANSAS	
Russell Livestock Commission Co., Russell, June 10, 1959.	Russell Livestock Commission Company, Nov. 10, 1965.
Tri-State Sales Co., Elkhart, Apr. 13, 1950	Tri-State Sales Company, Dec. 14, 1965.
MICHIGAN	
Hillsdale Co. Auction Sales Corp., Jonesville, June 9, 1965.	Hillsdale County Farmer's Market, Dec. 7, 1965.
MISSISSIPPI	
Prentiss Auction Sales, Prentiss, Feb. 18, 1959	Prentiss Stockyard, Nov. 1, 1965.
NEBRASKA	
Republican Valley Livestock Auction, Franklin, Dec. 16, 1955.	Republican Valley Livestock Auction, Inc., Aug. 1, 1965.
NORTH CAROLINA	
Oxford Livestock Market, Oxford, June 29, 1959	Oxford Livestock Market, Inc., Dec. 23, 1965.
TEXAS	
Conroe Cow Palace, Conroe, May 15, 1962	Conroe Cow Palace Livestock Auction, Aug. 23, 1965.
Temple Livestock Auction, Temple, Feb. 26, 1957	Temple Livestock Auction, Inc., Mar. 1, 1961.

Done at Washington, D.C., this 23d day of February 1966.

GLEN C. BIERMAN,
Acting Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-2063; Filed, Feb. 25, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 68]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 14, 1966, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	*Gross tonnage*
Total, all flags (248 ships)	1,743,717
British (74 ships)	557,011
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
**Ardmore (now Kali Elpis—British flag)	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelknight Tanker)	9,087
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
**East Breeze (now Phoenician Dawn—British flag)	8,708
Eastfortune	8,789
Elicos	7,134
Formentor	8,424
**Free Enterprise (now Cypriot flag)	6,807
**Free Merchant (now Cypriot flag).	
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British flag).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot flag).	
**Newforest (now Cypriot flag).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot flag).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot flag).	
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (trips to Cuba under ex-name, East Breeze—British flag).	
**Redbrook (now E. Evangelia—Greek flag)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese flag).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
**Suva Breeze (now Djatingaleh—Panamanian flag)	4,970
**Swift River (now Kallithea—Cypriot flag)	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (59 ships)	394,620
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
**Free Trader (now Cypriot flag).	
*Georgios M. II	5,028
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German ship breakers)	4,383
Mersinidi	6,782
**Mimosa (now Alplata—Liberian flag)	7,314
Mousse	6,984
Nictric	7,296
Noelie	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
**San John (now Ledra—Cypriot flag).	
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav flag).	
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (34 ships)	250,409
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British flag).	
**Flora M (now Liberian flag)	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
**Maria Theresa (now Ingrid Anne—South African flag)	7,245

*Added to Rept. No. 67, appearing in the FEDERAL REGISTER issue of Feb. 5, 1966.

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

FLAG OF REGISTRY, NAME OF SHIP—Continued

Greek—Continued	Gross tonnage
Marigo	7,147
**Maroudio (now Thalie—Panamanian flag)	7,369
**Mastro-Stelios II (now Wendy H.—South African flag)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (Tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot flag)	7,303
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (17 ships)	125,837
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (14 ships)	111,681
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (Tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian flag)	2,479
Giuseppe Giulietti (Tanker)	17,519
**Mariasusanna (now Geremia—Italian flag).	
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese flag)	3,352
Cypriot (14 ships)	91,796
Acme	7,159
Adelphos Petrakis	7,170
Alexandros	7,245
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag)	5,171
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
Artemida	7,247

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

FLAG OF REGISTRY, NAME OF SHIP—Continued

Cypriot—Continued	Gross tonnage
*El Toro	5,949
**Free Enterprise (trips to Cuba under British flag).	
**Free Merchant (previous trips to Cuba under British flag)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British flag)	7,181
**Free Trader (previous trips to Cuba under Lebanese flag)	7,067
**Kallithea (trips to Cuba under ex-name, Swift River—British flag).	
**Ledra (previous trips to Cuba under ex-name, San John—Lebanese flag)	5,172
**Newforest (previous trips to Cuba under British flag)	7,185
**Newgrove (previous trips to Cuba under British and Haitian flags)	7,172
**Newmeadow (previous trips to Cuba under British flag)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek flag)	7,187
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese flag)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (7 ships)	26,817
Arsinoe (tanker—sunk)	10,426
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean flag)	852
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Soclyve (previous trips to Cuba under British flag)	7,291
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Finnish (4 ships)	32,919
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499

FLAG OF REGISTRY, NAME OF SHIP—Continued

Norwegian (2 ships)	Gross tonnage 11,894
Ole Bratt	7,144
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish flag)	2,828
**Dagmar (now Bali Mariner—Panamanian flag)	6,490
Guinean:	
**Drameoumar (trip to Cuba under ex-name, Neve—French flag).	

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Haitian:	
**Newgrove (now Cypriot flag).	
Liberian:	
**Alplata (trip to Cuba under ex-name, Mimosa—Lebanese flag).	
**Flora M. (trips to Cuba under Greek flag).	
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish flag).	
**Djatingaleh (trips to Cuba under ex-name, Suva Breeze—British flag).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek flag).	
South African:	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek flag).	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade;

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY, NAME OF SHIP

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

Flag of registry (total)	Number of ships
	88
British	37
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	2
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 14, 1966:

Flag of registry	Number of trips										
	1963	1964	1965							1966		Total
			Jan.–June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	
British	133	180	64	11	11	7	10	17	6	5	2	446
Lebanese	64	91	31	8	2	3	3	7	4	2	------	215
Greek	99	27	11	3	2	------	1	2	4	3	------	152
Italian	16	20	14	2	2	2	1	2	1	2	------	62
Yugoslav	12	11	5	2	2	2	------	2	2	------	1	39
Spanish	8	17	------	------	------	------	------	------	------	------	------	25
Norwegian	14	10	------	------	------	------	------	------	------	------	------	24
Moroccan	9	13	------	------	------	1	------	------	------	------	------	23
French	8	9	3	------	2	------	1	1	2	------	------	26
Cypriot	------	1	3	1	1	2	5	3	2	1	------	19
Finnish	1	4	2	------	------	------	1	1	1	1	------	11
Maltese	------	2	3	------	1	------	------	2	------	1	------	9
Netherlands	------	4	1	1	------	------	------	------	------	------	------	6
Swedish	3	3	------	------	------	------	------	------	------	------	------	6
Kuwaiti	------	2	1	------	------	------	------	------	------	------	------	3
Israeli	------	------	2	------	------	------	------	------	------	------	------	2
Danish	1	------	------	------	------	------	------	------	------	------	------	1
German (West)	1	------	------	------	------	------	------	------	------	------	------	1
Haitian	------	------	1	------	------	------	------	------	------	------	------	1
Japanese	1	------	------	------	------	------	------	------	------	------	------	1
Subtotal	370	394	141	28	23	17	22	37	22	15	3	1,072
Polish	18	16	6	1	1	1	------	1	2	------	1	47
Grand total	388	410	147	29	24	18	22	38	24	15	4	1,119

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

By order of the Deputy Maritime Administrator.

Dated: February 18, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66–2095; Filed, Feb. 25, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK SHARP & DOHME RESEARCH LABORATORIES

Notice of Filing of Petition for Food Additives Amprolium, 3-Nitro-4-Hydroxyphenylarsonic Acid, Bacitracin, et al.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6C1932) has been filed by Merck Sharp & Dohme Research Laboratories, division of Merck & Co., Inc., Rahway, N.J., 07065, proposing amendments to § 121.210 *Amprolium* and § 121.262 *3-Nitro-4-hydroxyphenylarsonic acid* to provide for the safe use of amprolium, with or without ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid combined with bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin in chicken feed for growth promotion and feed efficiency.

Dated: February 17, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66–2022; Filed, Feb. 25, 1966; 8:45 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Board of Governors of West Virginia University, Morgantown, W.Va., File No. 127, for the establishment of a new noncommercial educational television station on Channel 35, Morgantown, W.Va.

University of Hawaii, 1801 University Avenue, Honolulu, Hawaii, File No. 128, for the establishment of a new noncommercial educational television station on Channel 10, Wailuku, Hawaii.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 66–2050; Filed, Feb. 25, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16825; Order E–23284]

APACHE AIRLINES, INC.

Service Mail Rate; Order To Show Cause

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 23d day of February 1966.

By Order E–21429, adopted October 22, 1964, the Board fixed a final service mail rate for the original Apache Airlines, Inc. (former Apache), between Douglas, Ariz., on the one hand, and Phoenix and Tucson, Ariz., on the other hand. This carrier provided mail service until its services were terminated by bankruptcy. The present Apache Airlines, Inc. (Apache), is the successor in title and interest of former Apache and has provided mail transportation on and after September 30, 1965, pursuant to Part 298 of the Board's economic regulations.

Apache has filed a petition requesting the Board to fix a final service mail rate for its services between the above-named points on and after September 30, 1965, at the same level as the domestic multielement service mail rate which was established for the former Apache in Order E–21429. In support thereof Apache states that the Post Office desires to utilize the service of Apache and that the proposed rate is acceptable to the Post Office Department. The Postmaster General filed an answer supporting Apache's petition.

Upon consideration of the foregoing, and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Board established a service mail rate at the level specified in Order E–9284, June 7, 1955, as amended, as the fair and reasonable final rate of compensation to be paid for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith by the former Apache Airlines corporation.

2. A final multielement service mail rate at the same level as that established for the former Apache Airlines corporation is fair and reasonable for the successor Apache Airlines, Inc.

3. The fair and reasonable final service mail rate to be paid Apache Airlines, Inc., on and after September 30, 1965, pursuant to section 406 of the Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Douglas, Ariz., and Phoenix, Ariz., and between Douglas, Ariz., and Tucson, Ariz., is the applicable rate specified in Order E–9284, June 7, 1955, as amended.

4. The aforesaid rates of compensation shall be service mail rates payable in their entirety by the Postmaster General.

Accordingly pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302,

It is ordered, That,

1. All interested persons, and particularly Apache Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rates specified above as the fair and reasonable rates of compensation to be paid Apache Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 7 days, and if notice is filed, written answer and supporting documents shall be filed within 10 days, after the date of service of this order;

3. If notice of objection is not filed within 7 days, or if notice is filed and answer is not filed within 10 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon Apache Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–2053; Filed, Feb. 25, 1966; 8:48 a.m.]

[Docket No. 16819; Order E–23273]

MACKEY AIRLINES, INC.

Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 18th day of February 1966.

By Order E–22945, adopted November 29, 1965, the Board granted a 2-year exemption to Mackey Airlines, Inc. (Mackey), to engage in the air transportation of mail between Miami and Fort Lauderdale, Fla., on the one hand, and the Biminis and Andros Islands, the Bahamas, on the other, under a service mail rate to be paid entirely by the Postmaster General. By petition filed December 29, 1965, Mackey states that the transportation of mail was commenced pursuant to such exemption on December 15, 1965, and requests the Board to establish a final service rate of 55.10 cents per mail ton-mile for such service pursuant to Order E–9695, of October 27, 1955.

By answer and petition of January 14, 1966, the Post Office Department states that the rate proposed by Mackey is an "open" rate due to the petition for lower airmail service rates filed by the Postmaster General in Docket 15381, and the Department would support Mackey's petition to the extent it is construed that the "open" service rate of 55.10 per mail ton-mile, and other relevant provisions prescribed in Order E–9695, be made applicable to airmail transported under Mackey's exemption, effective on and after December 15, 1965. Further, as part of this answer and petition the Postmaster General states the Department supported Mackey's application in order to obtain more expeditious service for mail destined for the naval installations at Andros Island and requests the Board to fix a final rate applicable to the transportation of military ordinary mail by air between the United States and Andros in accordance with Order E–16012, dated November 10, 1960.

The Board has determined to fix the fair and reasonable rates of compensation to be paid Mackey by the Postmaster General for the air transportation of mail. As the Postmaster notes in the answer filed herein, the rates and provisions prescribed in Order E–9695 are presently under consideration in Docket 15381, and in this regard the Board proposes to establish a temporary service mail rate for Mackey applicable to the transportation of mail. The Board also proposes to grant the petition of the Postmaster General and establish a final service mail rate applicable to the transportation of military ordinary mail in accordance with the rates and provisions of Order E–16012.

Accordingly, upon consideration of the exemption granted by Order E–22945, the petition filed by Mackey, the answer and petition filed by the Postmaster General, and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. There is presently in effect an open service mail rate for the transportation of mail between the continental United States and points in the Caribbean area, Central America and South America established at the level of 55.10 cents per mail ton-mile.[1]

2. A temporary service mail rate at the same level as that fixed in Order E–9695 is fair and reasonable for Mackey Airlines, Inc.

3. The fair and reasonable temporary service mail rate to be paid to Mackey Airlines, Inc., pursuant to section 406 of the Act, for the transportation of mail, the facilities used and useful therefor, and the services connected therewith between Miami and Fort Lauderdale, on the one hand, and the Biminis and Andros Island, the Bahamas, on the other, is the service rate of 55.10 cents per mail ton-mile as established by Order E–9695.

4. There is presently in effect for the transportation of certain military mail in Latin American service a service mail rate of 27.3 cents per mail ton-mile.[2]

5. A final service mail rate for the transportation of military mail at the same level as that fixed in Order E–16012 is fair and reasonable for Mackey Airlines, Inc.

6. The fair and reasonable final service mail rate to be paid to Mackey Airlines, Inc., pursuant to section 406 of the Act for the transportation by air of military ordinary mail between Miami and Fort Lauderdale, on the one hand, and Andros Island, the Bahamas, on the other, shall be 27.3 cents per ton-mile as established by Order E–16012.

7. That the temporary and final service mail rates here fixed and determined are to be effective on and after December 15, 1965, and are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

It is ordered,

A. That all interested persons, and particularly Mackey Airlines, Inc., and the Postmaster General are directed to show cause, if there be any, why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish as the fair and reasonable rates of compensation to be paid Mackey for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, pursuant to the authority to transport mail granted in Order E–22945, the rates set forth in paragraphs 3 and 6 above, to be effective on and after December 15, 1965.

B. That further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof must be filed within 10 days, and written answer and supporting documents must

[1] Order E–9695, dated Oct. 27, 1955, opened on June 30, 1964, by petition of the Postmaster General in Docket 15381.

[2] Order E–16012, Nov. 10, 1960.

be filed within 30 days, after the date of service of this order.

C. That if notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the rates, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the rates herein specified.

D. That if any answers are filed presenting issues for hearing, the issues thereafter in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

E. That, notwithstanding the fixing and determining of the temporary rate as set forth in paragraph 3 above, this proceeding shall remain open as to such temporary rate pending the entry of an order fixing the final rate which final rate may be lower than, or higher than, or equal to, the temporary rate fixed herein or the final rate to be fixed in Docket 15381, and retroactive to such date as the Board may determine.

F. That this order shall be served upon Mackey Airlines, Inc., and upon the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-2054; Filed, Feb. 25, 1966; 8:48 a.m.]

CIVIL SERVICE COMMISSION

NURSES; STATEN ISLAND, NEW YORK, N.Y.

Notice of Adjustment of Minimum Rate and Rate Range

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rate and the rate range for positions of Nurse, GS-610-4. The revised rate range for this occupational level is:

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$5,109	$5,265	$5,421	$5,577	$5,733	$5,889	$6,045	$6,201	$6,357	$6,513

2. Geographic coverage is Staten Island, New York, N.Y.

3. The effective date will be the first day of the first pay period beginning on or after February 24, 1966.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the effected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

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

[F.R. Doc. 66-2021; Filed, Feb. 25, 1966; 8:45 a.m.]

DIRECTOR OF TELECOMMUNICATIONS MANAGEMENT

INTERIM NATIONAL COMMUNICATIONS SYSTEM PRIORITIES

References: a. Defense Mobilization Order 3000.1, subject: "Procedures for Obtaining Telecommunication Resources for Use During a National Emergency."; b. White House Memorandum, subject: "Restoration Priority and Precedence System for the National Communications System (NCS)," August 27, 1964.

1. *Purpose.* This notice equates the National Communications System (NCS) Restoration Priority System with the restoration priority system in Defense Mobilization Order 3000.1 (DMO), and provides interim procedures for implementation of the NCS Priority System until such time as the DMO restoration priority system and that of the NCS are made compatible.

Attachment C to Annex 3 of DMO 3000.1 contains an approved communications priority system for the resumption of intercity private line service. That system is not adequate for use within the National Communications System (NCS), or for general national use in a total emergency.

Reference (b) approved an NCS restoration priority system, "for earliest possible application to the communications assets of the NCS operating agencies." A statement of equivalence of these two systems is needed to permit implementation of the NCS system within the authority of DMO 3000.1 by communications common carriers prior to attainment of compatible systems.

2. *Authority.* This notice is issued under the authority contained in the following:

a. Section 9, Executive Order 10995, as amended.

b. Subsection 606(a) of the Communications Act of 1934, as amended, as delegated to the Director of the Office of Emergency Planning by the President by Executive Order 10705 and redelegated to the Director of Telecommunications Management (27 F.R. 1864).

3. *Policy.* It is the National Defense Policy of the United States in time of war or National emergency, as proclaimed by the President, to have available to the Government of the United States the total telecommunication resources of the Nation for utilization with due regard to the extent of the war or emergency and to the continuing operation of services considered to be essential or desirable for the welfare and interest of the United States during such a time.

4. *Implementation.* The following equivalence between the restoration priority systems of the NCS and DMO 3000.1 is established. The NCS Categories incorporated into DMO 3000.1 will be afforded priority over all other certifications contained in each of the DMO 3000.1 Categories:

NCS Categories	*DMO 3000.1 Categories*
1A through 3C	I
3D through 4B	II
4C	III
## (No Priority)	None

5. *Responsibilities.* a. Subject to the policy guidance of, and in coordination with the Director of Telecommunications Management, the Executive Agent of the NCS, or his designated representative, is authorized to implement the NCS restoration priority system approved by the President.

b. The Executive Agent of NCS, or his designated representative, will certify to the communication common carriers all NCS restoration priorities for Federal Government circuit requirements. Such certifications to the communication common carriers for NCS restoration priorities will be made only by the Executive Agent, NCS, or his designated representative. These NCS certifications shall be accepted by communication common carriers in lieu of previous certifications made by Federal Government customers under the provisions of DMO 3000.1, and in accordance with the table of equivalents in paragraph 3 of this notice. Restoration will be accomplished by communication common carriers as prescribed in DMO 3000.1.

c. The Executive Agent of the NCS, or his designated representative, is responsible for advising the Director of Telecommunications Management of plans made for the implementation of this notice. Determination of restoration priority systems for telecommunications continues to be the responsibility of the Executive Office of the President.

6. *Effective date.* a. This Directive is effective on the date of issuance for planning and exercise purposes and for implementation by communication common carriers on a training basis.

b. The provisions of this notice will become mandatory when subsection 606(a) of the Communications Act of 1934, as amended, become effective.

Dated: February 18, 1966.

J. D. O'CONNELL,
Director,
Telecommunications Management.

[F.R. Doc. 66-2027; Filed, Feb. 25, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-14]

QUINCY CABLEVISION, INC.

Delay of Action Pending Issuance of Determination

On January 19, 1966, a notice of grant of further extension of comment period was issued in response to a request by the proponent, through his attorney, to allow additional time to complete negotiations to relocate a 400-foot above ground level (AGL) (1,000-foot above mean sea level (AMSL)) microwave tower proposed near Keokuk, Iowa, by Quincy Cablevision, Inc. Petitions for review were received in opposition to a no hazard determination issued by the Federal Aviation Agency on November 8, 1965.

On February 4, 1966, an additional 15-day extension of comment period was requested by the proponent through his attorney. On February 8, 1966, a new proposal specifying a site further from the Keokuk Airport was filed with the Federal Aviation Agency which the proponent believes will obviate all outstanding objections.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that further action on the initial proposal will be held in abeyance pending the issuance of a determination on the alternate proposal.

Issued in Washington, D.C., on February 21, 1966.

JOSEPH J. REGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-2030; Filed, Feb. 25, 1966; 8:45 a.m.]

[OE Docket No. 65-CE-15]

COOK, INC.

Affirmation of Determination of No Hazard to Air Navigation

The Federal Aviation Agency was notified by FAA Form 117 dated August 30, 1965, that Cook, Inc., Bloomington, Ind., proposed the construction of a radio antenna structure at latitude 39°12'48.5" N., longitude 86°36'33" W., approximately 26,800 feet north of the approach end of Runway 24 of Monroe County Airport, Bloomington, Ind. The overall height of the structure would be 1,005 feet above mean sea level (AMSL) (205 feet above ground level).

On October 20, 1965, the Agency's Central Regional Office issued a determination that the proposed construction would not be a hazard to air navigation (Aeronautical Study No. CE-OE-65-754). The determination was premised on the disclosure in the aeronautical study that there would be no adverse effect upon the safe and efficient utilization of the navigable airspace.

On November 16, 1965, Mr. R. E. Beard, Chief Pilot and Manager, Air Transportation Department, Indiana University, 210 Bryan Administration Building, Bloomington, Ind., 47405, submitted a petition for review of the determination pursuant to § 77.37 of the Federal Aviation Regulations. On December 30, 1965, notice was given that the petition was granted and a review would be conducted on the basis of written materials (31 F.R. 229).

The petition set forth the following issues:

1. The determination is erroneous since the Monroe County Airport has submitted to the Agency plans for an extensive construction program.

2. The determination is erroneous since the radio tower is directly in the flight path of the new proposed runway.

3. The determination is erroneous since a structure at this close range and in direct line with the runway would cause many problems in trying to establish an instrument landing system.

In evaluating the claims made in the petition, consideration was given to the plans for Monroe County Airport which include a new 5,200-foot runway bearing 170°-350°. There is no evidence to indicate that the tower would be directly in the flight path of the proposed runway.

Material submitted in behalf of the proponent revealed that at approximately 13,600 feet from the present airport boundary in the direction of the proposed structure is natural terrain rising to a height of 995 feet AMSL. By its location, it is possible that this terrain could be the controlling obstruction in the event an instrument landing system is considered for this airport. The proposed structure would have no adverse effect on aeronautical operations at Monroe County Airport greater than that imposed by the natural terrain.

Based on the review, it is concluded the determination issued by the Agency's Central Region reflected properly the effect the tower would have on aeronautical operations, procedures or minimum flight altitudes. Accordingly, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations in the Monroe County Airport area and the finding of "no hazard to air navigation" issued by the Central Region is affirmed.

Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 13023), the Determination of No Nazard to Air Navigation issued by the Central Region on October 20, 1965, is affirmed, effective this date.

Issued in Washington, D.C., on February 18, 1966.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 66-2031; Filed, Feb. 25, 1966; 8:46 a.m.]

[OE Docket No. 65-SO-9]

SCRIPPS-HOWARD BROADCASTING CO., AND TELEVISION STATION WPTV, PALM BEACH, FLA.

Notice of Hearing

Notice is hereby given that, on March 14, 1966, the public hearing in the above subject matter will be reconvened at 9 a.m., at the Biscayne Terrace Hotel, 340 Biscayne Boulevard, Miami, Fla.

All exhibits which parties intend to use in their direct case will be exchanged between the parties by March 1, 1966, pursuant to the requirements established by the presiding officer at the prehearing conference held on February 11, 1966.

Issued in Washington, D.C., on February 21, 1966.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 66-2065; Filed, Feb. 25, 1966; 8:48 a.m.]

DEPARTMENT OF LABOR

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Wage and Hour Division

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.

Blue Bell, Inc., Ripley, Miss.; effective 2-22-66 to 2-21-67 (ladies', girls', and boys' dungarees).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-66 to 2-18-67 (men's and boys' pants).

Carwood Manufacturing Co., Plant No. 1, Monroe, Ga.; effective 2-19-66 to 2-18-67 (men's and boys' work and utility jackets).

Carwood Manufacturing Co., Plant No. 2, Monroe, Ga.; effective 2-19-66 to 2-18-67 (men's and boys' work pants).

Columbia Manufacturing Co., Post Office Box 3823, Park Place Station, 125 Henry Street, Greenville, S.C.; effective 2-12-66 to 2-11-67 (men's and boys' pajamas).

Elder Manufacturing Co., McLeansboro, Ill.; effective 2-7-66 to 2-6-67 (men's and boys' dress shirts).

Elder Manufacturing Co., Bloomfield, Mo.; effective 2-21-66 to 2-20-67. Learners may not be employed at special minimum wage rates in the manufacture of men's, youths' and boys' suits, coats, and overcoats. (Boys' outerwear jackets and shorts.)

Fairfield Manufacturing Co., Winnsboro, S.C.; effective 2-20-66 to 2-19-67 (ladies' dresses).

Hesteco Manufacturing Co., Inc., 443 West High Street, Elizabethtown, Pa., effective 2-9-66 to 2-8-67 (children's dresses and playwear).

Morgan Sportswear Co., Madison, Ga.; effective 2-13-66 to 2-12-67 (men's and boys' sport shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; effective 2-9-66 to 2-8-67 (women's dresses).

The Salisbury Co., 110 East Second Street, Salisbury, Mo.; effective 2-12-66 to 2-11-67 (men's trousers and slacks).

Saluda Shirt Co., Saluda, S.C.; effective 2-9-66 to 2-8-67 (ladies' blouses).

Smith Bros. Manufacturing Co., Carthage, Mo.; effective 2-10-66 to 2-9-67 (overalls, coveralls and blue jeans).

Smith Bros. Manufacturing Co., Neosho, Mo.; effective 2-10-66 to 2-9-67 (men's work pants and casual pants).

The Van Wert Manufacturing Co., Northeast Corner Main and Market Streets, Van Wert, Ohio; effective 2-10-66 to 2-9-67 (men's and boys' work pants, utility jackets, slacks and work shirts).

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

Old Hickory Co., Inc., 39 Second Street Place, SW., Hickory, N.C.; effective 2-9-66 to 2-8-67; 10 learners (men's and boys' dungarees).

Smith Brothers Manufacturing Co., Lamar, Mo.; effective 2-10-66 to 2-9-67; 10 learners (men's and boys' dungarees, work jackets).

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

Morgan Sportswear Co., Madison, Ga.; effective 2-11-66 to 8-10-66; 30 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Mid West Glove Corp., 835 Industrial Road, Chillicothe, Mo.; effective 2-25-66 to 2-24-67; 10 learners for normal labor turnover purposes (work gloves).

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.

General Cigar de Utuado, S.A., Apartado 97, Utuado, P.R.; effective 1-27-66 to 1-26-67; 45 learners for normal labor turnover purposes in the occupation of cigar machine operating, cigar packing, banding and cellophaning; each for a learning period of 320 hours at the rates of 94 cents an hour for the first 160 hours and $1.04 an hour for the remaining 160 hours (cigars).

Swan Hook and Eye Corp., Km. 66.8 Rd. No. 2, Post Office Box 693, Arecibo, P.R.; effective 1-31-66 to 7-30-66; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 83 cents an hour (hook and eye tape).

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 18th day of February 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-2036; Filed, Feb. 25, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3711, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 16, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protest 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 March 11, 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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3711 ..... C 1-21-66 D 1-21-66 [2]	Union Oil Co. of California,[1] Union Oil Center, Los Angeles, Calif., 90017.	United Gas Pipe Line Co., Houma Field, Terrebonne and Lafourche Parishes, La.	18.0	15.025
G-4953 ..... C 2-7-66	Sunray DX Oil Co., (Operator), et al., Post Office Box 2039, Tulsa, Okla., 74102.	United Gas Pipe Line Co., Corpus Christi Bay Area, Nueces County, Tex.	15.6	14.65
G-5590 ..... E 12-8-65	Mrs. Wilma K. Doty, trustee, John R. Conklin, estate (successor to John R. Conklin), 660 Race St., Waynesburg, Pa., 15370.	Consolidated Gas Supply Corp., Battelle District, Monongalia County, W. Va.	12.5	15.325
G-6210 ..... E 1-27-66	Burk Gas Corp., Hunter Parks and M. W. Evans (successors to estate of M. G. Hansbro, deceased (Operator), et al.), c/o Charles F. Dickerson, attorney, Bean, Ford, Schleier & Dickerson, Post Office Box 1251, Kilgore, Tex., 75662.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	10.8876	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7994 E 1-24-66	Service Pipe & Equipment Inc. (successor to Kewanee Oil Co.), Route 3, Weston, W. Va., 26452.	Pennzoil Co., Troy District, Gilmer County, W. Va.	12.0	15.325
G-8339 D 12-13-65	F. J. Danglade (Operator), et al., c/o Ross L. Malone, Jr., Post Office Drawer 700, Roswell, N. Mex. (partial abandonment).	El Paso Natural Gas Co., Eumont Formation, Lea County, N. Mex.	[3]	----
G-9271 E 1-3-66	Petroleum Corp. of Texas (successor to Harrell Drilling Co.), Post Office Box 752, Breckenridge, Tex., 76024.	Tennessee Gas Transmission Co., Magnet-Withers Field, Wharton County, Tex.	[4] 15.0	14.65
G-11412 E 1-3-66	do	Coastal States Gas Producing Co., Hidalgo Field, Hidalgo County, Tex.	12.6864	14.65
G-13720 E 1-3-66	do	Texas Eastern Transmission Corp., Hidalgo Field, Hidalgo County, Tex.	15.6	14.65
G-14388 E 1-3-66	Petroleum Corp. of Texas, et al. (successor to Harrell Drilling Co., et al.).	Coastal States Gas Producing Co., Hidalgo Field, Hidalgo County, Tex.	12.6864	14.65
G-14389 E 1-3-66	do	Coastal States Gas Producing Co., Donna North Field, Hidalgo County, Tex.	11.6768	14.65
G-14390 E 1-3-66	do	do	11.6768	14.65
G-14391 E 1-3-66	do	Coastal States Gas Producing Co., Los Torritos North Field, Hidalgo County, Tex.	11.6768	14.65
G-14392 E 1-3-66	do	Coastal States Gas Producing Co., Donna North Field, Hidalgo County, Tex.	11.6768	14.65
G-14393 E 1-3-66	do	Coastal States Gas Producing Co., Los Torritos North Field, Hidalgo County, Tex.	11.6768	14.65
G-14941 E 1-3-66	do	Coastal States Gas Producing Co., Donna North Field, Hidalgo County, Tex.	11.6768	14.65
G-14942 E 1-3-66	do	do	11.6768	14.65
G-14952 E 1-3-66	do	do	11.6768	14.65
G-15714 D 2-4-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Transwestern Pipeline Co., Texas and Oklahoma Panhandle Leases, Beaver County, Okla.	[5]	----
G-15917 C 2-4-66	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Justis Blinebry Field, Lea County, N. Mex.	10.0	14.65
G-16738 E 1-3-66	Petroleum Corp. of Texas, et al. (successor to Harrell Drilling Co., et al.).	Coastal States Gas Producing Co., Hidalgo Field, Hidalgo County, Tex.	12.6864	14.65
G-17888 C 1-26-66 [6]	Shell Oil Co. (Operator), et al.,[7] 50 West 50th St., New York, N.Y., 10020.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	[7] 17.0	14.65
G-18790 E 1-3-66	Petroleum Corp. of Texas, et al. (successor to Harrell Drilling Co., et al.).	Coastal States Gas Producing Co., Penitas Field, Hidalgo County, Tex.	14.0	14.65
G-19213 12-23-65 [8]	Petroleum Property Management, Inc. (Operator), et al. (formerly Petroleum Property Management, Inc., agent for Oil & Gas Ventures, Second 1958 Fund, Ltd., et al.), 2501 Cedar Springs Road, Dallas, Tex., 75201.	United Gas Pipe Line Co., North Lewisburg Field, St. Landry Parish, La.	[9] 19.75	15.025
CI60-67 [10] E 1-3-66	Petroleum Corp. of Texas, et al. (successor to Harrell Drilling Co., et al.).	South Texas Natural Gas Gathering Co., Yeaquierre Field, Starr County, Tex.	14.5	14.65
CI60-68 [10] E 1-3-66	do	do	14.5	14.65
CI60-699 A 6-3-60	Anadarko Production Co., Post Office Box 351, Liberal, Kans.	Panhandle Eastern Pipe Line Co., Mocane Area, Beaver County, Okla.	[11] 17.0	14.65
CI61-72 E 1-20-66	Texas City Refining, Inc., et al. (successor to Sutton Producing Co., agent (Operator), et al., Post Office Box 1271, Texas City, Tex., 77591.	Transcontinental Gas Pipe Line Corp., South Tilden Field, McMullen County, Tex.	14.189	14.65
CI61-1741 E 1-20-66	do	Transcontinental Gas Pipe Line Corp., Southeast Dilworth Field, McMullen County, Tex.	14.189	14.65
CI62-775 C 2-8-66	D. A. Dorward, et al., 41 North Chesterfield Road, Columbus, Ohio	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI63-20 D 2-7-66 [12]	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Assigned	----
CI63-30 C 2-1-66	do	Arkansas Louisiana Gas Co., Chenière Brake Field, Ouachita and Jackson Parishes, La.	18.333	15.025
CI65-701 C 2-1-66	Harper Oil Co. (Operator), et al., 904 Hightower Bldg., Oklahoma City, Okla., 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI65-817 C 1-27-66 D 1-27-66 [14]	A. M. van Flick, agent for Jennings Petroleum Corp., 826 First National Bldg., Oklahoma City, Okla., 73102.	Equitable Gas Co., Salt Lick and Otter Districts, Braxton County, W. Va.	25.0	15.325
CI65-918 C 1-27-66	Westmore Drilling Co., Inc. (Operator), et al., Chapin Bldg., Medicine Lodge, Kans.	Cities Service Gas Co., Aetna Mississippi Gas Pool, Barber County, Kans.	14.0	14.65
CI65-1159 C 2-2-66	Tenneco Oil Co., et al., Post Office Box 2511, Houston, Tex., 77001.	El Paso Natural Gas Co., San Juan Basin, Rio Arriba County, N. Mex.	13.0	15.025
CI65-1304 C 2-8-66	Francis Friestad, et al., 1104 Campus Hills Blvd., Rockford, Ill., 26301.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI66-534 A 12-21-65	Jake L. Hamon, 3900 Republic National Bank Tower, Post Office Box 663, Dallas Tex., 75221.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	14.5	14.65
CI66-643 A 1-17-66	Phillip F. Beeler, Box 1016, Alburquerque, N. Mex., 87103.	Northern Natural Gas Co., Council Grove Formation, Beaver County, Okla.	17.0	14.65
CI66-646 (CI61-538) F 1-26-66	Malcolm Deisenroth, Jr. (successor to Mayflo Oil Co.), 920 World Bldg., Tulsa, Okla.	Transwestern Pipeline Co., North Como Area, Beaver County, Okla.	17.0 [13] 17.83	14.65 14.65
CI66-647 (CI61-538) F 1-26-66	John R. Crain (successor to Mayflo Oil Co.), 920 World Bldg., Tulsa, Okla.	do do Northern Natural Gas Co., North Como Area, Beaver County, Okla.	17.0 [13] 17.83	14.65 14.65
CI66-658 A 2-1-66	Sydney Spofforth, 339 West Jefferson St., Joliet, Ill., 60435.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI66-659 A 2-1-66	Trojan Coal & Petroleum Corp., Clark Bldg., Indiana, Pa., 15701.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI66-660 A 2-1-66	Petroleum Resources, Inc. 38442 Jonathan Dr., Mount Clemens, Mich., 48043.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI66-661 A 2-1-66	Gill Oil & Gas Co., c/o Homer L. Ice, agent, 2022 16th St., Parkersburg, W. Va., 26103.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI66-662 A 2-1-66	Francis Friestad, et al., 1104 Campus Hills, Blvd., Rockford, Ill., 61103.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI66-663 A 2-1-66	Hamilton Run Oil Co., c/o William F. McGregor, Post Office Box No. 1, Highland, W. Va., 26371.	Consolidated Gas Supply Corp., Clay District, Ritchie County, W. Va.	25.0	15.325
CI66-664 A 2-1-66	Speck & Norris Gas Co., et al., c/o Cecil Speck, agent, Smithville, W. Va., 26178.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	25.0	15.325
CI66-665 A 2-1-66	C. L. Kingsbury, et al. 2 Kingsbury Dr., Huntington, W. Va., 25701.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-666 A 2-1-66	Eric T. Duncan, et al., Grantsville, W. Va., 26534.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	20.0	15.325
CI66-667 A 2-1-66	Bowser Gas & Oil Co., 1231 20th St., Parkersburg, W. Va., 26103.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI66-668 A 2-1-66	Dale Drilling Co., et al., c/o Paul F. Starr, agent, Box 25, Spencer, W. Va., 25276.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI66-670 B 2-1-66	Mrs. Anna Huber, c/o Thomas O. Moxcey, attorney, J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80206.	Consolidated Gas Supply Corp., Sardis Field, Harrison County, W. Va.	Uneconomical.	----------
CI66-671 A 2-1-66	Harry C. Boggs, et al., Post Office Box 25, Spencer, W. Va., 25276.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI66-672 A 2-1-66	Sydney Spofforth, 339 West Jefferson St., Joliet, Ill., 60435.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI66-673 A 2-1-66	Jumbo Oil & Gas Co., Inc., et al., Post Office Box 452, Buckhannon, W. Va., 26201.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI66-674 A 2-1-66	Adena Petroleum, Inc., 1814 7th St., Parkersburg, W. Va., 26102.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI66-675 A 2-1-66	Chicago Bears Football Club, Inc., c/o George S. Halas, agent, 173 West Madison St., Chicago 2, Ill., 60602.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
CI66-676 A 2-1-66	H. L. Ice, agent for H. L. Ice, et al., 2022 16th St., Parkersburg, W. Va., 26103.	Consolidated Gas Supply Corp., Glensville District, Gilmer County, W. Va.	25.0	15.325
CI66-677 A 2-1-66	Double-Four Investment Club, et al., c/o W. H. Mossor, Post Office Box 204, Harrisville, W. Va., 26362.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI66-678 A 1-26-66	Russell Williamson, Inez, Ky., 41224.	Kentucky-West Virginia Gas Co., acreage in Martin County, Ky.	12.0	15.225
CI66-679 A 2-1-66	J. R. Perkins, et al., c/o Perkins Production Co., Post Office Box 878, Duncan, Okla., 73533.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	15.0	14.65
CI66-680 A 2-2-66	Coastal States Gas Producing Co., et al, Post Office Drawer 521, Corpus Christi, Tex., 78403.	Texas Eastern Transmission Corp., Borchers Field, Victoria County, Tex.	12.0	14.65
CI66-681 A 1-24-66	John Click and Lola Click, 2834 Eastcleft Dr., Columbus, Ohio, 43221.	Kentucky-West Virginia Gas Co., acreage in Knott County, Ky.	12.0	15.225
CI66-682 B 2-2-66	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Lone Star Gathering Co., Ida Weitz Field, Victoria County, Tex.	Depleted	----------
CI66-683 A 2-2-66	W & J Oil & Gas Producers, 530 Rockwood Ave., Chesapeake, Ohio, 45619.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI66-684 A 2-2-66	Ferguson Oil Co., Inc., et al., Suite 504, 120 South Market, Wichita, Kans., 67202.	Cities Service Gas Co., Deerhead North Field, Barber County, Kans.	14.0	14.65
CI66-685 A 2-2-66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	15.384	15.025
CI66-686 A 1-27-66	T. F. Harrington, et al., c/o T. H. Harrington, Post Office Box 4026, Station A, Albuquerque, N. Mex., 87103.	El Paso Natural Gas Co., Pictured Cliffs and Mesa Verde Formations, Rio Arriba County, N. Mex.	[16] 10.0 [17 18] 12.0	15.025 15.025
CI66-687 B 2-1-66	Harry Bohr, et al., 857 South Chestnut St., Clarksburg, W. Va., 26301.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Uneconomical	----------
CI66-688 B 2-1-66	Charles Bury, 227 East Clark St., Princeton, Ind., 47570.	Consolidated Gas Supply Corp., Warren District, Upshur County, W. Va.	Uneconomical	----------
CI66-689 B 2-1-66	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Tennessee Gas Transmission Co., Seven Sisters Field, Duval County, Tex.	Depleted	----------
CI66-690 A 2-1-66	Eric T. Duncan, et al., Grantsville, W. Va.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	20.0	15.325
CI66-691 A 2-2-66	William E. Portman, First National Bldg., Oklahoma City, Okla., 73102.	Panhandle Eastern Pipe Line Co., Hugoton Field, Texas County, Okla.	9.0397	14.65
CI66-692 A 2-1-66	Mary Martha Williams, 240 Albany Rd., Lexington, Ky., 40503.	Kentucky-West Virginia Gas Co., Jones Fork, Knott County, Ky.	12.0	15.225
CI66-693 A 2-4-66	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74101.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex. and La Plata County, Colo.	13.0	15.025
CI66-694 A 1-28-66	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc., Boone Dome Field, Natrona County, Wyo.	12.9	15.025
CI66-695 A 2-4-66	John L. Crawford, Operator, 625 Southern National Bank Bldg., Houston, Tex., 77002.	Panhandle Eastern Pipe Line Co., acreage in Major County, Okla.	15.0¢+B.t.u. adjustment	14.65
CI66-696 A 2-4-66	Sierra Petroleum Co., Inc., 211 North Broadway, Wichita, Kans., 67202.	Cities Service Gas Co., Palmer Mississippi Oil and Gas Pool, Barber County, Kans.	14.0	14.65
CI66-697 A 2-1-66	Arthur T. Bryson, Jr., trustee et al., Post Office Box 482, Ashland, Ky., 41101.	Kentucky-West Virginia Gas Co., acreage in Floyd County, Ky.	12.0	15.225
CI66-698 A 2-7-66	The California Co., a division of Chevron Oil Co. (Operator), et al., 1111 Tulane Ave., New Orleans, La., 70112.	Texas Eastern Transmission Corp., North Carlton Field, Ouachita and Union Parishes, La.	18.5	15.025
CI66-699 B 2-4-66	C. H. Lyons, Jr., et al., 1500 Beck Bldg., Shreveport, La., 71105.	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Depleted	----------
CI66-700 (G-2585) F 2-7-66	Socony Mobil Oil Co., Inc., (successor to Gulf Oil Corp.), Post Office Box 2444, Houston, Tex., 77001.	Montana-Dakota Utilities Co., Manderson Field, Big Horn County, Wyo.	13.0	15.025
CI66-701 (G-6591) F 2-7-66	Tenneco Oil Co. (Operator), et al., (successor to Continental Oil Co., et al.), Post Office Box 2511, Houston, Tex., Tex., 77001.	Tennessee Gas Transmission Co., North Davenport Field, Starr County, Tex.	[19] 17.24347	14.65
CI66-703 A 2-1-66	Roosth & Genecov Production Co., Post Office Box 2019, Tyler, Tex., 75701.	Lone Star Gas Co., North Henderson Area, Rusk County, Tex.	16.56	14.65
CI66-704 A 2-7-66	Quaker State Oil Refining Corp., Box 337, Bradford, Pa., 16701.	Equitable Gas Co., acreage in Doddridge, Gilmer and Ritchie Counties, W. Va.	25.0	15.325
CI66-705 A 2-7-66	Kirkpatrick Oil & Gas Co., 1300 North Broadway, Oklahoma City, Okla., 73103.	Panhandle Eastern Pipe Line Co., Woodward Area, Woods County, Okla.	17 0	14.65
CI66-706 A 2-7-66	M. Justice Well No. 2, c/o James F. Scott, agent, Post Office Box 532, Stuart, Fla., 33494.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI66-707 A 2-7-66	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Anadarko Basin Area, Beaver County, Okla.	[20] 17.0	14.65
CI66-708 B 2-4-66	Union Producing Co., Post Office Box 1407, Shreveport, La., 71102.	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	Depleted	----------
CI66-709 F 2-7-66	Morgan Brothers (successor to Phillips Petroleum Co.) c/o Wayne King, Jr., agent, 1108 City National Bldg., Wichita Falls, Tex., 76301.	Arkansas Louisiana Gas Co., Longwood Field, Caddo Parish, La.	12.9	15.025
C166-710 A 2-7-66	Cabot Corp. (GLC), Post Office Box 1101, Pampa, Tex., 79065.	United Fuel Gas Co., Huff Creek District, Wyoming County, W. Va.	28.0	15.325
CI66-711 B 2-7-66	The Jupiter Corp., 510 Capital National Bank Bldg., Houston, Tex., 77001.	Tennessee Gas Transmission Co., North Magnolia Field, Jim Wells County, Tex.	Depleted	----------
CI66-712 (G-4366) F 2-4-66	Latham Management Co., Inc. (successor to Hunt Oil Co.), Post Office Box 1581, Shreveport, La., 71102.	Arkansas Louisiana Gas Co., Greenwood-Waskom Field, Caddo Parish, La.	13.3420	15.025
CI66-714 A 2-9-66	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	16.0	14.65

See footnotes at end of table.

[1] Applicant has filed in Docket No. RI60-450 a proposal that the rate schedule submitted concurrently with it petition to amend be a retroactively superseding rate schedule with respect to certain sales heretofore authorized is Docket No. G-3711 and that the Commission order refunds in Docket No. RI60-450 and terminate the proceeding.

[2] Deletes certain depths underlying previous dedicated leases.
[3] Well is unable to produce into Buyer's gathering system.
[4] Settlement rate approved by Commission order issued Jan. 18, 1966, in Docket No. G-17074.
[5] Well on certain lease has declined to the point where Purchaser is no longer obligated to compress gas, and reworking operations by coowners are unsuccessful in increasing wellhead pressure.
[6] Adds casinghead gas.
[7] Applicant states its willingness to accept same conditions for additional acreage as the conditions of the original certificate issued by order accompanying Opinion No. 390.
[8] Amendment to certificate filed to reflect "Petroleum Property Management, Inc. (Operator), et al." as certificate holder in lieu of "Petroleum Property Management, Inc., agent for Oil & Gas Ventures, Second 1958 Fund, Ltd., et al." Oil & Gas Ventures, Second 1958 Fund, Ltd., assigned its interest in subject properties to Cador Petroleum Corp.
[9] Rate in effect subject to refund in Docket No. RI65-243.
[10] Original certificate issued in the name of H. M. Harrell, Jr., et al.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Deletes acreage assigned to Arkla Exploration Co. and J. T. Stephens, doing business as Stephens Production Co.
[13] Omitted.
[14] Deletes three expired leases.
[15] Includes 2.83 cents upward B.t.u. adjustment.
[16] Production from Pictured Cliffs Formation.
[17] Production from Mesa Verde Formation.
[18] Includes 1.0 cent minimum guarantee for liquid products.
[19] Rate in effect subject to refund in Docket No. RI60-340.
[20] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 66-1969; Filed, Feb. 25, 1966; 8:45 a.m.]

[Docket Nos. RI66-286, etc.]

ASHLAND OIL & REFINING CO. ET AL.

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

FEBRUARY 17, 1966.

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 hereof.

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 April 6, 1966.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting 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.
RI66-286	Ashland Oil & Refining Co. Post Office Box 1503, Houston, Texas, 77001.	128	3	Natural Gas Pipe Line Co. of America (West Beaver Field, Beaver County, Okla.) (Panhandle Area).	$200	1-24-66	[2] 2-24-66	7-24-66	[3] [6] 16.5	[3] [4] [5] [6] 17.5	RI61-409.
	do	132	5	Kansas-Nebraska Natural Gas Co., Inc. (Grand Valley (Camrick) Field, Texas County, Okla.) (Panhandle Area).	60	1-24-66	[2] 2-24-66	7-24-66	[6] 17.6	[3] [4] [6] 17.8	RI65-199.
RI66-287	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	3	1	Cities Service Gas Co. (Eureka Field, Grant County, Okla.) (Oklahoma "Other" Area).	166	1-24-66	[7] 2-24-66	7-24-66	[6] [9] 12.0	[4] [6] [8] [9] 14.0	
RI66-288	Alf M. Landon, 1001 Fillmore St., Topeka, Kans.	6	1	Panhandle Eastern Pipe Line Co. (Hugoton Field, Stevens County, Kans).	1,100	1-26-66	[2] 3-10-66	8-10-66	11.0	[3] [4] 12.0	
RI66-289	D. E. Ackers, 800 Kansas Ave., Topeka, Kans.	6	1	do	1,100	1-26-66	[2] 3- 5-66	8- 5-66	11.0	[3] [4] 12.0	
RI66-290	Union Texas Petroleum, a division of Allied Chemical Corp., et al., Post Office Box 2120, Houston, Tex., 77001.	61	2	Oklahoma Natural Gas Gathering Corp.[10] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	8,000	1-25-66	[7] 2-25-66	7-25-66	11.0	[3] [4] 12.0	
RI66-291	The Stevens County Oil & Gas Co., Suite B, Lower Level, Colorado Derby Bldg., Wichita, Kans.	29	[14] 4	Northern Natural Gas Co. (Hugoton Field, Intermediate and Deep Zones, Morton County, Kans.).	370	1-24-66	[2] 3- 1-66	8- 1-66	[12] 12.0	[4] [11] [12] [13] 14.0	RI65-95.

[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.
[5] Includes 0.5 cent per Mcf for gas containing in excess of 1,060 B.t.u.'s per cubic foot (present B.t.u. content of gas is 1,070 B.t.u.).
[6] Subject to downward B.t.u. adjustment for gas containing less than 1,000 B.t.u.'s per cubic foot.
[7] The stated effective date is the 1st day after expiration of the statutory notice.
[8] Two-step periodic rate increase.
[9] Subject to 0.75 cent reduction by buyer for dehydrating gas and 1.5 cents reduction if buyer installs and operates compressor facilities.
[10] Oklahoma Natural Gas Gathering Corp. classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17.5 cents per Mcf which was made effective subject to refund in Docket No. RI65-526 on Dec. 10, 1965.
[11] Renegotiated rate increase.
[12] Subject to a downward B.t.u. adjustment.
[13] Respondent contractually due 16.0 cents rate for deep zone (below the top of the Morrowan Series).
[14] Filing permitted pursuant to Commission's order issued Oct. 11, 1963, approving offer of settlement in Docket No. G-14824.

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

APPENDIX A

Wood Oil Co. (Wood) requests a retroactive effective date of January 1, 1965, the contractually provided effective date, for its proposed rate increase. Union Texas Petroleum, a division of Allied Chemical, et al. (Union Texas), request an effective date of January 1, 1966, the contractually provided effective date, for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Wood and Union Texas' rate filings and such request is denied.

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

[F.R. Doc. 66–2032; Filed, Feb. 25, 1966; 8:46 a.m.]

[Docket No. RI66–292]

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

FEBRUARY 17, 1966.

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 April 6, 1966.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting 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	
RI66–292	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	22	7	Phillips Petroleum Co.[1] (Texas Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).	$287	1–26–66	[2] 2–26–66	[3] 2–27–66	[4] [5] [7] 7.2140	[4] [5] [8] [9] 11.70590	RI66–105.

[1] Phillips resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. at a present effective rate of 15.22 cents, plus applicable tax reimbursement, which was made effective subject to refund in Docket No. RI65–526 on Dec. 10, 1965.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Revenue-sharing rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to downward B.t.u. adjustment.
[7] Includes 0.0677 cent tax reimbursement and 0.0959 cent deduction by buyer for supercompressibility adjustment (tax reimbursement and supercompressibility adjustmtent vary monthly).
[8] Subject to a deduction of 0.4466 cent for sour gas (Respondent's filing reflects that gas is sweet).
[9] Based on 162.267 percent of Shell's base rate of 7.1463 cents (162.267 percent equals Phillips' present rate of 15.22 cents divided by Phillips' base rate of 9.3796 cents times 100).
[10] Includes 0.10982 cent tax reimbursement and 0.15562 cent deduction by buyer for supercompressibility adjustment (tax reimbursement and supercompressibility adjustment vary monthly).

APPENDIX A

Shell Oil Co. (Shell) proposes a revenue-sharing rate increase for wellhead sales of gas to Phillips Petroleum Co. (Phillips) from the Texas Hugoton Field, Sherman County, Tex. (R.R. District No. 10). Phillips gathers the gas, processes it in its Sherman Gasoline Plant and resells the residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents per Mcf plus applicable tax reimbursement which is in effect subject to refund in Docket No. RI65–526. Shell's proposed revenue-sharing increase is based on Phillips' 15.22 cents per Mcf resale rate. The proposed rate also exceeds the applicable area increase rate ceiling of 11.0 cents per Mcf for the area involved. The sales involved are for nonpipeline quality gas. We consider the increased rate ceiling to be applicable at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Shell's rate increase should be suspended for 1 day from the date proposed effective date, February 26, 1966, as hereinbefore ordered.

[F.R. Doc. 66–2033; Filed, Feb. 25, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24D–2648]

PEOPLE'S RADIO ASSOCIATION

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 21, 1966.

I. People's Radio Association (issuer), 430 South Newcomb, Denver, Colo., a Colorado corporation, with offices at 430 South Newcomb, Denver, Colo., filed with the Commission on January 6, 1964, a notification on Form 1–A and an offering circular relating to a proposed offering of $225,000 6 percent callable 14½-year debentures for the purpose of obtaining exemption from the registration requirements of the Securities Act of 1933, as amended (the Act), pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. According to information filed by the issuer, said offering commenced on February 28, 1964. On July 14, 1965, the issuer filed a report of sales reducing the amount of the offering which indicated that $98,800 of the debentures had been sold and that the offering had been discontinued on November 28, 1964.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer made written offers to sell securities to some offerees without providing them with an offering circular containing the information specified in Schedule 1 of Form 1–A as required by Rule 256(a)(1).

2. The issuer sold securities to some persons without the use of an offering circular, containing the information re-

quired by Schedule 1 of Form 1–A, in violation of Rule 256(a)(2).

3. The issuer used sales literature in the offer and sale of its securities without filing such material with the Commission as required by Rule 258.

B. The offering was made in violation of Section 17 of the Securities Act of 1933 since the notification and offering circular filed pursuant to Rules 255 and 256 of Regulation A of the general rules and regulations under the Securities Act of 1933, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to state that an underwriter would participate in the offering.

2. The failure to indicate that certain of the securities covered by the filing would be offered for a consideration other than cash.

3. The failure to disclose in the offering circular that, in connection with the offering of the debentures, representations would be made to the purchasers of certain of the debentures that such debentures would be redeemed at a date earlier than the maturity date stated in the offering circular.

4. The failure to disclose the concurrent offering of notes to residents of North Dakota by People's Radio Association.

5. The failure to disclose that certain of the debentures offered would be sold on a subscription basis.

C. The Form 2–A reports filed by the issuer on October 7, 1964, March 30, 1965, and July 14, 1965, were false and misleading and do not comply with the requirements of said form in that the reports indicate that all debentures had been sold for cash, when in fact certain debentures had been offered for services or stock of other firms and others had been sold on a subscription basis.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 66–2040; Filed, Feb. 25, 1966; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

FEBRUARY 21, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 22, 1966, through March 3, 1966, both dates inclusive.

By the Commission.

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

[F.R. Doc. 66–2041; Filed, Feb. 25, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 136]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 23, 1966.

The following are notices of filing of applications for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1585 (Sub-No. 7 TA), filed February 17, 1966. Applicant: BARNES TRUCK LINE, Post Office Box 109, Columbia, Miss. Applicant's representative: W. D. Barnes, Columbia, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious to other lading), serving the plantsite of the St. Regis Paper Co. at or near Wanilla, Miss., as an off-route point in connection with its authorized regular-route operations, for 180 days. Supporting shipper: The St. Regis Paper Co., 150 East 42d Street, New York, N.Y., Michael J. Walsh, Jr., assistant vice president. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 66746 (Sub-No. 7 TA), filed February 18, 1966. Applicant: JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, Post Office Box 8665, Jackson, Miss. Applicant's representative: H. D. Miller, Jr., Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, liquid commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), from the plantsite of the St. Regis Paper Co. at or near Wanilla (Ferguson), Miss., to Jackson, Miss., for 180 days. Supporting shipper: The St. Regis Paper Co., 150 East 42d Street, New York, N.Y., Michael J. Walsh, Jr., assistant vice president. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 74857 (Sub-No. 20 TA), filed February 18, 1966. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio, 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in dump vehicles, from points in Hamilton County, Ohio, to points in Indiana and Kentucky, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 78228 (Sub-No. 10 TA), filed February 17, 1966. Applicant: THE J. MILLER COMPANY, 147 Nichol Avenue, McKees Rocks, Pa., 15136. Applicant's representative: Richard J. Smith, 1515

Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Buffalo, N.Y., to Wilmington, Del., for 180 days. Supporting shipper: Hanna Furnace Corp., division of National Steel Corp., Post Office Box 216, Buffalo, N.Y., 14205. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 99780 (Sub-No. 4 TA), filed February 17, 1966. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill., 61604. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, meat products, packinghouse products and dairy products*, from Chicago and Rochelle, Ill., to points in Muscatine, Scott, Clinton, Linn, Johnson, Cedar, Jones, Jackson, Dubuque, Delaware, Buchanan, Blackhawk, and Benton Counties, Iowa, and points in Rock Island, Mercer, Henry, Whiteside, Bureau, and Stark Counties, Ill., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 107496 (Sub-No. 444 TA), filed February 17, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from plantsite of the Colorado Fuel & Iron Corp. located at Minnequa, Colo., to points in South Dakota, for 180 days. Supporting shipper: The Colorado Fuel & Iron Corp., Post Office Box 1920, Denver, Colo., 80201. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 445 TA), filed February 17, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, from the site of Phillips Petroleum Co. liquid fertilizer plant, at or near Audubon, Iowa, to points in Kansas, Missouri, South Dakota, Minnesota, and Nebraska, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla., 74003. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 446 TA), filed February 18, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine mix*, in bulk, in specially designed tank trailers, between Rocky Mountain Arsenal, near Denver, Colo., on the one hand, and, on the other, Lewis Research Center, near Cleveland, Ohio, and White Sands Missile Range, N. Mex., for 180 days. Supporting shipper: Operations Division of the Department of Army, Washington, D.C. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 116763 (Sub-No. 75 TA), filed February 18, 1966. Applicant: CARL SUBLER TRUCKING, INC., Mail: North West Street, Versailles, Ohio, 45380, Legal: 906 Magnolia Avenue, Auburndale, Fla. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned juices, canned drinks including canned beverages, and canned beverage preparations* (other than canned citrus fruit and canned citrus fruit juices, not frozen), from Bradenton and Cocoa (Port Canaveral), Fla., to points in Arkansas, Illinois, Indiana, Kentucky (except Owensboro and its commercial zone), Louisiana (that part on and north of U.S. Highway 80), Maine, Michigan (Lower Peninsula only), Mississippi (that part on and north of U.S. Highway 80), New Hampshire, Ohio, Tennessee, Tyler, Texas, and Texas (that part bounded on the south by a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 80 to Fort Worth, Tex., and bounded on the west by a line beginning at Fort Worth, Tex., and extending in a northerly direction along Interstate Highway 35 to the Texas-Oklahoma State line (including points on the indicated portions of the highways specified), Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Tropicana Products, Inc., Bradenton, Fla. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 119443 (Sub-No. 16 TA), filed February 18, 1966. Applicant: P. E. KRAMME, INC., Monroeville, N.J., 08343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioners' coating*, in bulk, in tank vehicles, insulated and equipped with heating devices, from Fulton, N.Y., to Pontiac, Mich., for 180 days. Supporting shipper: The Nestle Co., Inc., 100 Bloomingdale Road, White Plains, N.Y., 10605. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 123905 (Sub 4 TA), filed February 17, 1966. Applicant: OLEN BURRAGE, Route 9, Box 22–A, Philadelphia, Miss. Applicant's representative: Olen Burrage, Philadelphia, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed, and *timbers*, treated and untreated, from Brandon, Miss., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, Tennessee, and Wisconsin, and *rejected or refused shipments and exempt commodities*, on return, all under continuing contract with Price Paschal Lumber Co., Brandon, Miss., for 180 days. Supporting shipper: Price Paschal Lumber Co., Brandon, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 127239 (Sub-No. 2 TA), filed February 18, 1966. Applicant: UNIVERSAL BOW TRANSPORT INCORPORATED, Concord Industrial Park, Post Office Box 276, Concord, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Demopolis, Ala., to Bow, N.H., under continuing contract or contracts with Universal Packaging Corp., Bow, N.H., for 180 days. Supporting shipper: Universal Packaging Corp., Box 176, Concord, N.H. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H., 03766.

No. MC 127949 TA, filed February 17, 1966. Applicant: LOWELL G. KINNISON, doing business as KINNISON TRUCK LINE, Route 3, Post Office Box 381, Red Oak, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail and wholesale and food business houses and stores*, from San Francisco, Hayward, Richmond, Oakland, Riverbank, Modesto, Stockton, San Jose, Hollister, and Alameda, Calif., to Grand Island, Lincoln, and Omaha, Nebr., and Sioux City, Le Mars, Cherokee, Woodward, Des Moines, and Chariton, Iowa, *returned, damaged and defective shipments* of the above described commodities and *empty containers* used in transporting such commodities. Restricted to service under continuing contracts with Kaplan Wholesale Grocer, Sioux City, Iowa; Omaha Institutional Service, Omaha, Nebr.; Skag-Way Department Stores, Inc., Grand Island, Nebr.; Hockenberg-Rubin Co., food brokers, Des Moines, Iowa; and Bovis Coffee Tea & Spice Co., Sioux City, Iowa, for 180 days. Supporting shippers: Kaplan Wholesale Grocer Co., Post Office Box 718, Sioux City, Iowa; Bovis Coffee Tea & Spice Co.,

700 Floyd Boulevard, Sioux City, Iowa; Hockenberg-Rubin Co., 1707 High Street, Des Moines, Iowa; Omaha Institutional Service, 724 North 16th Street, Omaha, Nebr.; Skag-Way Department Store, 317 North Kimball Street, Grand Island, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr., 68102.

By the Commission.

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

[F.R. Doc. 66-2045; Filed, Feb. 25, 1966; 8:47 a.m.]

[Notice No. 1305]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 23, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68283. By order of February 18, 1966, the Transfer Board approved the transfer to Louis E. Hart, Jr., doing business as Texas Transport, 6637 West Commerce Street, San Antonio, Tex., of the certificate of registration in No. MC-96994 (Sub-No. 1), issued January 28, 1965, to Mills King, doing business as Texas Transport, 6637 West Commerce Street, San Antonio, Tex., authorizing transportation in interstate or foreign commerce corresponding to the authority contained in the Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5401, Docket No. 5307, dated November 16, 1954, issued by the Railroad Commission of Texas. Benton Coopwood, 904 Lavaca, Austin, Tex., 78701, attorney for transferee.

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

[F.R. Doc. 66-2046; Filed, Feb. 25, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 23, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40317—*Phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A4860), for interested rail carriers. Rates on phosphate rock, ground or not ground, in carloads, from Occidental, Fla., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 102 to Southern Freight Association, agent, tariff ICC S-140.

FSA No. 40318—*Cloth, dry goods or fabrics, from points in southern territory.* Filed by O. W. South, Jr., agent (No. A4861), for interested rail carriers. Rates on cloth, dry goods or fabrics, as described in the application, in carloads, from points in southern territory, to specified points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S-365.

FSA No. 40319—*Oyster shells to western trunkline territory.* Filed by Southwestern Freight Bureau, agent (No. B-8821), for interested rail carriers. Rates on oyster shells, crushed or ground, in carloads, from Mobile, Ala., Berwick, Morgan City, New Orleans, and Ramos, La., also Houston, Tex., to specified points in Minnesota, North Dakota, and South Dakota, also Superior, Wis.

Grounds for relief—Market competition.

Tariffs—Supplement 18 to Southwestern Freight Bureau, agent, tariff ICC 4573 and supplement 23 to Southern Freight Association, agent, tariff ICC S-238.

By the Commission.

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

[F.R. Doc. 66-2047; Filed, Feb. 25, 1966; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.