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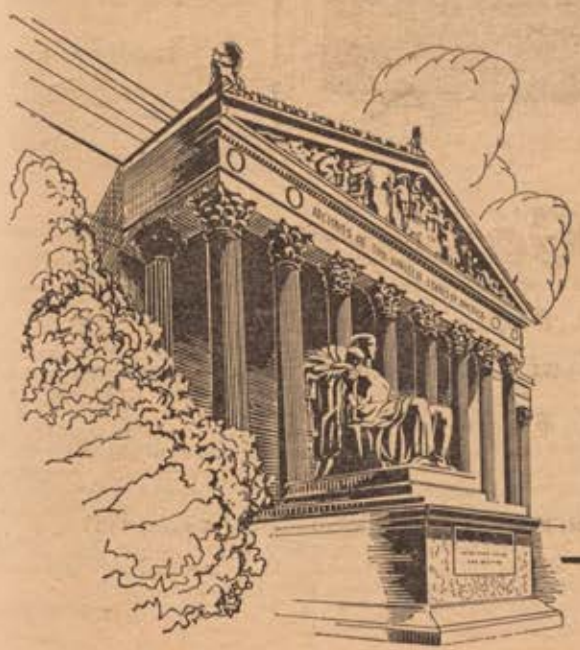

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Contents

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Saint Lawrence Seaway Development Corporation

Section 213.3152 is added to show the exception under Schedule A of the position of Assistant Manager, Seaway International Bridge, Saint Lawrence Seaway Development Corporation. Effective on publication in the FEDERAL REGISTER, § 213.3152, paragraph (a), is added as set out below.

§ 213.3152 Saint Lawrence Seaway Development Corporation.

(a) One Assistant Manager, Seaway International Bridge.

(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. 65-5392; Filed, May 21, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 121]

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

Limitation of Handling

§ 908.421 Valencia Orange Regulation 121.

(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 May 20, 1965.

(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., May 23, 1965, and ending at 12:01 a.m., P.s.t., May 30, 1965, are hereby fixed as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: 233,159 cartons;

(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "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: May 21, 1965.

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

[F.R. Doc. 65-5472; Filed, May 21, 1965; 11:27 a.m.]

[Lemon Reg. 162]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.462 Lemon Regulation 162.

(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 May 18, 1965.

(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., May 23, 1965, and ending at 12:01 a.m., P.s.t., May 30, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 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: May 20, 1965.

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

[F.R. Doc. 65-5440; Filed, May 21, 1965; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and in lieu thereof the following two sentences are inserted: "Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Vietnam ("Democratic Republic of Vietnam"), and Outer Mongolia ("Mongolian People's Republic"), may apply for immediate and continuous transit through the United States. Such an alien must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join an aircraft or vessel in the United States as a crewman, he is in possession of, if joining a vessel, or makes application upon arrival for, a Form I–184 permanent-type landing permit and identification card, and upon joining the vessel will remain aboard at all times until it departs from the United States, and his departure from the United States will be accomplished within 5 calendar days after his arrival), and that he has a document establishing his ability to enter some country other than the United States."

PART 332a—OFFICIAL FORMS

§ 332a.2 [Amended]

The list of forms in § 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended by deleting the following forms and references thereto:

Form No.	*Title and description*
N–490	Order of Court Granting Petitions for Naturalization.
N–491	Order of Court Denying Petitions for Naturalization.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

§ 336.13 [Amended]

The first sentence of paragraph (a) of § 336.13 *Preparation of lists and orders of court for presentation at final hearing* is amended to read as follows: "At or prior to the final naturalization hearing the representative attending the hearing shall submit to the court lists and orders of court, in duplicate, on Forms N–480, N–480A, N–481, N–485, N–485A, or N–492, as appropriate, for petitions recommended to be granted; on Form N–483 for petitions recommended to be continued; and on Forms N–484, N–484A, N–486, N–486A, or N–493, as appropriate, for petitions recommended to be denied."

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

The list of forms in § 499.1 *Prescribed forms* is amended by deleting the following forms and references thereto:

Form No.	*Title and description*
N–490	Order of Court Granting Petitions for Naturalization.
N–491	Order of Court Denying Petitions for Naturalization.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the changes are editorial in nature.

Dated: May 18, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-5384; Filed, May 21, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6492; Amdt. 39-69]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S–58 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 238, 25 F.R. 13955, AD 61–1–3, Sikorsky Model S–58 helicopters, by specifying a mandatory life limit for gears salvaged in accordance with paragraph (B) of Sikorsky Service Bulletin No. 58B35–3B, and to permit certain gears to be resalvaged in accordance with paragraph (A) of Sikorsky Service Bulletin No. 58B35–3B as an alternative to the resalvaging method now specified in paragraph (b) of the AD was published in 30 F.R. 2470.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is amended by amending AD 61–1–3, Amendment 238, 25 F.R. 13955, by—

1. Amending the introductory clause of paragraph (b) to read:

Gears salvaged as outlined in paragraph (a) of this directive may be resalvaged, prior to accumulating 1,200 hours' time in service since that salvage, in accordance with paragraph (A) of Sikorsky Service Bulletin No. 58B35–3B or the following:

2. Adding a new paragraph (d) to read:

(d) All input bevel gears (P/N S1635–20011–2) that have been salvaged for the first time in accordance with paragraph (B) of Sikorsky Service Bulletin No. 58B35–3B shall be retired upon accumulation of 2,400 hours' time in service since salvage.

3. Amending the parenthetical reference statement to read:

(Sikorsky Service Bulletin No. 58B35–3B covers this subject.)

This amendment shall become effective June 21, 1965.

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

Issued in Washington, D.C., on May 17, 1965.

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

[F.R. Doc. 65-5368; Filed, May 21, 1965; 8:45 a.m.]

[Airspace Docket No. 63–EA–54]

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

Alteration of Control Zones and Transition Area

On February 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1874) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zones at John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., La Guardia Airport, New York, N.Y., Morristown Airport, Morristown, N.J., Teterboro Airport, Teterboro, N.J., and designate a transition area in the New York, N.Y., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submis-

sion of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581), the pertinent control zones are altered to read as follows:

NEW YORK, N.Y. (JOHN F. KENNEDY INTERNATIONAL AIRPORT)

Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'30" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N.Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport NE localizer course, extending from the 5.5-mile radius zone to the NE OM; within 2 miles each side of the Kennedy VORTAC 053° radial, extending from the 5.5-mile radius zone to 7 miles E of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 6 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport SW localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN; and within 2 miles each side of the 185° bearing from the Fort Tilden, N.Y. RBN, extending from the NAS New York 5-mile radius zone to 8 miles S of the RBN.

MORRISTOWN, N.J.

Within a 5-mile radius of Morristown Airport (latitude 40°47'50" N., longitude 74°25'-05" W.) excluding that portion within a 1-mile radius of Hanover Airport, Hanover, N.J. (latitude 40°50'20" N., longitude 74°20'45" W.); and within 2 miles each side of the 227° bearing from the Chatham, N.J. RBN, extending from the 5-mile radius zone to 7 miles SW of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

TETERBORO, N.J.

Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.).

NEWARK, N.J.

Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 1.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.) 5-mile radius zone; and within 2 miles each side of the 254° bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

NEW YORK, N.Y. (LA GUARDIA AIRPORT)

Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°-52'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

2. In § 71.181 (29 F.R. 17643), the New York, N.Y., transition area is designated as follows:

That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°-33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'-15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 41°11'00" N., longitude 74°-09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°-19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°-37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V-139; thence along the W edge of V-139 to a line extending through latitude 40°13'20" N., longitude 73°21'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°18'30" N., longitude 73°-39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

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

Issued in Washington, D.C., on May 17, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5369; Filed, May 21, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 18—REPORTS BY TRADERS

Maintenance of Books and Records

By virtue of the authority vested in the Secretary of Agriculture by sections 4i and 8a(5) of the Commodity Exchange Act, as amended (7 U.S.C. 6i and 12a(5)), § 18.05 of the regulations under said act relating to reports by traders (17 CFR 18.05) is hereby amended as follows:

In § 18.05 the phrase "such position and the transactions therein and all related transactions," is deleted and the phrase "all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts," is inserted after the phrase "all details concerning". As so amended, § 18.05 reads as follows:

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable position shall keep books and records showing all details concerning all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts, and shall upon request furnish to the Act Administrator any pertinent information concerning such positions and transactions.

(Sec. 4i, 49 Stat. 1496; sec. 8a, 49 Stat. 1500, as amended; 7 U.S.C. 6i, 12a; 29 F.R. 16210, as amended)

The effect of this amendment is to remove uncertainty as to the meaning of the phrase "related transactions" by clarifying the language of the regulation. The amendment does not impose any additional requirements and should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on the amendment are unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 19th day of May 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5405; Filed, May 21, 1965; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 601—ADMINISTRATIVE PROCEDURE

Withholding Payments and Certifications

Pursuant to authority contained in the Social Security Act (42 U.S.C. 1302), the Wagner-Peyser Act (29 U.S.C. 49k), and the Federal Unemployment Tax Act in the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3) and 3304(c)), I hereby revise § 601.5 of Title 20 of the Code of Federal Regulations as set forth below.

The revision would provide that the Secretary shall not withhold certification for administrative grants to a State because the State unemployment compensation law no longer includes a provision required by section 303(a) of the Social Security Act without giving the State agency reasonable notice and opportunity for hearing. The revision would also change subparagraphs (3) and (5) of paragraph (a) to reflect amendments to section 303(b)(1) of the Social Security Act and section 3304(c) of the Federal Unemployment Tax Act made by section 405 of Public Law 734, 81st Congress.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C.

1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve only matters that relate to public benefits, procedure, and policy. I do not believe that public participation or delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended 20 CFR 601.5 reads as follows:

§ 601.5 Withholding payments and certifications.

(a) *When withheld.* Payment of funds to States or yearend certification of State laws, or both, are withheld when the Secretary finds, after reasonable notice and opportunity for hearing:

(1) That any provision required by section 303(a) of the Social Security Act is no longer included in the State unemployment compensation law; or

(2) That the State unemployment compensation law has been so changed as no longer to meet the conditions required by section 3303(a) of the Internal Revenue Code of 1954 (sec. 3303(b)(3) of the Internal Revenue Code); or

(3) That the State unemployment compensation law has been so amended as no longer to contain the provisions specified in section 3304(a) or has failed to comply substantially with any such provision and such finding has become effective (sec. 3304(c) of the Internal Revenue Code of 1954); or

(4) That in the administration of the State unemployment compensation law there has been a failure to comply substantially with required provisions of such law (sec. 303(b)(2) of the Social Security Act and sec. 3303(b)(3) of the Internal Revenue Code of 1954); or

(5) That in the administration of the State unemployment compensation law there has been a denial, in a substantial number of cases, of benefits due under such law, except that there may be no such finding until the question of entitlement has been decided by the highest judicial authority given jurisdiction under such State law (sec. 303(b)(1) of the Social Security Act); or

(6) That a State fails to make its unemployment compensation records available to the Railroad Retirement Board or fails to cooperate with Federal agencies charged with the administration of unemployment compensation laws (sec. 303(c) of the Social Security Act); or

(7) That a State no longer has a plan of operation for public employment offices complying with the provisions of the Wagner-Peyser Act; or

(8) That a State agency has not properly expended, in accordance with an approved plan of operation, the Federal monies paid it for administration of its public employment service.

(b) *Informal discussion.* Such hearings are generally not called, however, until after every reasonable effort has been made by regional and central office representatives to resolve the question involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

(c) *Notice of noncertification.* If, at any time during the taxable year, the Secretary of Labor has reason to believe that a State whose unemployment compensation law he has previously approved may not be certified, he promptly notifies the Governor of the State to that effect (sec. 3304(d) of the Internal Revenue Code of 1954).

(d) *Notice of hearing.* Notice of hearing is sent by the Secretary of Labor to the State employment security agency. The notice sets forth the purpose of the hearing, the time, date, and place at which the hearing will be held, and the rules of procedure which will be followed. At a hearing the State is given an opportunity to present arguments and all relevant evidence, written or oral. The Secretary makes the necessary determination or findings, on the basis of the record of such hearings. A notice of the Secretary's determination or finding is sent to the State employment security agency.

(e) *Civil Rights Act issues.* To the extent that any proposed withholding of funds involves circumstances within the scope of Title VI of the Civil Rights Act of 1964 and the regulations promulgated thereunder, the procedure set forth in Part 31, Title 29 of the Code of Federal Regulations shall be applicable.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49K; sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302; 26 U.S.C. 3303(b)(3) and 3304(c))

Signed at Washington, D.C., this 17th day of May 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-5377; Filed, May 21, 1965; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 102—UNIFORM TRAINING CATEGORIES AND PAY GROUPS WITHIN THE RESERVE FORCES

The Deputy Secretary of Defense approved the following:

Sec.
102.1 Purpose.
102.2 Applicability.
102.3 Training categories.
102.4 Uniform pay groups.
102.5 Tours of active-duty-for-training in excess of fifteen (15) consecutive days.
102.6 Basic requirements and policy.

AUTHORITY: The provisions of this Part 102 issued under 10 U.S.C. 1006 and 2001, 32 U.S.C. 502.

§ 102.1 Purpose.

This part (a) establishes policy and designates uniform training categories for Ready Reserve and Standby Reserve of the Armed Forces under provisions of section 2001 of Title 10, U.S. Code; (b) establishes uniform Ready Reserve pay groups, for budget and pay purposes; and (c) provides uniform planning and budgeting policies and procedures relating to and authorizing tours of active-duty-for-training with pay in excess of fifteen (15) consecutive days for selected personnel of the reserve components of the Armed Forces.

§ 102.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force in the administration of the reserve components.

§ 102.3 Training categories.

(a) Each unit and member of the Ready Reserve not on active duty shall be placed in one of the following training categories, as determined by the Secretary of the Military Department concerned:

Training category	Annual number of periods of inactive-duty training	Annual active-duty-for-training
A	48	15 days.
B	24	Do.
C	12	Do.
D	0	Do.
E	0	30 days.
F	0	4 months minimum initial active-duty-for-training.
G	12	0.
H	Correspondence Courses and Extension Courses.	
I	No training.	
J	Officer Training Programs.	

(b) Units and members of the Army National Guard of the United States and the Air National Guard of the United States (except those who are members of the inactive National Guard) shall be placed in a training category consistent with the training requirements set forth in Title 32, U.S. Code.

(c) Additional training within any category may be prescribed by the Secretaries of the Military Departments as necessary and consistent with law.

(d) The following members of the Standby Reserve may be permitted to participate voluntarily in reserve training for promotion and retirement points.

(1) Personnel who have not fulfilled their statutory military service obligations.

(2) Personnel who qualify for retention in an active reserve status under the provisions of section 1006, Title 10, U.S. Code.

(3) Personnel now in the active Standby Reserve or who were transferred from the Ready to the Standby Reserve after January 16, 1965, and prior to June 30, 1965. Persons transferred to the Standby Reserve after June 30, 1965, will not be permitted to participate in reserve training for promotion and retirement points unless they qualify under subparagraph (1) or (2) of this paragraph.

(e) Standby Reserve members who participate shall be placed in appropriate training categories. They will not be entitled to pay and allowances, including travel and transportation allowances for such training.

§ 102.4 Uniform pay groups.

(a) The following uniform pay groups are established within the Ready Reserve for budget and pay purposes:

Pay group	Annual number of paid periods of inactive-duty training	Annual paid active-duty-for-training
A	48	15 days.
B	24	Do.
C	12	Do.
D	0	Do.
E	0	30 days.
F	0	4 months minimum initial active-duty-for-training.

(b) The Secretaries of the Military Departments shall determine which of the above-pay groups are to be established for the reserve components of their departments. (Designation of pay groups does not preclude additional paid training where otherwise authorized.)

(c) In order to conform to the accounting classifications prescribed in DoD Instruction 7220.11, "Budget and Expense Accounting Classifications for Reserve Component Personnel Appropriations", September 29, 1959, paid active-duty-for-training for school and special tours shall not be identified as separate pay groups, but may be in addition to the training provided by the established pay groups.

(d) The Secretaries of the Military Departments may authorize multiple training periods within appropriate pay groups; that is, more than one (1) paid inactive-duty training period to be conducted within one (1) calendar day, provided each is of at least four (4) hours' duration. However, no more than two (2) such paid training periods in one (1) calendar day may be authorized.

§ 102.5 Tours of active-duty-for-training in excess of fifteen (15) consecutive days.

(a) Training funds, appropriated for tours of active-duty-for-training in excess of fifteen (15) consecutive days with pay for selected reserve component personnel (as distinguished from other reserve components training funds), shall be used to provide sufficient annual active-duty-for-training for such personnel to acquire or maintain essential proficiency in their military occupational specialties, as follows:

(1) Tours of active-duty-for-training as students at regular, associate, and refresher courses of service schools, area schools, unit schools, officer candidate schools, and other installations which provide training applicable to the individual's assignment.

(2) Other justified tours of active-duty-for-training, not to exceed ninety (90) days (including travel time) in any 1 fiscal year for the following purposes:

(i) Staff and faculty for schools.

(ii) Special field, fleet, and joint exercises.

(iii) Indoctrination training.

(iv) Special tours of active-duty-for-training in connection with projects relating to the reserve component programs, including support for operation of training camps and training ships, when appropriate personnel in active military service are not available for the duties to be performed and if such duties are essential to the organization and training programs of the reserve component and are beyond the services which the active military forces normally provide for the support of the reserve component programs.

(3) Tours of active-duty-for-training of thirty (30) days, authorized by section 270(a) of Title 10, U.S. Code.

(4) Tours of active-duty-for-training of not more than forty-five (45) days for failure to perform reserve training duty satisfactorily, as authorized in section 270 (b) and (c) of Title 10, U.S. Code.

(5) Initial tours of active-duty-for-training for basic training for individuals entering directly into the Reserve Forces under provisions of section 511, Title 10, U.S. Code.

(6) Tours of active-duty-for-training of three (3) to six (6) months for graduates of officers' training programs under provisions of paragraph (1), subsection 6(d) of the Universal Military Training and Service Act, as amended.

(b) The Secretaries of the Military Departments are authorized to include, in the budget for the regular service, funds to provide tours of active duty for reservists for the purpose of meeting temporary personnel requirements which may or may not be directly incident to the furthering of the Reserve Forces program.

§ 102.6 Basic requirements and policy.

(a) In order to insure that trained units and qualified individuals are available for active duty in time of war or national emergency, as set forth in sections 262 and 263 of Title 10, U.S. Code, and that funds appropriated annually for reserve training are adequate to meet mobilization requirements but not excessive to such need, the Secretaries of the Military Departments shall take the following actions in accordance with the principles indicated, dependent on the particular needs of the Military Department concerned:

(1) Establish criteria by which individuals subject to the mandatory participation requirement will be placed in an appropriate training category. Such criteria shall include consideration of the individual's civilian employment and the proximity of established reserve drilling units to his place of residence or employment. No individual shall be involuntarily placed in Training Categories A, B, C, or E (§ 102.3) unless there is a vacancy in an established training unit within reasonable commuting distance, as determined by the Secretary of the Military Department concerned.

(2) Establish criteria for identifying all organized training units with a training category. Such criteria shall include, but not necessarily be limited to, the specialized nature of the training required and the availability to the unit of proper training aids and equipment necessary to perform the assigned training mission.

(b) In establishing the criteria called for in paragraph (a) of this section, the following considerations shall govern:

(1) Training prescribed should be the minimum number of inactive duty training periods and minimum periods of annual training required to maintain the proficiency of the unit or individual.

(2) Wherever practicable, multiple inactive duty training periods will be used as substitutes for weekly paid training periods.

(c) Those members of the Ready Reserve who are not subject to mandatory training participation requirements shall be encouraged to participate to the extent necessary to maintain their mobilization potential.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-5378; Filed, May 21, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

MISCELLANEOUS AMENDMENTS

Chapter 4 is amended as follows:

PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 4–2.2—Solicitation of Bids

Section 4–2.205–1, a new section, is added to provide for establishing bidder mailing lists.

§ 4–2.205–1 Establishment of lists.

Applications for placement on bidder's mailing lists shall be acknowledged if such is requested, or if the contracting officer considers it desirable to do so.

PART 4–3—PROCUREMENT BY NEGOTIATION

Subpart 4–3.6—Small Purchases

Section 4–3.604 *Imprest funds (petty cash) method* is amended as follows: Section 4–3.604–5 is deleted and the following is inserted in lieu thereof:

§ 4–3.604–5 Limitations.

The maximum amount of advance which a cashier may be authorized should be determined by the agency head or his designee in accordance with the criteria set forth in paragraph 0306 of the Treasury Department "Manual of Procedures and Instructions for Cashiers Operating Under Executive Order No. 6166."

Section 4–3.604–6 *Procurement and payment,* is deleted entirely.

PART 4–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 4–5.53—General Services Administration

Section 4–5.5301 *Stores depots,* is amended as follows:

Section 4–5.5301–3 is amended by adding the following paragraph (1):

§ 4–5.5301–3 Utilization of GSA Stores Depot Stocks.

* * * * *

(1) Where items available from GSA will not adequately serve the required functional purpose and it is necessary to procure similar items from other sources to meet actual needs of the procuring agency, prior approval of GSA is required. Requests to waive the required use of GSA items shall be submitted in duplicate to the Office of Plant and Operations. Such requests shall (1) describe the pertinent differences between the GSA item and the item required; (2) specify the quantity required; and (3) state the reason why the GSA item will not meet the requirement.

PART 4–16—PROCUREMENT FORMS

Subpart 4–16.8—Miscellaneous Forms

Section 4–16.804 *Report on procurement by civilian executive agencies*, is amended by assigning a heading to the existing paragraph and adding a new paragraph as follows:

§ 4–16.804 Report on procurement by civilian agencies.

(a) *General.* Standard Form 37, Report on Procurement by Civilian Executive Agencies, shown at § 1–16.901.37, shall be used to make reports. This form may be requisitioned from the Central Supply Section, Service Operations Division, Office of Plant and Operations. Reports shall be prepared by each agency for each semiannual period (January 1 through June 30 and July 1 through December 31) and submitted in duplicate to the Procurement and Contract Management Division, Office of Plant and Operations, by the 20th of the month immediately following the close of each semiannual period. Agencies conducting special programs involving the procurement of property or services which, in their opinion should not be included in the report may submit detailed justification for exemption to the Director of Plant and Operations for his approval and appropriate submission to the Administrator of General Services for action.

(b) *Special reports.* There shall be reported in the "Remarks" block of Standard Form 37 for the reporting period ending June 30, the total number and dollar amount of (1) construction contracts and (2) project service contracts awarded during the fiscal year. Project service contracts are contracts for services such as seeding, weed eradication, equipment rental, aerial spraying, fire control, etc. Do not include contracts for repair of equipment or other services related to housekeeping functions. The following format shall be used:

CONTRACTS, FISCAL YEAR ____

	Number	Amount (to nearest dollar)
Construction (over $2,000)		
Project service (over $2,500)		
Total		

Done at Washington, D.C., this 19th day of May 1965.

F. R. MANGHAM,
Director of Plant and Operations.

[F.R. Doc. 65–5406; Filed, May 21, 1965; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Subpart E—Grants for Construction of Nurse Training Facilities

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart E—Grants for Construction of Nurse Training Facilities, which relates solely to grants to public or nonprofit private schools of nursing for the construction of nurse training facilities.

This subpart shall become effective on the date of publication in the FEDERAL REGISTER.

New Subpart E is added as follows:

Subpart E—Grants for Construction of Nurse Training Facilities

Sec.
57.401 Definitions.
57.402 Eligibility.
57.403 Priority.
57.404 Percentage of participation; amount of the construction grant.
57.405 Nondiscrimination.
57.406 Terms and conditions.
57.407 Good cause for other use of completed facility.
57.408 Payments.
57.409 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart E issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. § 216. Interpret or apply secs. 801–804, 78 Stat. 908; 42 U.S.C. § 296.

§ 57.401 Definitions.

As used in this subpart:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means Part A of Title VIII of the Public Health Service Act, as amended by P.L. 88–581 (78 Stat. 908; 42 U.S.C. § 296).

(c) "Construction grant" means a grant of funds for the construction of training facilities as authorized by the Act.

(d) "New school" means a school of nursing which has not been in operation prior to application for a construction grant under this subpart, except that for purposes of § 57.402(c) it includes a school whose program, at the time of application, is not eligible for accreditation by reason of an insufficient period of operation.

(e) "Equipment" means those items which are necessary for the functioning of the facilities and which are considered depreciable and as having an estimated life of not less than 5 years. Not included are items of current operating expense such as glassware, chemicals and fuel.

§ 57.402 Eligibility.

In order to be eligible for a construction grant:

(a) The applicant shall meet the applicable requirements of section 802 of the Act.

(b) The project shall be located in a State.

(c) The applicant shall provide a program of nurse education which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the program of a new school shall be deemed accredited if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies, prior to the beginning of the academic year following the normal graduation date of the first class of such school.

§ 57.403 Priority.

The order of priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 802(c) of the Act, and the following: (a) The relative availability of qualified students, (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost, (c) the relative extent to which financial support is committed by the applicant for the construction and operation of the facility, and (d) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.404 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* The amount of the construction grant may not exceed 50 percent of the necessary cost of construction except that in the case of a project for a new school, or for major expansion of training capacity of an existing school, it may not exceed 66⅔ percent of such cost. For the purpose of these regulations a major expansion of training capacity of an existing school occurs or will occur when the Surgeon General determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such a school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 percentum of such highest first-year enrollment, or by 12 students, whichever is greater; provided, however, that where the Surgeon General finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full

school year of operation, he may determine that a major expansion of training capacity will occur during the first or second full school year if the increased enrollment will equal such amount in excess of 5 percent or 5 students, whichever is greater, as the Surgeon General may specify.

(b) *Amount of Construction grant—Less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Surgeon General shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

(c) *Acquisition of existing buildings.* Where the project involves the acquisition of an existing building or buildings (including the acquisition of land in connection therewith), the necessary cost of such acquisition will be determined on the basis of such documentation submitted by the applicant as the Surgeon General may prescribe (including the reports of such real estate appraisers as the Surgeon General may designate), and other relevant factors.

§ 57.405 Nondiscrimination.

(a) Each construction grant shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11114, June 22, 1963 (28 F.R. 6485), and with the applicable rules, regulations and procedures prescribed pursuant thereto by the President's Committee on Equal Employment Opportunity (28 F.R. 9812).

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601). A regulation implementing such Title VI, applicable to grants for construction of nurse training facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). This regulation, published in the FEDERAL REGISTER of December 4, 1964 (29 F.R. 16298–16305), is effective on January 3, 1965, the 30th day after such publication.

§ 57.406 Terms and conditions.

In addition to any other requirements imposed by law or determined by the Surgeon General to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Surgeon General's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.409), will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) That applicant will finance all costs in excess of the estimated costs approved in the application and submit to the Surgeon General for prior approval changes that substantially alter the scope of work, functions, utilities or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) That the facility will be used for the purposes for which it is constructed for not less than 20 years after the completion of construction;

(m) That no portion of the facility constructed with funds under the Act will be used for sectarian instruction or as a place for religious worship for at least 20 years after the completion of construction;

(n) That in the case of an application to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next nine school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by 5 percentum of such highest first-year enrollment, or by 5 students, whichever is greater, or by such higher percentage or number as specified in the approved application.

(o)(1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "Labor Standards for Public Health Service Construction Grant Programs for Hospital and Related Medical Facilities" (PHS No. 930–A–5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Public Health Service and such other persons as the Surgeon General may designate, will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.407 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be used for the teaching purposes for which it was constructed, the Surgeon General, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to the teaching of other health personnel;

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for nurse training will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.408 Payments.

(a) Except as provided in paragraph (b) of this section, payments shall be made at the request of the applicant, shall be based on the cost of the work performed, materials and equipment fur-

nished, and services performed, as follows:

(1) The first installment when not less than 25 percent of the construction of the project has been completed;

(2) A second installment when not less than 50 percent of the construction of the project has been completed;

(3) A third installment when not less than 75 percent of the construction of the project has been completed;

(4) A fourth installment when the project is 95 percent completed; and

(5) The final payment when the project is completed and final inspection by a representative of the Public Health Service is made and the amount certified as due and payable as determined by the audit.

(b) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

§ 57.409 Minimum standards of construction and equipment.

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Surgeon General as required by the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates.

(2) The submission of programs, drawings, construction outlines and estimates shall be in three stages as follows:

(i) *First stage.*

(a) Program.
(b) Schematic plans.
(c) Outline specifications.
(d) Site survey.
(e) Estimated construction costs.

(ii) *Second stage.*

(a) Preliminary plans.
(b) Outline specifications.
(c) Revised cost estimates.

(iii) *Third stage.*

(a) Working drawings.
(b) Specifications.
(c) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be constructed of noncombustible materials of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boilerrooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) *Buildings more than one story* in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

Columns, girders, trusses	1½ hr.
Floor construction including beams	1½ hr.
Roof construction including beams	1 hr.
Beams supporting masonry; individually protected	2 hrs.
Bearing walls	2 hrs.
Corridor partitions	1 hr.
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage or combustible materials	2 hrs.

(3) *Interior finish walls and ceilings* of all exitways, storage rooms, laboratories, and areas of unusual fire hazard shall have a flame-spread rating of less than 20. Interior finish of other areas shall have a flame-spread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flame-spread rating up to 200. Flame-spread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) *Exit facilities.* Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment steam, heating, air conditioning, and ventilation, plumbing and other systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York 38, N.Y.

2. American Standards Association, 70 East 45th Street, New York 17, N.Y.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73. Protection Against Radiations From Sealed Gamma Sources.

Handbook 76. Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

Dated: April 21, 1965.

LUTHER L. TERRY,
Surgeon General.

Approved: May 17, 1965.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 65–5389; Filed, May 21, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Termination of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and § 1004.91 of the order regulating the handling of milk in the Delaware Valley Marketing Area, the termination of such order is being considered.

The Department has concluded that consideration should be given to immediate termination of the order in its present form on the basis that it provides an economic incentive for cooperatives to obtain Class I outlets for milk which otherwise would be disposed of for surplus use at a Class II value, by means destroying the objectives and effectiveness of the order. This economic incentive is such (as much as $2.10 to $2.77 per hundredweight, the range of difference between the Class I and Class II prices during the most recent 12 months) as to result inevitably in almost insurmountable administrative difficulties in the effective and uniform enforcement of the order in its present form and that such order therefore may no longer tend to effectuate, or may obstruct, the declared policy of the Act.

Audits of the records of various cooperative associations and proprietary handlers and other investigation have revealed widespread practices resulting in the undercutting of the established minimum order prices. Further, efforts appear to have been made to conceal the true nature of the transactions by: The maintenance of incomplete or dual records; the establishment of dummy corporations and the use of third party intermediaries; the establishment of special accounts through which payments for alleged services are made; payments in the guise of brokerage fees, all or part of which eventually accrue to the proprietary handler or persons intimately associated with such handler, and by other intricate and devious means. To the extent possible in the circumstances, all available legal procedures will be pursuant in an effort to enforce the existing order as to any past or current violations.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 20 days from date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 19, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5383; Filed, May 21, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Kirksville, Mo., Rensselaer, Ind., Golden Meadow, La., Xenia, Ohio, Atlantic, Iowa, Omaha and Lincoln, Nebr., Ralls and Lamesa, Tex., Skowhegan, Maine, Park Rapids, Minn., Ukiah, Calif., Cincinnati, Ohio, Tasley, Va., Hamilton, Ala., Booneville and Starkville, Miss., Savannah, Tenn., Docket No. 15935, RM-701, RM-716, RM-705, RM-717, RM-711, RM-722, RM-714, RM-726, RM-715, RM-728, RM-721, RM-729.

1. Kate F. Fite, on May 12, 1965, has requested an extension of time in which to file reply comments in Docket 15935. Mrs. Fite submits that on April 5, 1965, the Commission issued a notice of proposed rule making in reponse to a petition filed by her and others inviting comments on various proposals to amend the FM Table of Assignments by May 3, 1965, and reply comments by May 14, 1965. She further states that the University of Mississippi filed comments on her proposal as well as three alternative counterproposals, that these set forth a number of legal and technical arguments, and that additional time is necessary to prepare an adequate reply. Petitioner therefore requests that the time for filing reply comments in the subject proceeding, RM-721, be extended to May 28, 1965.

2. The Commission is of the view that the extension requested in this case is warranted and would serve the public interest.

3. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding, insofar as RM-721 only is concerned, is extended from May 14, 1965, to May 28, 1965.

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

Adopted: May 19, 1965.

Released: May 19, 1965.

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

[F.R. Doc. 65-5397; Filed, May 21, 1965; 8:48 a.m.]

[47 CFR Part 73]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Kirksville, Mo., Rensselaer, Ind., Golden Meadow, La., Xenia, Ohio, Atlantic, Iowa, Omaha and Lincoln, Nebr., Ralls and Lamesa, Tex., Skowhegan, Maine, Park Rapids, Minn., Ukiah, Calif., Cincinnati, Ohio, Tasley, Va., Hamilton, Ala., Booneville and Starkville, Miss., Savannah, Tenn., Docket No. 15935, RM-701, RM-716, RM-705, RM-717, RM-711, RM-722, RM-714, RM-726, RM-715, RM-728, RM-721, RM-729.

1. On April 5, 1965, the Commission issued a notice of proposed rule making (FCC 65-276) in the above-entitled matter which specified that comments were to be filed on or before May 3, 1965, and reply comments on or before May 14, 1965. Greene Information Center, Inc., one of the petitioners in this matter, has requested an extension of time for the filing of reply comments to and including May 28, 1965. Greene Information Center states that a counterproposal has been filed to its proposal and that the additional time is needed to explore the possibility of a solution to the conflict.

2. The Commission is of the view that the extension requested in this case is warranted and would serve the public interest.

3. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding, insofar as RM-714 only is concerned, is extended from May 14, 1965, to May 28, 1965.

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

Adopted: May 19, 1965.

Released: May 19, 1965.

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

[F.R. Doc. 65-5398; Filed, May 21, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Idaho 19]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 4 N., R. 42 E.,
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, N½, N½S½, SE¼SE¼;
Sec. 24, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 25, NE¼, N½NW¼, E½SE¼.

NONPHOSPHATE LANDS

T. 4 N., R. 42 E.,
Secs. 1 and 2, and secs. 11 to 14, inclusive;
Sec. 23, S½SW¼, SW¼SE¼;
Sec. 24, NE¼, N½NW¼, NE¼SE¼;
Sec. 25, S½NW¼, SW¼, W½SE¼;
Sec. 26.

Reclassified phosphate lands from nonphosphate lands. Prior classification of the following subdivisions as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 4 N., R. 42 E.,
Sec. 36, SE¼NE¼.

The area classified totals 6,919 acres, more or less, of which about 1,320 acres are classified as phosphate lands, about 40 acres are reclassified as phosphate lands that were formerly classified as nonphosphate lands, and about 5,559 acres are classified as nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

MAY 17, 1965.

[F.R. Doc. 65-5390; Filed, May 21, 1965; 8:47 a.m.]

[Idaho 20]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 4 N., R. 44 E.,
Sec. 18;
Sec. 19, N½N½, SE¼NE¼;
Sec. 20, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 21, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 27, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 28, S½N½, NW¼NW¼, S½;
Sec. 29, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 33, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 34;
Sec. 35, lots 1 and 2, NW¼NE¼, SW¼NW¼, SW¼.

NONPHOSPHATE LANDS

T. 4 N., R. 44 E.,
Sec. 19, SW¼NE¼, S½NW¼, S½;
Sec. 20, N½NE¼, SE¼NE¼, SW¼SW¼, NE¼SE¼;
Sec. 21, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 27, SW¼NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 28, N½NE¼, NE¼NW¼;
Sec. 29, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Secs. 30, 31, and 32;
Sec. 33, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 35, lots 3 and 4, SW¼NE¼, N½NW¼, SE¼NW¼, W½SE¼.

Reclassified phosphate lands from nonphosphate lands. Prior classification of the following subdivisions as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 4 N., R. 44 E.,
Sec. 7, SE¼SW¼, SW¼SE¼;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 15, N½N½, SW¼NW¼, NW¼SW¼;
Sec. 16, NE¼, NW¼NW¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 22, S½N½, NW¼NW¼, N½S½, SE¼SW¼, S½SE¼;
Sec. 23, SW¼NW¼, SW¼;
Sec. 25, SW¼ SW¼SE¼;
Sec. 26, lots 3 and 4, W½E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 36, W½E½, W½.

The area classified totals 11,270 acres, more or less, of which about 3,703 acres are classified as phosphate lands, about 2,984 acres are reclassified as phosphate lands that were formerly classified as nonphosphate lands, and about 4,583 acres are classified as nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

MAY 17, 1965.

[F.R. Doc. 65-5391; Filed, May 21, 1965; 8:48 a.m.]

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) San Diego Gas & Electric Co., Minnesota Mining & Manufacturing Co., Arizona Agrochemical Corp.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 65-5380; Filed, May 21, 1965; 8:46 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

FRANKLIN STUART FEHR.

[F.R. Doc. 65-5381; Filed, May 21, 1965; 8:46 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

W. C. PORTER, JR.

[F.R. Doc. 65-5382; Filed, May 21, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15529]

BAGGAGE LIABILITY RULES CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 8, 1965, at 10 a.m., e.d.s.t., in Room 1027 of the Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 18, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 18, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-5393; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15923]

WESTBOUND SPECIFIC COMMODITY RATES

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been indefinitely postponed.

Dated at Washington, D.C., May 18, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-5394; Filed, May 21, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15947, 15948; FCC 65M-617]

SAM H. BEARD AND SOUTHEASTERN BROADCASTING CO., INC. (WKLF-FM)

Order Following Prehearing Conference

In re applications of Sam H. Beard, Clanton, Ala., Docket No. 15947, File No. BPH-4395; Southeastern Broadcasting Co., Inc. (WKLF-FM), Clanton, Ala., Docket No. 15948, File No. BPH-4417; for construction permits.

A prehearing conference having been held on May 17, 1965, and it appearing that certain procedural agreements were reached which should be finalized by order;

It is ordered, This 17th day of May 1965, that:

(1) The direct affirmative cases of the applicants shall be presented in the form of sworn, written exhibits;

(2) Copies of the applicants' exhibits shall be exchanged (with copies to be supplied also to the Hearing Examiner and Bureau counsel) by June 17, 1965;

(3) Notification as to those witnesses required to be present at the hearing for cross-examination shall be given to counsel concerned by June 29, 1965; and

(4) The hearing heretofore scheduled to commence on June 9, 1965, is postponed to July 7, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: May 17, 1965.

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

[F.R. Doc. 65-5399; Filed, May 21, 1965; 8:48 a.m.]

[Docket Nos. 15419, 15420; FCC 65R-177]

CENTRAL BROADCASTING CORP. AND WCRB, INC.

Memorandum Opinion and Order

In re applications of Central Broadcasting Corp., Ware, Mass., Docket No. 15419, File No. BPH-4243; WCRB, Inc., Springfield, Mass., Docket No. 15420, File No. BPH-4319; for construction permits.

1. By Memorandum Opinion and Order, FCC 65R-26, released January 26, 1965, the Review Board held in abeyance action on a joint petition for approval of agreement between the above-captioned parties, for dismissal of the application of Central Broadcasting Corporation, and for grant of the WCRB, Inc. application. Petitioners were allowed 30 days within which to file supporting information as to the value of certain nonmonetary items specified in the joint agreement, or to submit a new agreement in conformity with the requirements of section 311 of the Communications Act of 1934, as amended, and the Commission's rules promulgated thereunder. In the same Opinion the Review Board indicated for the reasons stated therein, that in the event the joint petition was approved, publication of local notice pursuant to the provisions of § 1.525(b) of the rules would be required. On February 26, 1965, Central and WCRB filed a supplement containing additional information in support of their original request.

2. The subject agreement provides that, in consideration of Central's dismissal, WCRB will make partial reimbursement of out-of-pocket expenses incurred by Central in prosecuting its application in the amount of $2,250. Central includes affidavits in support of its itemization of aggregate expenses incurred to the extent of $2,757.40. In addition to such payment, the agreement provides that Central or Allen W. Roberts, the sole stockholder of Central, will have the right to purchase 15 shares (15 percent) of WCRB, Inc.'s stock from Charles River Broadcasting Co. (sole stockholder and owner of 100 shares of WCRB, Inc.) at $10 per share, the cost to Charles River. The right to one directorship, inspection of books, and various voting and other provisions would accompany such stock purchase. These include mutual rights of first refusal by either party to the joint agreement as to the sale of WCRB, Inc., stock at a price equal to a bona fide offer or, in the event the Roberts family ceases to hold majority control of Central, at the "fair market value." Roberts would also be retained by WCRB for a 1-year period as a consultant and advisor, working for not more than 10 hours per month, without pay but with mileage and similar expenses to be reimbursed.

3. In their supplement, petitioners again contend that the $150 price for the 15 percent interest in WCRB, Inc., represents the current or market value of such stock. In support thereof, petitioners have submitted a joint affidavit of Roberts and Theodore Jones, the principal officer of WCRB, Inc., which states that WCRB is not now a going concern; there is no public market in its stock; there have been no previous sales of its stock other than the original issue at $10 per share; that WCRB has no fixed assets; that instead, because of accrued expenses, the book value of the stock is considerably less than $10 per share; that it expects only to break even during the first year of operations (as indicated by the estimates of anticipated costs and revenues in its application); and that independent FM stations in similarly sized markets, according to the Commission's AM-FM Broadcast Financial Data—1963 (FCC Public Notice 58084), are generally losing money.[1] Petitioners further contend that the services which Roberts will render as a consultant to WCRB may reasonably be evaluated at $10 per hour and that the total compensation to which he would be entitled, if any were to be paid, would amount to $1,200, which in turn should reduce the net monetary value of the consideration Roberts is to receive for dismissal of the Central application by that amount. As to the directorship in WCRB, Inc., which Roberts would be allowed; the right of first refusal on sale of WCRB, Inc., stock; the right to inspection of books; and other miscellaneous agreements, petitioners contend that these are normal incidents of ownership of stock in a closely held corporation and have no monetary value.

4. As the Board views the subject agreement, it is essentially in two parts, the first relating to reimbursement of out-of-pocket expenses by payment of a cash sum of money, and the second in effect, a proposed merger. Since we have no question that Roberts has reasonably and prudently expended a sum somewhat in excess of $2,250 in the preparation and prosecution of Central's application, we will allow such cash reimbursement to be made to him. Based on the information now before us, however, we cannot find that the proposed merger with its accompanying pro-

[1] The cited data refer to communities with three or more FM stations operated by "non-AM licensees." WCRB proposes the first noneducational independent FM station for Springfield. Thus, the attempted comparison is of questionable value.

visions,[3] (particularly that by which Roberts or Central will have an option to purchase 15 shares of WCRB stock at $10.00 per share, the cost to Charles River) does not involve a consideration in excess of the legitimate and prudent expenses incurred by Roberts in the prosecution of the application. The mere statement that WCRB has no fixed assets and its only assets of any nature are the money paid in to date, does not, as contended by petitioners, establish that at most $150 is the current or market value of such 15 shares of stock to be purchased by Roberts. It is elementary that current or market value of stock is not established by these meager facts, standing alone, and without regard to (a) WCRB's financial condition after giving effect to the issuance of the construction permit (which would establish, among other factors, the amount of pre-operating expenses or costs which under normal accounting practices are considered as a capital item, as well as the value of the leasehold rights to equipment, land, studio, buildings, etc.) and (b) offers to persons other than Roberts to purchase such a 15 percent interest.

5. In view of the foregoing, we will allow the provisions of the agreement for cash reimbursement of Roberts' substantiated expenses to the extent of $2,250. However, since the information submitted relating to the remaining provisions of the agreement by which Roberts or Central will be given an option to purchase 15 shares of WCRB stock for $150, plus accompanying rights including the employment of Roberts as a consultant, does not meet the requirements of § 1.525(a),[3] these latter provisions of the agreement will be disallowed. If this meets with the petitioners' approval, the publication ordered below shall be effected; upon a showing of compliance with the publication requirement, the agreement will be approved to the extent indicated herein, and the application of Central Broadcasting Corp. will be dismissed. Whether the application of WCRB, Inc., will be granted is dependent upon whether any application is filed for the community of Ware in response to the publication required herein. Should petitioners not be willing to accept the foregoing disposition, they are to inform the Board of their decision within 5 days after release of this opinion. If the parties choose to withdraw the agreement and proceed with the hearing, compliance with the ordering clause below relative to publication of local notice will not be necessary.

Accordingly, it is ordered, This 18th day of May 1965, That further opportunity be afforded for other persons to apply for the facilities specified in the application of Central Broadcasting Corp.; and that Central Broadcasting Corp. will therefore comply with the provisions of § 1.525(b), unless the Review Board is notified otherwise in accordance with this opinion.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5400; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15822; FCC 65M-622]

EFFINGHAM BROADCASTING CO.

Order Continuing Hearing

In re application of Effingham Broadcasting Co., Licensee of Radio Station WCRA, Effingham, Ill., Docket No. 15822, File No. BL-10634; for license to cover construction permit for power increase.

Because of a possible conflict in the Hearing Examiner's schedule, *It is ordered*, This 18th day of May 1965, that the hearing herein scheduled for June 9, 1965, be and the same is hereby rescheduled for June 14, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: May 18, 1965.

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

[F.R. Doc. 65-5401; Filed, May 21, 1965; 8:48 a.m.]

[Docket Nos. 15854, 15855; FCC 65M-618]

5 KW, INC., AND MARIETTA BROADCASTING CO.

Order Continuing Hearing

In re applications of 5 KW, Inc., Marietta, Ohio, Docket No. 15854, File No. BPH-4485; William G. Wells and R. Sanford Guyer doing business as Marietta Broadcasting Co., Marietta, Ohio, Docket No. 15855, File No. BPH-4561; for construction permits.

The Hearing Examiner has under consideration a joint petition filed May 12, 1965, by the above-entitled applicants requesting that the procedural dates presently established in this proceeding be continued without date. The reason for the requested extension is the fact that the two applicants have reached a tentative understanding looking toward the execution of a written agreement which, if approved by the Commission, will result in the elimination of the necessity for a formal hearing. The parties anticipate that a formal request for approval of the contemplated agreement will be filed within 10 days.

The Hearing Examiner has been advised informally that the Chief, Broadcast Bureau has no objection to continuing for a period of 30 days the procedural steps previously agreed to. Good cause for granting the joint petition has been shown.

It is ordered, This the 14th day of May 1965, that the joint petition of the above-entitled applicants is granted, and all procedural steps are continued for a period of 30 days;

It is further ordered, That the date for the evidentiary hearing now scheduled to begin on June 7, 1965, is continued to a date to be subsequently specified by an order of the Hearing Examiner.

Released: May 17, 1965.

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

[F.R. Doc. 65-5402; Filed, May 21, 1965; 8:48 a.m.]

[Docket Nos. 15798, 15799; FCC 65M-624]

SOUTHERN BROADCASTING CO. AND HALL COUNTY BROADCASTING CO.

Order Further Continuing Hearing

In re applications of Southern Broadcasting Co., Gainesville, Ga., Docket No. 15798, File No. BPH-4137; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co., Gainesville, Ga., Docket No. 15799, File No. BPH-4539; for construction permits.

On the Hearing Examiner's own motion, *It is ordered*, This 18th day of May 1965, that the comparative hearing heretofore rescheduled for May 24, 1965, is further continued to June 24, 1965, pending completion by the Review Board of its consideration of the applicants' Joint Petition (filed April 19, 1965), for Approval of an Agreement looking toward dismissal of Southern's application and grant of the Hall County application.

Released: May 19, 1965.

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

[F.R. Doc. 65-5403; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15430; FCC 65M-612]

TUSCARAWAS BROADCASTING CO.

Order Scheduling Hearing

In re applications of The Tuscarawas Broadcasting Co., New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

It is ordered, This 14th day of May 1965, that the hearing herein be and the same is hereby scheduled for June 7, 1965, 10 a.m., in the Commission's Offices, Washington, D.C. (See Commission Memorandum Opinion and Order, FCC 65-404, released May 13, 1965.)

Released: May 14, 1965.

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

[F.R. Doc. 65-5404; Filed, May 21, 1965; 8:49 a.m.]

[3] It is noted that in the application for assignment of AM station WARE, Ware, Mass. (BAL-497, effective Nov. 7, 1963), to Central, Roberts represented that he would devote full time to the operation of WARE, and be the active manager of it. Were Roberts to be retained by WCRB for a 1 year period as a consultant and advisor working for not more than 10 hours per month (without pay) a question might arise as to the continued bona fides of these representations as well as those relating to the proposed merger.

[3] Subsections (1) and (5) of § 1.525(a) require that the supporting affidavits contain information as to "The exact nature of any consideration (including an agreement for merger of interests) promised or paid;" and "A statement fully explaining and justifying any consideration paid or promised."

[4] Board Member Pincock abstaining.

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

North Atlantic Baltic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Mediterranean Freight Conference, North Atlantic United Kingdom Freight Conference.

Notice of agreement filed for approval by:

Burton H. White, Esq., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

Agreement 9448, between the member lines of the five (5) conferences named above, operating pursuant to approved Agreements 7670, 9214, 7770, 7980, and 7100, covers an arrangement whereby the said lines, through their respective duly authorized conference chairmen, may consult, confer, and meet with one another regarding common problems and issue joint reports and circulars relating to such problems, with the right of independent action reserved to each conference.

Dated: May 19, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5395; Filed, May 21, 1965; 8:48 a.m.]

TRANS-ATLANTIC ASSOCIATED FREIGHT CONFERENCES

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of Agreement 12, filed by:

Burton H. White, Esq., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

Agreement 12, approved on June 26, 1923, is between various carriers presently comprising the membership of the following conferences:

North Atlantic Baltic Freight Conference (7670).
North Atlantic Continental Freight Conference (9214).
North Atlantic French Atlantic Freight Conference (7770).
North Atlantic Mediterranean Freight Conference (7980).
North Atlantic United Kingdom Freight Conference (7100).

The agreement provided for the creation of an arrangement known as The Trans-Atlantic Associated Freight Conferences with headquarters in New York, which enabled the said carriers to cooperate in the handling of matters of general interest in the conduct of their business, relations with shippers, connecting carriers and all others, under terms and conditions set forth therein.

Dated: May 19, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5396; Filed, May 21, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16401 etc.]

ATLANTIC SEABOARD CORP. ET AL.

Notice of Extension of Time

MAY 13, 1965.

Atlantic Seaboard Corp., Docket No. G-16401; Home Gas Co., Docket No. G-16402; Kentucky Gas Transmission Corp., Docket No. G-16403; The Manufacturers Light and Heat Co., Docket No. G-16404; The Ohio Fuel Gas Co., Docket No. RP65-45.

Take notice that the time is hereby extended to and including June 1, 1965, within which all intervenors proposing to present evidence in the above-designated matter shall serve their prepared testimony and exhibits upon all parties. Further, the prehearing conference presently scheduled to commence May 25, 1965, is hereby postponed to June 11, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5373; Filed, May 21, 1965; 8:45 a.m.]

[Docket No. CP65-102 etc.]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Supplements and Amendments to Applications

MAY 14, 1965.

Columbia Gulf Transmission Co., Docket No. CP65-102; Atlantic Seaboard Corp., Docket No. CP65-122; Transcontinental Gas Pipe Line Corp., Docket No. CP65-181; Transcontinental Gas Pipe Line Corp., United Natural Gas Co., and North Penn Gas Co., Docket No. CP65-182; United Fuel Gas Co., Docket No. CP65-198.

By order issued March 30, 1965, herein, the Commission consolidated the above dockets for hearing and decision. Ordering Paragraph (D) of the March 30, 1965 order provided for the filing of modifications and supplements to the applications.

Take notice that in accordance with Ordering Paragraph (D) of the March 30, 1965 order, as modified by the Notice of Change of Procedural Dates issued in these proceedings by the Secretary on April 14, 1965,[1] the following supplements and amendments have been filed:

Docket No.	Title of filing (supplement or amendment)	Date filed
CP65-102	First supplement	Apr. 26, 1965
CP65-122	Second supplement	Apr. 16, 1965
CP65-122	Third supplement	Apr. 26, 1965
CP65-181	Amendment	Apr. 26, 1965
CP65-198	First amendment	Apr. 26, 1965

Columbia Gulf Transmission Co. filed the supplement in Docket No. CP65-102 to reflect later estimates of gas requirements. No change in facilities is involved.

Atlantic Seaboard Corp. (Atlantic Seaboard) filed its Second Supplement[2] in Docket No. CP65-122 to comply with Ordering Paragraph (I) of the March 30, 1965 order herein. This Supplement contains copies of requests by its customers for additional contract demand for the 1965-1966 winter heating season.

Atlantic Seaboard's Third Supplement to its application in Docket No. CP65-122 contains later, revised estimates of gas requirements and gas availability together with related data, a supplemental Statement of Revenues, Expenses, and Income to reflect the potential impact of its proposed FPC Gas Tariff

[1] The Notice provided for the filing of amendments on or before April 26, 1965, that direct testimony must be served on or before May 20, 1965, and that the prehearing conference woud be held on June 1, 1965.

[2] Atlantic Seaboard's First Supplement was filed on January 26, 1965, prior to the consolidation of these proceedings for hearing.

Eighth Revised Volume No. 1, filed March 31, 1965,[1] and a slight modification of pipe specifications.

Under its amendment in Docket No. CP65–181, Transcontinental Gas Pipe Line Corp. (Transco) now seeks authority for the construction, installation and operation of additional pipeline, compressor, and appurtenant facilities, estimated to cost $89,150,000. Transco also seeks authority to render additional pipeline firm service of 205,610 Mcf per day and additional storage service of 106,017 Mcf per day.

Transco proposes that the existing firm allocation of the city of Laurens, S.C. be reduced from 8,500 Mcf per day to 6,700 Mcf per day. In connection with the net increases in firm pipeline service and storage service, Transco proposes an additional allocation of 55,000 Mcf per day of CD–3 service to Consolidated Edison Co. of New York, Inc. (Consolidated Edison) and the reduction of Consolidated Edison's existing GSS service allocation to zero. Transco states that this supply will be used by Consolidated Edison in the winter months primarily for service to its gas customers and in off-peak periods in its electric generating system as a replacement for fuel oil.

Finally, Transco, in its amendment, proposes to install a delivery point for its proposed new customer, Washington Gas Light Co., at Manassas, Va., in lieu of the delivery point at Gaithersburg, Md., which was proposed in the original application.

The Amendment of United Fuel Gas Co. (United Fuel) in Docket No. CP65–198 is predicated upon later, revised estimates of gas requirements and gas available. In light of the new estimates of gas requirements, United Fuel has amended its application by:

(1) Eliminating therefrom the request for authorization to construct and operate 8.9 miles of 30-inch loop pipeline immediately east of Ceredo (Wayne County, W. Va.) Compressor Station; and

(2) Including therein a request to construct and operate an additional 8.2 miles of 24-inch loop pipeline in its system north of Cobb (Kanawha County, W. Va.) Compressor Station.

All of the applications, supplements, and amendments discussed above are on file with the Commission and open to public inspection.

Additional (or supplemental) protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 3, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5374; Filed, May 21, 1965; 8:45 a.m.]

[1] See Notice of Proposed Changes in Rates and Charges, Atlantic Seaboard Corp., Docket No. RP65–49, issued April 2, 1965.

[Project No. 2498]

NEKOOSA-EDWARDS PAPER CO.

Notice of Application for License for Constructed Project

MAY 14, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nekoosa-Edwards Paper Co. (correspondence to: Samuel A. Casey, President, Nekoosa-Edwards Paper Co., Port Edwards, Wis.), for a license for constructed Project No. 2498, known as the Hewittville Hydroelectric Project, located on the Raquette River, in the town of Potsdam, in St. Lawrence County, N.Y.

The existing project consists of: A combination gravity and buttress dam 550 feet long, 19 feet above bedrock, with flashboards adding 2 feet to its height when in use; six masony flames, each 18 feet deep and 13 feet wide, conveying water to six waterwheels; and a reinforced steel and concrete powerhouse having a total installed capacity of 1,770 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 30, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5375; Filed, May 21, 1965; 8:46 a.m.]

[Docket No. E–7220]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE ET AL.

Notice of Application

MAY 14, 1965.

Public Service Co. of New Hampshire, New Hampshire Electric Co., and Kittery Electric Light Co.; Docket No. E–7220.

Take notice that on April 23, 1965, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Public Service Co. of New Hampshire (Public Service), a corporation organized under the laws of the State of New Hampshire and authorized to do business in the States of New Hampshire, Maine, and Vermont, New Hampshire Electric Co. (New Hampshire), a corporation incorporated under the laws of the State of New Hampshire and authorized to do business in the States of New Hampshire and Maine and Kittery Electric Light Co. (Kittery), a corporation organized under the laws of the State of Maine and authorized to do business in the State of Maine, jointly and severally seeking authorization to transfer the assets of Kittery and New Hampshire to Public Service. All of the outstanding capital stock of New Hampshire is owned by Public Service and all of the outstanding capital stock of Kittery is owned by New Hampshire.

Public Service, with its subsidiaries, New Hampshire and Kittery, owns and operates a single-integrated system engaged in the generation, purchase, and transmission of electricity and its distribution and sale to the public in 10 cities and 180 other communities in New Hampshire, to 9 communities in the State of Maine and to 7 communities in the State of Vermont and the sale at wholesale to 10 other electric utilities.

New Hampshire serves the public in New Hampshire in the counties of Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford, and the Navy Yard in the county of York, Maine. Kittery serves the public in Maine in the county of York.

Kittery intends to transfer to New Hampshire all of its operating facilities used for the transmission and distribution of electricity. New Hampshire intends to transfer to Public Service all of its operating facilities used for the generation, transmission, and distribution of electricity including those acquired by it from Kittery. The proposed use of these facilities will be identical with the present use. The total electric utility plant presently owned by New Hampshire amounts to $14,449,267; the total electric utility plant now owned by Kittery amounts to $1,497,593.

Applicants seek permission to transfer all facilities and assets of Kittery to New Hampshire in exchange for surrender by New Hampshire for cancellation of all the stock of Kittery which is held by New Hampshire and the assumption of all the debts and obligations of Kittery and permission to transfer all facilities and assets of New Hampshire including those acquired by New Hampshire from Kittery, to Public Service in exchange for surrender by Public Service for cancellation of all stock of New Hampshire which is held by Public Service, and the assumption by Public Service of all debts and obligations of New Hampshire, including those of Kittery assumed by New Hampshire.

The Applicants state that the consolidation of the three companies, which will not result in any change in service, will simplify the corporate structure, produce some economies in operation, simplify future proceedings before various regulatory authorities, and reduce the number of reports required to be filed with regulatory authorities and other State and Federal agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5376; Filed, May 21, 1965; 8:46 a.m.]

FEDERAL RADIATION COUNCIL

RADIATION PROTECTION GUIDANCE FOR FEDERAL AGENCIES

Memorandum for the President

MAY 17, 1965.

Pursuant to Executive Order 10831 and Public Law 86-373, the Federal Radiation Council is transmitting recommendations for the approval of the President for guidance of Federal agencies in their radiation protection activities. The present recommendations are directed to guidance for protective actions affecting the normal production, processing, distribution, and use of food products for human consumption when such products are contaminated with strontium-89, strontium-90, or cesium-137. It is the intention of the Council to release the background material leading to these recommendations as Staff Report No. 7 when the recommendations are approved.

Background. The first two memorandums that provided guidance for Federal agencies in the conduct of their radiation protection activities were approved by the President on May 13, 1960, and September 20, 1961. These provided a general philosophy of radiation protection and the general principles of control based on the annual intake of radionuclides. The recommendations also provided the basis for the control and regulation of normal peacetime operations in which exposure to radiation is a factor. The Radiation Protection Guides (RPG's) were designed to limit the exposures of the whole body and of certain organs of radiation workers and the general population resulting from the use of ionizing radiation in normal peacetime operations.

During the atmospheric testing of nuclear weapons in 1961 and 1962 the question arose as to the use of those RPG's for determining the conditions under which the production, processing, distribution, and use of food, particularly fresh fluid milk, should be altered to reduce human intake of radionuclides from fallout. In September 1962 the Federal Radiation Council stated its position on this subject, and in 1963 the Council reiterated that those existing guides were not applicable to a determination of a need for protective actions and noted that it would recommend guidance on the subject to the President.

Specific guidance for protective actions applicable to contamination of food by iodine-131 was approved by the President in July 1964.

Data on worldwide fallout from past testing of nuclear weapons in the atmosphere have been reviewed by the Federal Radiation Council and the findings reported in FRC Report Nos. 3, 4, and 6.

Fundamental differences between Radiation Protection Guides and Protective Action Guides. FRC Report Nos. 1 and 2 provide radiation protection guidance for the control and regulation of the normal peacetime uses of nuclear technology in which control is exercised primarily on the design and use of the radiation source. The RPG's in those reports were developed as guidelines for the protection of radiation workers and the general public against exposures that might result from routine uses of ionizing radiation.

In formulating these guides there was a judgment, or balance, between the possible risks associated with a particular radiation exposure and the reasons for allowing the exposure.

An important factor in providing guides for any purpose is the change in risk assigned to higher or lower doses and the corresponding effort to reduce them. Other factors influencing informed opinion of where and why a particular balance should be made include views regarding prevailing practices and the relative importance of health risks in relation to economic, political, or other considerations of national welfare.

Although radiation doses numerically equal to the RPG's may impose a risk so small that they can be accepted each year for a lifetime if there is significant benefit from the programs causing the exposure, they do not and cannot establish a line that is safe on one side and unsafe on the other. Rather, some risk of injury may exist at any level of dose and the risk continuously increases with dose. Caution should be exercised in decisions to take protective actions in situations where projected doses are near the numerical values of the RPG's since the biological risks are so low that the actions could have a net adverse rather than beneficial effect on the public well-being.

In contrast to the guidance for control at the point of release, FRC Report No. 5 provided general guidance for the protection of the population against exposure resulting from the accidental release, or to the unforeseen appearance, of radioactive materials in the environment. Specific guidance, including a numerical value for the Protective Action Guide (PAG) was provided for iodine-131. The PAG represents a consensus as to when, under the conditions considered most likely to occur, intervention is indicated to avoid radiation exposure that would otherwise result from a transient environmental contamination condition. This judgment involves health, economic, sociologic, and political factors for which the relative values are different than for the RPG. These factors for the PAG may include agricultural policies, the known feasibility of protective actions, related health impacts, and similar considerations involved in the national interest.

Radionuclides considered. Four radionuclides are particularly important in considering radioactive contamination of food. These are iodine-131, strontium-89, strontium-90, and cesium-137. Iodine-131 was considered in FRC Report No. 5, and this memorandum will deal only with strontium-89, strontium-90, and cesium-137.

Physical and biological factors related to the metabolism of strontium and cesium have recently been reviewed for the Federal Radiation Council by a committee selected by the National Academy of Sciences. Consideration has been given to the irradiation of the embryo or fetus by these nuclides, as well as irradiation of infants, children, and adults. Irradiation of bone marrow is considered to be the most significant from the standpoint of producing harmful effects. Strontium-89 and strontium-90 deposit selectively in the skeleton causing irradiation of bone marrow adjacent to the sites of deposition in the skeleton. Cesium-137 is distributed through soft issues and irradiates the whole body, including bone and bone marrow.

Protective Actions Guides. As stated in Report No. 5, a protective action is an action or measure taken to avoid most of the exposure to radiation that would occur from future ingestion of the foods contaminated with radioactive materials.

Decisions to implement protective actions involve a ocmparison of the risk due to radiation exposure with the undesirable features of the contemplated actions. The critical decisions to be made are whether to permit unrestricted use of feed crops or food products, to place restrictions on the normal use of feed crops or food products, or to destroy feed crops or food products.

The Council has adopted the term Protective Action Guide, defined as the projected absorbed dose to individuals in the general population that warrants protective action following a contaminating event. The projected dose is the dose that would be received by individuals in the population group from the contaminating event if no protective action were taken. If the projected dose exceeds the PAG, protective action is indicated. Making use of the operational technique adopted in the Memorandum for the President, May 1960, protective action would be indicated at an average projected dose to a suitable sample of the exposed population equal to one-third of the PAG.

Protective actions are appropriate when the health benefits associated with the reduction in exposure to be achieved are sufficient to offset the undesirable features of the protective actions. The PAG represents the Council's judgment as to where this balance should be for the conditions considered most likely to occur. If, in a particular situation, there is available an effective action with low total impact, initiation of such action at a projected dose lower than the PAG may be justifiable. If only high impact action would be effective, initiation of such action may be justifiable only at a projected dose higher than the PAG. The types of actions considered in the development of guidance in the memorandum include:

1. Altering production, processing, or distribution practices affecting the movement of radioactive contamination through the food chain and into the human body. This action may include storage of food supplies and animal feeds to allow for radioactive decay.

2. Diverting affected products to uses other than human consumption.

3. Condemning affected products.

An alteration of the normal diet of an individual is generally less desirable than the measures listed and should not be undertaken except on the personal advice of a physician.

Two limiting conditions of environmental contamination have been examined: an acute localized contaminating event in which prompt action may be necessary to avoid the exposure that would otherwise result; and a widespread, generally increasing, low-level contamination (from stratospheric fallout) that would cause a continuous intake of radionuclides by large numbers of people for several years.

The acute localized contaminating event. Situations justifying protective actions could occur from such events as an industrial accident, possibly involving a nuclear reactor or a nuclear fuel processing plant, and release of radioactive materials from nuclear explosions. The considerations involved in determining appropriate criteria for protective action have led to the development of three categories of dietary pathways which may require decisions following an acute contaminating event. Categories I and II related to intake in the first year following acute deposition, while Category III considers subsequent intake after the first year.

Category I is concerned with the immediate transmission of the radionuclides through the pasture-cow-milk-man pathway. The three nuclides of interest may be transmitted through this pathway simultaneously if they are deposited simultaneously on pasture. Experimental data indicate that nearly all the radioactivity appearing in milk through this pathway will have occurred within 100 days, and protective actions may have to be applied for this length of time. Protective action must be initiated within about a week to be effective in averting most of the potential exposure. This category of transmission may be the only one of importance for strontium-89 because of its relatively short radioactive half life (50.5 days).

Category II is concerned with the transmission of radionuclides to man through dietary pathways other than that specified as Category I during the first year following an acute contaminating event. This involves the use of feed crops for animals, including dairy cattle, and plant products used directly for human consumption. The radioactivity initially deposited on such crops in the field does not gain access to the human food chain until after the crops are harvested. Immediate action to reduce the potential intake will not usually be required because of the normal delay in the use of such crops. However, an early decision will be required as to the need for examination of the radionuclide content of harvested crops before they enter normal marketing channels. Strontium-90 and cesium-137 may be transmitted through the cow's feed to milk; cesium-137, in particular, may be transmitted through feed to meat; both may be transmitted to man through the direct consumption of plant products.

Category III is primarily concerned with the long-term transmission of strontium-90 through soil into plants in the years following a contaminating event. Residual contamination of cesium-137 on pasture when there is a heavy root mat may be a consideration for 1 to 2 years following a sufficiently severe contaminating event. Because of the long leadtime available to assess the possible radionuclide intakes, immediate action is not necessary. Any action that may be taken must be based on the long-term reduction of the radionuclide concentrations in products grown in the area.

In considering the desirability of initiating protective actions following a contaminating event, it is necessary to consider the three categories separately. The benefits of a protective action taken in one category are largely independent of whether or not action is taken in another. Individuals may be exposed to radioactivity from all three categories; however, the guides for individual categories recommended in this memorandum are sufficiently conservative that it is unnecessary to provide an additional limitation on combined doses. Since actions that are likely to be taken in Categories I and II would be effective against any of the three nuclides in either category, the sum of the projected doses to the bone marrow should be compared to the numerical value of the respective guide in the appropriate category when the need for protective action is considered.

Considerations in the development of Protective Actions. The basic considerations in the development of guidance for the acute event are:

1. The occurrence of an acute contaminating event which will require protective action is considered to be so infrequent that it is unlikely that the same individual will be exposed to more than one event.

2. Exposure to the public from radionuclides in the environment is directly related to concentration of the radionuclides in food supplies and the length of time (weeks, months, or years) over which unusual exposures would be expected to occur. The need for protective actions is generally independent of the source of contamination.

3. The substitution of food or feeds of lower radionuclide content for contaminated products is both effective and practicable.

4. The potential intake of radionuclides by individuals in the general public from radionuclides in the environment can be reduced whenever modifications in the normal production, processing, distribution, or dietary practices are considered to be less objectionable than the radiation risk that would otherwise have to be accepted.

5. Protective actions, by their very nature, are short-term modifications in such practices.

6. If the contamination of a particular crop or dietary component is so high that it would not be acceptable for local use, the crop or dietary component is not considered acceptable for use in other areas to which it may be transported.

Specific Guidance

Category I. The concept of the PAG, as presented in Report No. 5, was developed for use as guidance in situations involving the rapid transmission of radionuclides from pasture to milk to man with inherent limitations on the types of effective actions for which the necessary resources would be generally available. Such a situation has many of the characteristics of an emergency requiring an immediate decision as to the need for protective actions. The possible need for early actions to avoid most of the projected intake that may result from an acute localized contaminating event involving strontium-89, strontium-90, and cesium-137 is also present in Category I.

Recommendation. In view of these considerations it is recommended that:

1. The Protective Action Guide for the transmission of strontium-89, strontium-90, and cesium-137 through milk under the conditions of Category I be a mean dose of 10 rads in the first year to the bone marrow or whole body of individuals in the general population; and provided further that the total dose resulting from Category I not exceed 15 rads. For purposes of applying this guide, the total dose from strontium-89 and cesium-137 is assumed to be the same as the dose in the first year, whereas the total dose from strontium-90 is assumed to be five times the dose from strontium-90 in the first year. As an operational technique it is assumed that the guide will be met effectively if the average projected dose to a suitable sample of the population (children approximately 1 year of age) does not exceed one-third of the numerical values prescribed for the individual.

Category II. The time of deposition of radioactive materials relative to the various stages in the plant growth cycle will be a major factor affecting the concentration of radionuclides in food and feed. Although the variations in these concentrations can be large, depending on the time of year and the particular produce grown in the contaminated area, the concentrations of radionuclides reaching man through Category II pathways will be less, in most cases, than those in Category I. The need for initiating a program to assess the radionuclide content and the use of crops in Category II can be deduced from the situation found in Category I. Protective actions usually will not be required in Category II if they were not required in Category I.

When a need for quantitative examination of crops has been established the significance of radioactive contamination should be evaluated in terms of potential daily intake by persons deriving major portions of their diets from local foods. Within Category II a wide range of situations may exist. It is generally impossible to predict total radiation doses solely from the degree of contamination of a particular crop. The composition of population groups consuming food crops in Category II usually will differ from the composition of groups affected by Category I. The complexity of such situations and the fact that, for most crops, immediate action beyond assuring that questionable crops are not marketed before appropriate assessment can be made, make it impractical to provide numerical guides ap-

plicable to individual products. However, if it appears that the total projected dose to a suitable sample of a population group from all crops in Category II would be larger than the PAG recommended for this category, protective actions should be initiated against those crops that would make major contributions to that dose. In order to meet the objective of item No. 6 of the basic considerations in the development of this guidance, the suitable sample would be from a group considered to live in a contaminated area and also be considered to make maximum utilization of locally produced food products.

Recommendation. In view of these considerations it is recommended that:

2. The Protective Action Guide for the transmission of strontium-89, strontium-90, and cesium-137 through food crops or animal feed crops under the conditions in Category II be a mean dose of five rads in the first year to the bone marrow or whole body of individuals in the general population. As an operational technique it is assumed that the guide will be met effectively if the average projected dose to a suitable sample of the local population is no larger than two rads in the first year to the whole body or bone marrow.

Category III. In this category there can be extremely wide variations in the situations that might exist in relation to (1) areas involved, (2) crops affected, (3) possible rate of change in strontium-90 gaining access to plants, and (4) possible actions. In addition, one is now concerned with problems of long-term chronic exposure. Actions that may be effective in Category III involve major long-term changes in farming practices such as selection of crops, chemical or mechanical treatment of soil, land utilization, or all three of these. Following a sufficiently severe event, long-term restrictions may be placed on the use of farmland for food or feed production. The range of considerations that may enter into a decision to take action in this category together with the length of time available for detailed evaluations make it less meaningful to provide a numerical PAG than to provide guidance for evaluation of long-term situations. The nature of the situation is such that detailed evaluation would not be required except in situations in which levels of environmental contamination are greater than those that might occur under guidance provided for normal peacetime operations.

Recommendations. In view of these considerations it is recommended that:

3. The desirability of protective action against exposure to environmental radioactivity from situations in Category III be determined on a case-by-case basis. If it appears that annual doses to the bone marrow after the first year may exceed 0.5 rad to individuals or 0.2 rad to a suitable sample of the population such situations shall be appropriately evaluated.

It is recommended that:

4. The guidance contained in the preceding recommendations be approved for use of Federal agencies in the conduct of those radiation protection activities affecting the normal production, processing, distribution, and use of food and agricultural products following acute radioactive contamination of the environment.

The numerical values of absorbed doses specified as guides for an acute contaminating event are not intended to authorize deliberate releases expected to result in absorbed doses of these magnitudes, nor do they have any relevance to civil defense applications.

Worldwide contamination from stratospheric fallout. Stratospheric fallout from past atmospheric testing of nuclear weapons has led to a worldwide deposition of fission products in the environment. The studies of fallout in the United States from past testing (FRC Report Nos. 4 and 6) have indicated that:

1. In the conterminous United States strontium-89 gave estimated average total doses of 0.04 rad to bone and 0.01 rad to bone marrow.. These doses were divided about equally between 1962 and 1963. In 1964 the estimated dose from strontium-89 was negligible.

2. The average annual strontium-90 content of the total diet in the "wet" areas of the United States reached a value of approximately 40 picocuries of strontium-90 per gram calcium in 1964. This could lead to an average annual dose in new bone and in bone marrow of about 0.03 and 0.01 rad, respectively. In Alaska strontium-90 burdens in bone of a few individuals appear to be about four times as high as those found in the conterminous United States.

3. Internal exposure from cesium-137 to be taken in through the diet in the conterminous United States during the next 30 years has been estimated to be about 0.01 rad. In Alaska, although the amount of fallout deposited per unit area is about one-fifth as much as that deposited in the 30°–40° latitude band, a combination of ecological conditions and specific dietary habits of some Eskimos and Indians causes higher cesium body burdens than are found in the conterminous United States. Average body burdens of cesium-137 in these inhabitants were about three times as high in 1964 as they were in 1962. The estimated annual whole body doses to these individuals ranged from about one-quarter to one-half of the numerical value of the RPG for individuals in the general population.

On the basis of this information on stratospheric fallout the Council concluded that the health risk from radioactivity in food over the next several years would be too small to justify protective actions to limit the intake of radionuclides either by diet modifications or by altering the normal distribution and use of food, particularly milk and dairy products.

Recommendations. In view of these considerations it is recommended that:

5. Surveillance of the radionuclide content in food products contaminated with worldwide fallout be continued at levels appropriate to the situation.

It is recommended that:

6. Surveillance and research programs examining the special ecological situations in the arctic region continue until future trends can be predicted with greater confidence.

It is recommended that:

7. Nationwide programs to reduce potential exposure of the population from gradually increasing levels of environmental contamination, such as that associated with worldwide fallout, are not necessary now nor for future levels of fallout from past testing.

ANTHONY J. CELEBREZZE,
Chairman.

The recommendations numbered "1" through "7" contained in the above memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the FEDERAL REGISTER.

Dated: May 20, 1965.

LYNDON B. JOHNSON.

[F.R. Doc. 65-5476; Filed, May 21, 1965; 12:00 m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4275]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice of Proposed Issuance of Notes

MAY 18, 1965.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, and its wholly owned subsidiary companies, Consolidated Gas Supply Corp. ("Supply Corp.", successor by merger of Hope Natural Gas Co. and New York State Natural Gas Corp.), The East Ohio Gas Co. ("East Ohio"), Lake Shore Pipe Line Co. ("Lake Shore"), The Peoples Natural Gas Co. ("Peoples"), and The River Gas Co. ("River"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of certain of its subsidiary companies by issuing, on one or more dates in 1965, an aggregate of up to $35,000,000 of unsecured promissory notes to a group of banks. The proceeds from the sale of notes will be advanced to such subsidiary companies on open account. Both the notes and the open account advances will mature in not more than 12 months from the date of the first note borrowing and will bear interest at the prime rate of The Chase Manhattan Bank (presently 4½ percent per annum) in effect on the date of such first note borrowing. The notes will be prepayable, in whole or in part at any time, without premium, upon 10 days' prior written notice. Both the notes and the open account advances will be repaid as gas is withdrawn from storage and sold by the subsidiary companies during the 1965–66 heating season.

The names of the banks and the participation of each in the proposed borrowing by Consolidated are as follows:

New York City:	
The Chase Manhattan Bank	$11,800,000
The First National City Bank	3,000,000
Morgan Guaranty Trust Co	2,750,000
Manufacturers Hanover Trust Co	2,000,000
Bankers Trust Co	1,500,000
Chemical Bank New York Trust Co	1,500,000
Irving Trust Co	1,500,000
OHIO	
Cleveland:	
The National City Bank	2,400,000
Union Commerce Bank	1,100,000
Central National Bank	350,000
Society National Bank	300,000
Akron:	
First National Bank of Akron	225,000
The Akron Dime Bank	150,000
The Firestone Bank	150,000
Ashtabula:	
The Farmers National Bank & Trust Co	50,000
Canton:	
The Harter Bank & Trust Co	175,000
First National Bank of Canton	150,000
The Canton National Bank	75,000
The Peoples-Merchants Trust Co	75,000
Painesville:	
The Lake County National Bank	50,000
Warren:	
The Second National Bank of Warren	50,000
The Union Savings & Trust Co	50,000
Youngstown:	
The Mahoning National Bank	250,000
The Union National Bank	150,000
PENNSYLVANIA	
Pittsburgh:	
Pittsburgh National Bank	1,400,000
Mellon National Bank and Trust Co	1,300,000
The Union National Bank of Pittsburgh	500,000
Altoona:	
Altoona Central Bank and Trust Co	100,000
Johnstown:	
Johnstown Bank and Trust Co	50,000
United States National Bank in Johnstown	50,000
NEW YORK	
Elmira:	
Marine Midland Trust Co. of Southern New York	500,000
Syracuse:	
Marine Midland Trust Co. of Central New York	500,000
WEST VIRGINIA	
Clarksburg:	
The Empire National Bank of Clarksburg	150,000
The Union National Bank of Clarksburg	150,000
Morgantown:	
The First National Bank of Morgantown	125,000
Parkersburg:	
The Parkersburg National Bank	125,000
Commercial Banking & Trust Co	75,000
Union Trust & Deposit Co	75,000
Total	$35,000,000

In 1964, Consolidated made open account advances for construction to subsidiary companies, of which $13,300,000 mature on or before October 20, 1965, and $1,500,000 mature on or before November 19, 1965. Consolidated proposes to extend the repayment dates of said $13,300,000 advances to November 19, 1965, to coincide with the date of maturity of Consolidated's related construction bank loan made in 1964. In addition, Consolidated proposes to make further open account advances, from time to time as funds are needed by its subsidiary companies, for 1965 construction expenditures. The proposed 1965 construction advances, which will aggregate not more than $10,200,000, will bear the prime rate of interest of The Chase Manhattan Bank in effect on the date of the first such advance to the respective subsidiary company and will be repaid on or before November 19, 1965. Consolidated estimates the cost of the system's 1965 construction program at $70,300,000.

The subsidiary companies propose to repay said 1964 construction advances, aggregating $14,800,000, and the proposed $10,200,000 1965 advances for said purpose, by issuing to Consolidated equal principal amounts of nonnegotiable long-term notes bearing interest substantially equal to the effective cost of money to Consolidated through the issuance and sale, later in 1965, of $25,000,000 principal amount of 25-year sinking fund debentures to mature in 1990, such issuance and sale to be the subject of a subsequent filing with this Commission. Of the proposed long-term notes, 80 percent of the aggregate principal amount will mature serially in the years 1970 through 1989, and the balance will mature in 1990.

The proposed intrasystem transactions described above are summarized as follows:

	Advances by Consolidated for gas storage	Consolidated's advances for 1964 construction to be extended	Advances by Consolidated for 1965 construction	Issuance of long-term notes to Consolidated by subsidiaries
Supply Corp	$24,000,000	(*)	$5,000,000	$6,500,000
East Ohio	10,000,000	$9,000,000	3,000,000	12,000,000
Lake Shore		1,000,000	300,000	1,300,000
Peoples	1,000,000	3,000,000	1,500,000	4,500,000
River		300,000	400,000	700,000
	35,000,000	13,300,000	10,200,000	25,000,000

*No extension is necessary with respect to the advance of $1,500,000 to Supply Corp.

The filing states that the Public Service Commission of West Virginia has jurisdiction over the long-term and short-term borrowings proposed by Supply Corp.; that The Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio, Lake Shore, and River; that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions, all of which are to be paid by Consolidated, are estimated not to exceed $2,500, consisting of $2,000 payable to Con-Gas Service Corp. for services on a cost basis and miscellaneous out-of-pocket expenses of $500.

Notice is further given that any interested person may, not later than June 14, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-5370; Filed, May 21, 1965; 8:45 a.m.]

[File No. 811-735]

GIBCO, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 18, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Gibco, Inc. ("applicant"), 515 West Williams Street, Greenville, Mich., a Michigan corporation and a management, closed-end, nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a com-

plete statement of applicant's representations, which are summarized below.

Applicant represents that on August 23, 1961, its Board of Directors, with the written consent of Hupp Corp., the record owner of 98 percent of its outstanding common stock, adopted a Plan of Liquidation. Pursuant thereto, applicant has distributed all of its assets. In consideration of applicant's final distribution under the Plan, applicant's remaining liabilities were assumed by Hupp Corp. in June, 1964. The application states that, as of December 31, 1964, the applicant had no assets and no liabilities.

Notice is further given that any interested person may, not later than June 9, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-5371; Filed, May 21, 1965; 8:45 a.m.]

WELLINGTON FUND, INC.

[812-1781]

Notice of Filing of Application for Order for Exemption

MAY 18, 1965.

Notice is hereby given that Wellington Fund, Inc. ("Wellington Fund"), 1630 Locust Street, Philadelphia, Pa., a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares, without sales charge, for substantially all of the cash and securities of Apex Hosiery Co. ("Apex"). Said exemptive order is requested since the shares of Wellington Fund are offered to the public at a price which includes a sales charge in addition to the net amount which Wellington Fund receives from the underwriter through whom such public offering is made. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations made therein which are summarized below.

As of January 31, 1965, the net assets of Wellington Fund amounted to approximately $1,937,700,000. Apex, a corporation organized under the laws of Pennsylvania, was formerly in the manufacturing business, but for approximately 10 years has been a personal holding company owned by a maximum of 42 stockholders. The assets of Apex consist entirely of cash and marketable securities and, at January 31, 1965, had a value of approximately $9,000,000. Pursuant to an Agreement and Plan of Reorganization, Wellington Fund will acquire substantially all of the assets of Apex in exchange for stock of Wellington Fund which will be distributed to shareholders of Apex upon liquidation. Neither Apex nor any of the shareholders thereof has any present intention of redeeming shares of Wellington Fund which they acquire.

The amount of stock of Wellington Fund to be delivered to Apex will be determined on the basis of the values at 3:30 p.m. on the business day next succeeding the first dividend record date established by Wellington Fund after April 23, 1965, or on such other date as may be mutually agreed upon; the number of shares to be delivered will be obtained by dividing the adjusted market value of the assets of Apex by the net amount per share which Wellington Fund receives from the underwriter of its shares on sales of its shares to the public. This amount is the net asset value per share plus a charge, recently computed at 4 cents per share, to reflect the per share amount of annual brokerage commissions paid by Wellington Fund in acquiring portfolio securities. The market value of the assets of Apex will be adjusted according to a formula set forth in the application which reflects the higher ratio of unrealized appreciation in the assets of Apex than in the assets of Wellington Fund as well as the Federal income taxes which may be payable upon present or future realization of the excess appreciation. As of January 31, 1965, unrealized appreciation represented 35 percent and 15 percent of the net asset value of the shares of Apex and Wellington Fund respectively. Of the securities to be acquired, Wellington Fund intends to retain, subject to changes in investment conditions and considerations, securities having a value as of January 31, 1965, of approximately $6,708,000, and to sell securities having a value of approximately $1,990,000.

Notice is further given that any interested person may, not later than June 9, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-5372; Filed, May 21, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39781—*Gravel from Attica, Ind.* Filed by Illinois Freight Association, agent, (No. 284), for and on behalf of Norfolk and Western Railway Co. Rates on gravel, road surfacing, in carloads, from Attica, Ind., to Sadorus, Ivesdale and Tolono, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 22 to Norfolk and Western Railway Co. tariff I.C.C. 8115 (Wabash series).

FSA No. 39782—*Beet or Cane Sugar to West Chicago, Ill.* Filed by Southwestern Freight Bureau, agent, (No. B-8727), for interested rail carriers. Rates on sugar, beet, or cane, in carloads, from Hereford and Sugarland, Tex., to West Chicago, Ill.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 38 to Southwestern Freight Bureau, agent, tariff I.C.C. 4514.

FSA No. 39783—*Gravel to Mt. Zion, Ill.* Filed by Illinois Freight Association, agent, (No. 286), for and on behalf of Illinois Central Railroad Co. Rates on gravel, road surfacing, in carloads, from Riverton, Ind., to Mt. Zion, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 124 to Illinois Central Railroad Co. tariff I.C.C. A-11687.

FSA No. 39784—*Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent, (No. 285), for and on behalf of Chicago & Eastern Illinois Railroad Co. Rates on gravel, road surfacing, in carloads, from Dickason Pit, Ind., to Holland, Moccasin, and Altamont, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 46 to Chicago & Eastern Illinois Railroad Co. tariff I.C.C. 330.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5385; Filed, May 21, 1965; 8:47 a.m.]

[Notice 28]

FINANCE APPLICATIONS

MAY 19, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23641. By application filed May 12, 1965, Adley Corp., 216 Crown Street, New Haven, Conn., 06510, seeks authority under section 214 of the Interstate Commerce Act to issue six promissory notes in an aggregate face amount of approximately $936,000. Applicant's attorneys: Jack R. Turney, Jr., Turney, Major, Markham, and Sherfy, 2001 Massachusetts Avenue NW., Washington, D.C., 20036 and Howard T. Gillis, The Adley Corp., 216 Crown Street, New Haven, Conn., 06510. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23648. By application filed May 17, 1965, Brink's Express Co. of Canada, Ltd., 1000 Ottawa Street (Post Office Box 587), Montreal, Quebec Province, Canada, seeks authority under section 214 of the Interstate Commerce Act to issue 110,000 shares of redeemable Class A stock having a par value of $100. Applicant's attorneys: Edward K. Wheeler, Wheeler and Wheeler, 704 Southern Building, Washington, D.C., 20005 and Francis D. Partlan, % Brink's, Inc., 234 East 24th Street, Chicago, Ill., 60616.

NOTE: This application is directly related to Docket No. MC-F-9121.

F.D. No. 23647. By application filed May 12, 1965, The Greyhound Corp., 140 South Dearborn Street, Chicago, Ill., 60603, seeks authority under section 214 of the Interstate Commerce Act to issue short-term notes in an amount not exceeding $50,000,000 face amount outstanding at any one time. Applicant's attorney: Gerald H. Trautmen Vice President and General Counsel, The Greyhound Corp., 601 California Street, San Francisco, Calif., 94108. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5386; Filed, May 21, 1965; 8:47 a.m.]

[Notice 770]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

MAY 19, 1965.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8998 (correction) (C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.), published in the January 20, 1965 issue of the FEDERAL REGISTER on page 665. The prior notice, concerning the operating rights sought to be transferred, should be amended as follows: *Machinery, equipment, materials, and supplies,* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies,* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier,* over irregular routes, between points in New Mexico, Oklahoma, and Kansas, between points in Kansas, on the one hand, and, on the other, points in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portions of the highways specified, between points in Kansas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming, between points in that part of Texas north of U.S. Highway 80, and west of U.S. Highway 75, and within 250 miles of Seagraves, Tex., including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona and Utah; and *heavy or cumbersome commodities,* which, because of size or weight, require the use of special equipment, between Seagraves, Tex., and points in Texas within 250 miles of Seagraves, and those in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, beyond such 250 mile radius, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona.

NOTE: In *C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.*, 93 M.C.C. 741, decided February 26, 1964, authority was granted for C & H to purchase certain operating rights of Ferguson, conditioned upon cancellation of above-referred-to operating rights. On March 3, 1965, the U.S. District Court for the Northern District of Texas, Dallas Division, in Civil Action No. CA-3-789, issued a temporary restraining order against the order of February 26, 1964.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5387; Filed, May 21, 1965; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[644]

MOTOR VEHICLES AND MOTOR VEHICLE PARTS FROM CANADA

Determination With Respect to Suspected Bounty or Grant

A notice was published in the FEDERAL REGISTER of April 17, 1965 (30 F.R. 5534), that the Bureau of Customs had received information that Canada, on January 16, 1965, had adopted measures which became effective on January 18, 1965, under which certain automotive vehicles and parts imported into Canada shall be free of duty. These measures are set forth in Canadian Order-in-Council P.C. 1965-99, dated January 16, 1965, which was published in the FEDERAL REGISTER on April 22, 1965 (30 F.R. 5710). Related to those measures are certain ancillary letters sent to the Canadian Government by Canadian automobile manufacturers.

The notice stated that a question had been raised whether the action by Canada and by the automobile manufacturers in Canada would result in the payment or bestowal of a bounty or grant, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or export of the vehicles and parts to which the Canadian Order-in-Council relates.

The notice afforded an opportunity for interested persons to present written data, views or arguments with respect to the existence or nonexistence, and the net amount, of a bounty or grant. All data, views or arguments that were received, and such information with respect to this matter as was developed by the Bureau of Customs itself, have been considered.

It is hereby determined that the action which was the subject of the April 17, 1965 notice does not result in the importation into the United States of articles on which a bounty or grant has been paid or bestowed within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

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

Approved: May 21, 1965.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 65-5477; Filed, May 21, 1965; 4:14 p.m.]

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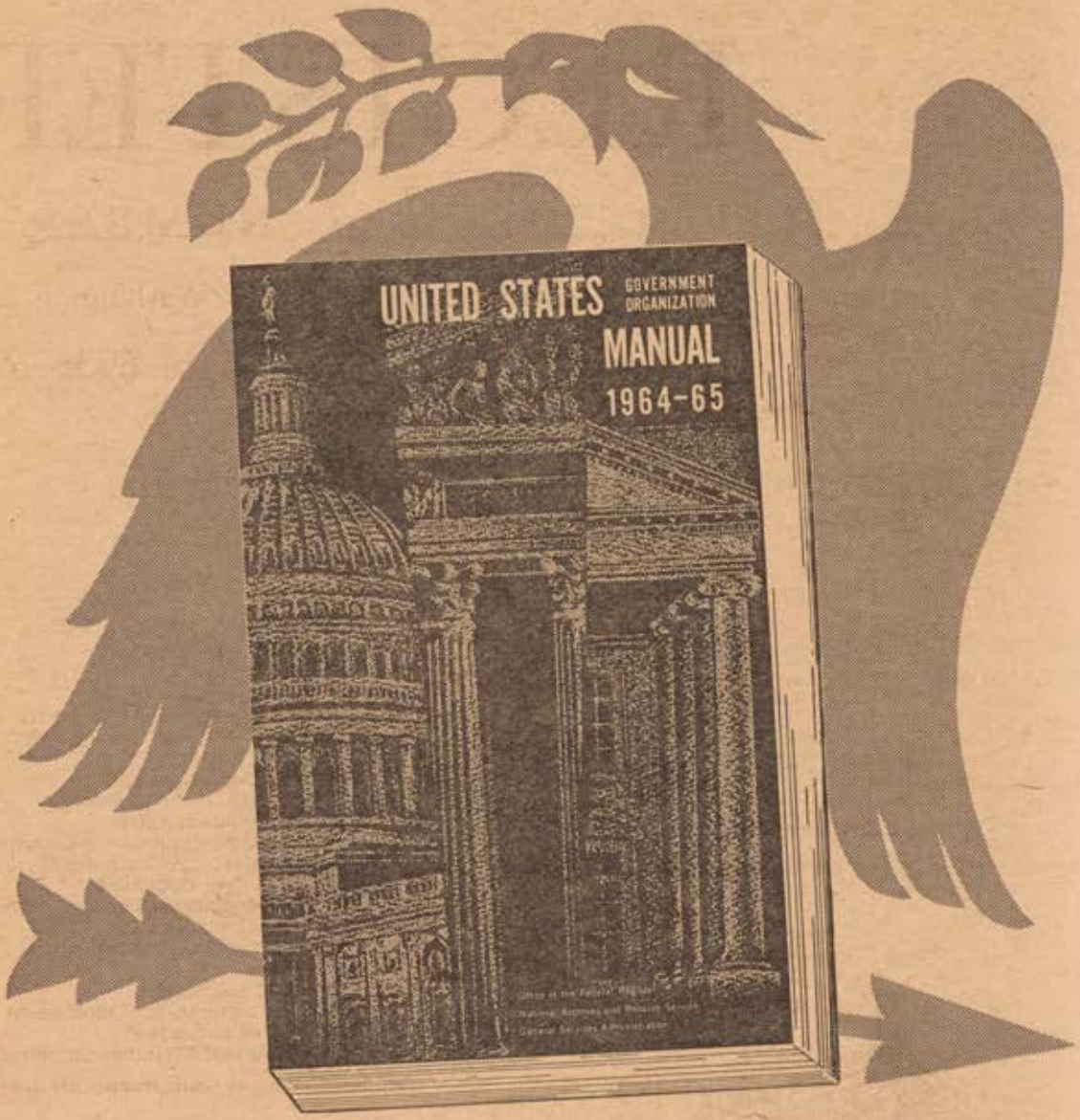

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