FEDERAL REGISTER

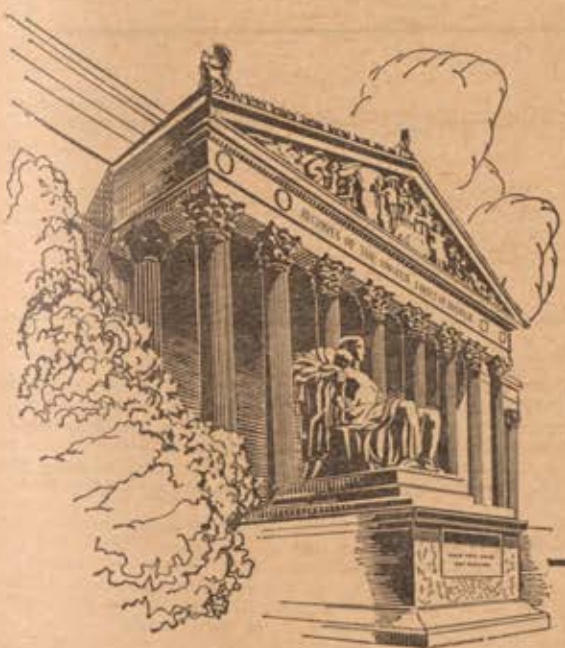
VOLUME 30 • NUMBER 116

Thursday, June 17, 1965 • Washington, D.C.

Pages 7801–7862

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

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.

3 CFR

EXECUTIVE ORDERS:
- 6143 (revoked in part by PLO 3691) 7823
- 6276 (revoked in part by PLO 3691) 7823
- 6285 (revoked in part by PLO 3693) 7824
- 6583 (revoked in part by PLO 3691) 7823

7 CFR

- 722 7809
- 730 7811
- 1421 7811
- 1427 (2 documents) 7814

PROPOSED RULES:
- 991 7825
- 1002 7839

14 CFR

- 39 (2 documents) 7816
- 71 (6 documents) 7816–7818

PROPOSED RULES:
- 71 7840

19 CFR

- 10 7819

26 CFR

- 1 7805
- 48 7809
- 301 7809

28 CFR

- 0 7819
- 43 7819

29 CFR

- 5 7819

41 CFR

- 9–53 7819
- 101–18 7820
- 101–20 7820

43 CFR

PUBLIC LAND ORDERS:
- 5 (see PLO 3677) 7820
- 993 (revoked in part by PLO 3692) .. 7823
- 3565 (correction) 7820
- 3646 (corrected by PLO 3680) 7821
- 3677 7820
- 3678 7821
- 3679 7821
- 3680 7821
- 3681 7821
- 3682 7821
- 3683 7821
- 3684 7821
- 3685 7822
- 3686 7822
- 3687 7822
- 3689 7822
- 3690 7823
- 3691 7823
- 3692 7823
- 3693 7824
- 3694 7824

50 CFR

- 33 (2 documents) 7824

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6828]

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

Capital Loss Carryover

On April 7, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 172, 642, 1212, and 1222 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 230 of the Revenue Act of 1964 (78 Stat. 99) was published in the FEDERAL REGISTER (30 F.R. 4482). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

Approved: June 14, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 172, 642, 1212, and 1222 of the Internal Revenue Code of 1954 to section 230 of the Revenue Act of 1964 (78 Stat. 99), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.172-3 is amended to read as follows:

§ 1.172-3 Net operating loss in case of a taxpayer other than a corporation.

* * * * *

(b) *Treatment of capital loss carryovers.* Because of the distinction between business and nonbusiness capital gains and losses, a taxpayer who has a capital loss carryover from a preceding taxable year, includible by virtue of section 1212 among the capital losses for the taxable year in issue, is required to determine how much of such capital loss carryover is a business capital loss and how much is a nonbusiness capital loss. In order to make this determination, the taxpayer shall first ascertain what proportion of the net capital loss for such preceding taxable year was attributable to an excess of business capital losses over business capital gains for such year, and what proportion was attributable to an excess of nonbusiness capital losses over nonbusiness capital gains. The same proportion of the capital loss carryover from such preceding taxable year shall be treated as a business capital loss and a nonbusiness capital loss, respectively. In order to determine the composition (business—nonbusiness) of a net capital loss for a taxable year, for purposes of this paragraph, if such net capital loss is computed under paragraph (b) of § 1.1212-1 and takes into account a capital loss carryover from a preceding taxable year, the composition (business—nonbusiness) of the net capital loss for such preceding taxable year must also be determined. For purposes of this paragraph, in case of a taxable year beginning after December 31, 1963, the term "capital loss carryover" means the sum of the short-term and long-term capital loss carryovers from such year. This paragraph may be illustrated by the following examples:

Example (1). (i) A, an individual, has $5,000 ordinary taxable income (computed without regard to the deductions for personal exemptions) for the calendar year 1954 and also has the following capital gains and losses for such year: Business capital gains of $2,000; business capital losses of $3,200; nonbusiness capital gains of $1,000; and nonbusiness capital losses of $1,200.

(ii) A's net capital loss for the taxable year 1954 is $400, computed as follows:

Capital losses	$4,400
Capital gains	3,000
Excess of capital losses over capital gains	1,400
Less: $1,000 of such ordinary taxable income	1,000
Net capital loss for 1954	400

(iii) A's capital losses for 1954 exceeded his capital gains for such year by $1,400. Since A's business capital losses for 1954 exceeded his business capital gains for such year by $1,200, 6/7ths ($1,200/$1,400) of A's net capital loss for 1954 is attributable to an excess of his business capital losses over his business capital gains for such year. Similarly, 1/7th of the net capital loss is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. Since the capital loss carryover for 1954 to 1955 is $400, 6/7ths of $400, or $342.86, shall be treated as a business capital loss in 1955; and 1/7th of $400, or $57.14, as a nonbusiness capital loss.

Example (2). (i) A, an individual who is computing a net operating loss for the calendar year 1966, has a capital loss carryover from 1965 of $8,000. In order to apply the provisions of this paragraph, A must determine what portion of the $8,000 carryover is attributable to the excess of business capital losses over business capital gains and what portion thereof is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. For 1965, A had $10,000 ordinary taxable income (computed without regard to the deductions for personal exemptions), and a short-term capital loss carryover of $6,000 from 1964. In order to determine the composition (business—nonbusiness) of the $8,000 carryover from 1965, A first determines that of the $6,000 carryover from 1964, $5,000 is a business capital loss and $1,000 is a nonbusiness capital loss. This must be done since, under paragraph (b) of § 1.1212-1, the net capital loss for 1965 is computed by taking into account the capital loss carryover from 1964. A's capital gains and losses for 1965 are as follows:

	1965	Carried over from 1964
Business capital gains	$2,000	
Business capital losses	3,000	$5,000
Nonbusiness capital gains	4,000	
Nonbusiness capital losses	6,000	1,000

(ii) A's net capital loss for the taxable year 1965 is $8,000, computed as follows:

Capital losses (including carryovers)	$15,000
Capital gains	6,000
Excess of capital losses over capital gains	9,000
Less: $1,000 of such ordinary taxable income	1,000
Net capital loss for 1965	8,000

(iii) A's capital losses, including carryovers, for 1965 exceeded his capital gains for such year by $9,000. Since A's business capital losses for 1965 exceeded his business capital gains for such year by $6,000, 2/3rds ($6,000/$9,000) of A's net capital loss for 1965 is attributable to an excess of his business capital losses over his business capital gains for such year. Similarly, 1/3rd of the net capital loss is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. Since the total capital loss carryover from 1965 to 1966 is $8,000, 2/3rds of $8,000, or $5,333.33, shall be treated as a business capital loss in 1966; and 1/3rd of $8,000, or $2,666.67, as a nonbusiness capital loss.

* * * * *

PAR. 2. Section 1.642(h)-1 is amended by revising paragraph (b) and by adding a paragraph (c). These amended and added provisions read as follows:

§ 1.642(h)-1 Unused loss carryovers on termination of an estate or trust.

* * * * *

(b) The net operating loss carryover and the capital loss carryover are the same in the hands of a beneficiary as in the estate or trust, except that the capital loss carryover in the hands of a beneficiary which is a corporation is a short-term loss irrespective of whether it would have been a long-term or short-term capital loss in the hands of the estate or trust. The net operating loss carryover and the capital loss carryover are taken into account in computing both taxable income and adjusted gross income. The first taxable year of the beneficiary to which the loss shall be carried over is the taxable year of the beneficiary in which or with which the estate or trust terminates. However, for

purposes of determining the number of years to which a net operating loss, or a capital loss under paragraph (a) of § 1.1212–1, may be carried over by a beneficiary, the last taxable year of the estate or trust (whether or not a short taxable year) and the first taxable year of the beneficiary to which a loss is carried over each constitute a taxable year, and, in the case of a beneficiary of an estate or trust that is a corporation, capital losses carried over by the estate or trust to any taxable year of the estate or trust beginning after December 31, 1963, shall be treated as if they were incurred in the last taxable year of the estate or trust (whether or not a short taxable year). For the treatment of the net operating loss carryover when the last taxable year of the estate or trust is the last taxable year to which such loss can be carried over, see § 1.642(h)–2.

(c) The application of this section may be illustrated by the following examples:

Example (1). A trust distributes all of its assets to A, the sole remainderman, and terminates on December 31, 1954, when it has a capital loss carryover of $10,000 attributable to transactions during the taxable year 1952. A, who reports on the calendar year basis, otherwise has ordinary income of $10,000 and capital gains of $4,000 for the taxable year 1954. A would offset his capital gains of $4,000 against the capital loss of the trust and, in addition, deduct under section 1211 (b) $1,000 on his return for the taxable year 1954. The balance of the capital loss carryover of $5,000 may be carried over only to the years 1955 and 1956, in accordance with paragraph (a) of § 1.1212–1 and the rules of this section.

Example (2). A trust distributes all of its assets, one-half to A, an individual, and one-half to X, a corporation, who are the sole remaindermen, and terminates on December 31, 1966, when it has a short-term capital loss carryover of $20,000 attributable to short-term transactions during the taxable years 1964, 1965, and 1966, and a long-term capital loss carryover of $12,000 attributable to long-term transactions during such years. A, who reports on the calendar year basis, otherwise has ordinary income of $15,000, short-term capital gains of $4,000 and long-term capital gains of $6,000, for the taxable year 1966. A would offset his short-term capital gains of $4,000 against his share of the short-term capital loss carryover of the trust, $10,000 (one-half of $20,000), and, in addition deduct under section 1211(b) $1,000 (treated as a short-term gain for purposes of computing capital loss carryovers) on his return for the taxable year 1966. A would also offset his long-term capital gains of $6,000 against his share of the long-term capital loss carryover of the trust, $6,000 (one-half of $12,000). The balance of A's share of the short-term capital loss carryover, $5,000, may be carried over as a short-term capital loss carryover to the succeeding taxable year and treated as a short-term capital loss incurred in such succeeding taxable year in accordance with paragraph (b) of § 1.1212–1. X, which also reports on the calendar year basis, otherwise has capital gains of $4,000 for the taxable year 1966. X would offset its capital gains of $4,000 against its share of the capital loss carryovers of the trust, $16,000 (the sum of one-half of each the short-term carryover and the long-term carryover of the trust), on its return for the taxable year 1966. The balance of X's share, $12,000, may be carried over as a short-term capital loss only to the years 1967, 1968, 1969, and 1970, in accordance with paragraph (a) of § 1.1212–1 and the rules of this section.

PAR. 3. Paragraph (d) of the example in § 1.642(h)–5 is amended to read as follows:

§ 1.642(h)–5 Example.

* * * * *

(d) Under section 642(h)(1), there will be allowable to A a capital loss carryover of $2,500 for his taxable year 1954 and for his next 4 taxable years in accordance with paragraph (a) of § 1.1212–1. There will be allowable to the trust a similar capital loss carryover of $2,500 for its taxable year ending August 31, 1955, and its next 4 taxable years (but see paragraph (b) of § 1.643(a)–3), (for taxable years beginning after December 31, 1963, net capital losses may be carried over indefinitely by beneficiaries other than corporations, in accordance with § 1.642(h)–1 and paragraph (b) of § 1.1212–1.)

* * * * *

PAR. 4. Section 1.1212 is amended by revising section 1212 and by adding a historical note. These amended and added provisions read as follows:

§ 1.1212 Statutory provisions; capital loss carryover.

SEC. 1212. *Capital loss carryover*—(a) *Corporations.* If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss in each of the 5 succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this section, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date.

(b) *Other taxpayers*—(1) *In general.* If a taxpayer other than a corporation has a net capital loss for any taxable year beginning after December 31, 1963—

(A) The excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) The excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

For purposes of this paragraph, in determining such excesses an amount equal to the excess of the sum allowed for the taxable year under section 1211(b) over the gains from sales or exchanges of capital assets (determined without regard to this sentence) shall be treated as a short-term capital gain in such year.

(2) *Transitional rule.* In the case of a taxpayer other than a corporation, there shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which is treated as a short-term capital loss in such year under this subchapter as in effect immediately before the enactment of the Revenue Act of 1964.

(Sec. 1212 as amended by sec. 230(a), Rev. Act 1964 (78 Stat. 99))

PAR. 5. Section 1.1212–1 is amended to read as follows:

§ 1.1212–1 Capital loss carryover.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964.* (1) A corporation sustaining a net capital loss, and a taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, may carry over such loss to each of the 5 succeeding taxable years and treat it in each of such 5 succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next 5 succeeding taxable years. For purposes of this paragraph, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under this paragraph. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for special rules on capital loss carryovers. For the rules applicable to a taxpayer other than a corporation in the treatment of that amount of a net capital loss which may be carried over under this paragraph as a short-term capital loss to the first taxable year beginning after December 31, 1963, see paragraph (b) of this section.

(2) The practical operation of the provisions of this paragraph may be illustrated by the following example:

Example. (i) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($50,000)	($29,500)	($29,500)	
From 1954				(19,500)	($13,000)
Net short-term loss (computed without regard to the carryovers)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carryovers)				40,000	
Net long-term loss	(20,500)		(10,000)	(5,000)	
Net long-term gain		25,000			15,000
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	500	500	500	1,000	500
Net capital gain (computed without regard to the carryovers)		20,500		36,000	
Net capital loss	(50,000)		(19,500)		
Deduction allowable under section 1202					1,000
Taxable income (after deductions allowable under sections 151 and 1202)					900

(ii) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (*a*) gains (in this case, none) from such sales or such exchanges, and (*b*) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117(a)(10)(B) of the Internal Revenue Code of 1939, and limited by section 117(e)(1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $36,000, as defined by paragraph (d) of § 1.1222-1 and limited by subparagraph (1) of this paragraph.

(iii) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (*a*) gains (in this case, none) from such sales or exchanges and (*b*) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. (See sections 1222(9)(B) and 1212 of the Internal Revenue Code of 1954, as it existed prior to the enactment of the Revenue Act of 1964.) The $29,500 balance of the 1953 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under subparagraph (1) of this paragraph, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $900 for 1956.

(b) *Taxpayers other than corporations for taxable years beginning after December 31, 1963.* (1) If a taxpayer other than a corporation sustains a net capital loss for any taxable year beginning after December 31, 1963, the portion thereof which constitutes a short-term capital loss carryover may be carried over to the succeeding taxable year and treated as a short-term capital loss incurred in such succeeding taxable year, and the portion thereof which constitutes a long-term capital loss carryover may be carried over to the succeeding taxable year and treated as a long-term capital loss incurred in such succeeding taxable year. The carryovers are included in the succeeding taxable year in the determination of the amount of the short-term capital loss, the net short-term capital gain or loss, the long-term capital loss, and the net long-term capital gain or loss in such year, and the capital loss carryovers from such year. For purposes of this paragraph—

(i) A short-term capital loss carryover is the excess of the net short-term capital loss for the taxable year over the net long-term capital gain for such year, and

(ii) A long-term capital loss carryover is the excess of the net long-term capital loss for the taxable year over the net short-term capital gain for such year.

In determining a net short-term capital gain or loss of a taxable year, for purposes of computing a short-term or long-term capital loss carryover to the succeeding taxable year, an amount equal to the excess of the capital losses allowable as a deduction for the taxable year by virtue of section 1211(b) over the capital gains for such year is treated as a short-term capital gain occurring in such year. A taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall treat as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which would be treated as a short-term capital loss in such year under subchapter P of chapter 1 of the Code as in effect immediately before the enactment of the Revenue Act of 1964. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 for special rules on capital loss carryovers.

(2) The practical operation of the provisions of this paragraph may be illustrated by the following examples:

Example (1). For the taxable year 1963, an individual with one exemption allowable under section 151, has transactions which result in the following totals:

Net short-terms capital loss	($20,500)
Net long-term capital loss	(50,000)
Taxable income (computed without regard to capital gains and losses and without regard to the deduction provided by section 151)	500

The net capital loss is $70,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or exchanges, and (ii) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full to 1964 as a short-term loss because a net capital loss for the taxable year 1963 could have been carried over as a short-term loss to the taxable year 1964 under subchapter P of chapter 1 of the Code as in effect immediately before the enactment of the Revenue Act of 1964.

Example (2). For the taxable year 1964, the same individual has transactions which result in the following totals:

Capital loss carryover from 1963 (treated as a short-term capital loss incurred in 1964)		($70,000)
Short-term capital losses incurred in 1964		(15,000)
Total short-term capital losses		(85,000)
Short-term capital gains incurred in 1964	$5,000	
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	500	
Total short-term capital gains		5,500
Net short-term capital loss for 1964 for purposes of determining carryovers		(79,500)
Net long-term capital gains incurred in 1964		25,000
Excess of net short-term capital loss over net long-term capital gain		(54,500)

The net capital loss is $54,500, all of which constitutes a short-term capital loss carryover. This amount may be carried forward to 1965 and treated as short-term capital loss incurred in 1965.

Example (3). For the taxable year 1965, the same individual has transactions which result in the following totals:

Short-term capital loss carryover from 1964 (treated as a short-term capital loss incurred in 1965)		($54,500)
Short-term capital losses incurred in 1965		(15,000)
Total short-term capital losses		(69,500)
Short-term capital gains incurred in 1965	$5,000	
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	500	
Total short-term capital gains		5,500
Net short-term capital loss for 1965 for purposes of determining carryovers		(64,000)
Net long-term capital losses incurred in 1965		(10,000)
Net capital loss for 1965		(74,000)

The net capital loss is $74,000. Of this amount, $64,000 is a short-term capital loss carryover (the excess of the net short-term capital loss over the net long-term capital gain—in this case, none). This amount may be carried forward to 1966 and treated as a short-term capital loss incurred in 1966.

The balance, $10,000, is a long-term capital loss carryover (the excess of the net long-term capital loss over the net short-term capital gain—in this case, none). This amount may be carried forward to 1966 and treated as a long-term capital loss incurred in 1966.

Example (4). For the taxable year 1966, the same individual has transactions which result in the following totals:

Long-term capital loss carryover from 1965 (treated as a long-term capital loss incurred in 1966)		($10,000)
Long-term capital losses incurred in 1966		(20,000)
Total long-term capital losses		(30,000)
Long-term capital gains incurred in 1966		10,000
Net long-term capital loss		(20,000)
Short-term capital gains incurred in 1966	$85,000	
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	1,000	
Total short-term capital gains	86,000	
Short-term capital loss carryover from 1965 (treated as a short-term capital loss incurred in 1966)	(64,000)	
Short-term capital losses incurred in 1966	(10,000)	
Total short-term capital losses	(74,000)	
Net short-term capital gain for 1966 for purposes of determining carryovers		12,000
Excess of net long-term capital loss over net short-term capital gain		(8,000)

The net capital loss is $8,000, all of which constitutes a long-term capital loss carryover. This amount may be carried forward to 1967 and treated as a long-term capital loss incurred in 1967.

Example (5). For the taxable year 1967, the same individual has transactions which result in the following totals:

Long-term capital gains incurred 1967		$17,000
Long-term capital loss carryover from 1966 (treated as a long-term capital loss incurred in 1967)	($8,000)	
Long-term capital losses incurred in 1967	(2,000)	
Total long-term capital losses	(10,000)	
Net long-term capital gain		7,000
Net short-term capital gain		5,000
Taxable income computed without regard to capital gains and losses and deductions provided by section 151		1,000

In 1967 there are both a net short-term capital gain and a net long-term capital gain. One-half of the net long-term capital gain is allowable as a deduction under section 1202. Thus, after also deducting the exemptions allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $8,900 for 1967.

(c) *Husband and wife.* (1) The following rules shall be applied in computing capital loss carryovers by husband and wife:

(i) If a husband and wife making a joint return for any taxable year made separate returns for the preceding year, any capital loss carryovers of each spouse from such preceding taxable year may be carried forward to the taxable year in accordance with paragraph (a) or (b) of this section.

(ii) If a joint return was made for the preceding taxable year, any capital loss carryover from such preceding taxable year may be carried forward to the taxable year in accordance with paragraph (a) or (b) of this section.

(iii) If a husband and wife make separate returns for the first taxable year beginning after December 31, 1963, or any prior taxable year, and they made a joint return for the preceding taxable year, any capital loss carryover from such preceding taxable year shall be allocated to the spouses on the basis of their individual net capital loss which gave rise to such capital loss carryover. The capital loss carryover so allocated to each spouse may be carried forward by such spouse to the taxable year in accordance with paragraph (a) or (b) of this section.

(iv) If a husband and wife making separate returns for any taxable year following the first taxable year beginning after December 31, 1963, made a joint return for the preceding taxable year, any long-term or short-term capital loss carryovers shall be allocated to the spouses on the basis of their individual net long-term and net short-term capital losses for the preceding taxable year which gave rise to such capital loss carryovers, and the portions of the long-term or short-term capital loss carryovers so allocated to each spouse may be carried forward by such spouse to the taxable year in accordance with paragraph (b) of this section.

(v) If separate returns are made both for the taxable year and the preceding taxable year, any capital loss carryover of each spouse may be carried forward by such spouse in accordance with paragraph (a) or (b) of this section.

(2) The provisions of subparagraph (1) (i), (iii), and (iv) of this paragraph may be illustrated by the following examples:

Example (1). If H and W, husband and wife, make a joint return for 1955, having made separate returns for 1954 in which H had a net capital loss of $3,000 and W had a net capital loss of $2,000, in their joint return for 1955 they would have a short-term capital loss of $5,000 (the sum of their separate capital loss carryovers from 1954), allowable in accordance with paragrah (a) of this section. If, on the other hand, they make separate returns in 1955 following a joint return in 1954 in which their net capital loss was $5,000 allocable $3,000 to H and $2,000 to W, the carryover of H as a short-term capital loss for the purpose of his 1955 separate return would be $3,000 and that of W for her separate return would be $2,000, each allowable in accordance with paragraph (a) of this section.

Example (2). H and W, husband and wife, make separate returns for 1966 following a joint return for 1965. The capital gains and losses incurred by H and W in 1965, including those carried over by them to 1965, were as follows:

	H	W
Long-term capital gains	$8,000	$9,000
Long-term capital losses	(15,000)	(6,000)
Short-term capital gains	10,000	4,000
Short-term capital losses	(19,000)	(5,000)

Thus, in 1965 H and W had a net capital loss of $14,000 on their joint return. Of this amount, $4,000 was a long-term capital loss carryover, and $10,000 was a short-term capital loss carryover, determined in accordance paragraph (b) of this section. H's net long-term capital loss was $7,000 for 1965. This amount was offset on the joint return by W's net long-term capital gain of $3,000. Thus, H may carry over to his separate return for 1966, a long-term capital loss carryover of $4,000. H and W may carry over to their separate returns for 1966, as short-term capital loss carryovers, the amounts of their respective net short-term losses from 1965, $9,000 and $1,000.

PAR. 6. Section 1.1222 is amended by revising paragraphs (9) and (10) of section 1222 and by adding a historical note. These amended and added provisions read as follows:

§ 1.1222 Statutory provisions; other terms relating to capital gains and losses.

SEC. 1222. *Other terms relating to capital gains and losses.* * * *

(9) *Net capital gain.* In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

(10) *Net capital loss.* The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. In the case of a corporation, for the purpose of determining losses under this paragraph, amounts which are short-term capital losses under section 1212 shall be excluded.

(Sec. 1222 as amended by sec. 230(b), Rev. Act 1964 (78 Stat. 100))

PAR. 7. Paragraphs (b), (d), and (e) of § 1.1222–1 are amended to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

* * * * *

(b) (1) In the definition of "net short-term capital gain," as provided in section 1222(5), the amounts brought forward to the taxable year under paragraph (a) of § 1.1212–1 and section 1212 (b) (1) (A) are short-term capital losses for such taxable year.

(2) In the definition of "net long-term capital gain," as provided in section 1222(7), the amounts brought forward to the taxable year under section 1212(b) (1) (B) are long-term capital losses for such taxable year.

* * * * *

(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges, which losses include any amounts brought forward pursuant to paragraph (a) of § 1.1212–1. In the case of a taxpayer other than a corporation for taxable years beginning before January 1, 1964, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of cap-

ital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from such sales or exchanges, which losses include amounts brought forward under paragraph (a) of § 1.1212–1. Thus, in the case of estates and trusts for taxable years beginning before January 1, 1964, taxable income for the purposes of this paragraph shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642(b) to estates and trusts in lieu of personal exemptions. In the case of a taxpayer whose tax liability is computed under section 3 for taxable years beginning before January 1, 1964, the term "taxable income," for purposes of this paragraph, shall be read as "adjusted gross income." For application of the term "net capital gain," in computing the capital loss carryover under paragraph (a) of § 1.1212–1, see paragraph (a) (2) of § 1.1212–1.

(e) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. However, amounts which are short-term capital losses under paragraph (a) of § 1.1212–1 are excluded in determining such "net capital loss".

* * * * *

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

[F.R. Doc. 65–6372; Filed, June 16, 1965; 8:48 a.m.]

[T.D. 6827]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Filing of Farmers' Gasoline Tax Refund Claims With Directors of Service Centers

In order to provide for the filing of farmers' gasoline tax refund claims with directors of service centers, and in order to provide such directors with authority to reject claims, the following regulations are amended to read as follows:

PARAGRAPH 1. Paragraph (d) of § 48.6420(b)–1 is amended to read as follows:

§ 48.6420(b)–1 Claims.

* * * * *

(d) *Filing of claim.* Claim on Form 2240, together with appropriate supporting evidence shall be filed in accordance with instructions issued by the Commissioner with respect thereto, and shall be filed in the same name as the claimant filed his latest income tax or partnership return.

* * * * *

PAR. 2. Paragraphs (a) and (b) of § 301.6532–1 are amended to read as follows:

§ 301.6532–1 Periods of limitation on suits by taxpayers.

(a) No suit or proceeding under section 7422(a) for the recovery of any internal revenue tax, penalty, or other sum shall be begun until whichever of the following first occurs:

(1) The expiration of 6 months from the date of the filing of the claim for credit or refund, or

(2) A decision is rendered on such claim prior to the expiration of 6 months after the filing thereof.

Except as provided in paragraph (b) of this section, no suit or proceeding for the recovery of any internal revenue tax, penalty, or other sum may be brought after the expiration of 2 years from the date of mailing by registered mail prior to September 3, 1958, or by either registered or certified mail on or after September 3, 1958, by a district director, a director of an internal revenue service center, or an assistant regional commissioner to a taxpayer of a notice of disallowance of the part of the claim to which the suit or proceeding relates.

(b) The 2-year period described in paragraph (a) of this section may be extended if an agreement to extend the running of the period of limitations is executed. The agreement must be signed by the taxpayer or by an attorney, agent, trustee, or other fiduciary on behalf of the taxpayer. If the agreement is signed by a person other than the taxpayer, it shall be accompanied by an authenticated copy of the power of attorney or other legal evidence of the authority of such person to act on behalf of the taxpayer. If the taxpayer is a corporation, the agreement should be signed with the corporate name followed by the signature of a duly authorized officer of the corporation. The agreement will not be effective until signed by a district director, a director of an internal revenue service center, or an assistant regional commissioner.

* * * * *

Because this Treasury decision relates to regulations which constitute a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

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

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

Approved: June 14, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–6371; Filed, June 16, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Marketing Quota Regulations for 1964 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purposes of this amendment are: (1) To revise disposition of acreage dates for determining compliance with farm cotton acreage allotments for Texas, (2) to establish the marketing quota penalty rates for excess cotton and (3) to make miscellaneous revisions.

(b) It is important that disposition dates for Texas be established immediately. In order that cotton may be marketed without restraint, it is necessary that the exact rate of penalty be made known promptly to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to penalty and the lien for the penalty. Therefore, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (29 F.R. 9767, 12867) are amended as follows:

1. Section 722.14 of the regulations is amended by substituting the following disposition dates for counties in Texas in lieu of such dates for Texas in paragraph (b) thereof:

§ 722.14 Measurement of farms and disposition dates.

* * * * *

(b) Established dates in following States and counties:

* * * * *

TEXAS

May 15; Zone 1 counties:

Cameron.	Starr.
Hidalgo.	Willacy.

June 1; Zone 2 counties:

Aransas.	Kleberg.
Bee.	Live Oak.
Brooks.	Nueces.
Duval.	Refugio.
Jim Hogg.	San Patricio.
Jim Wells.	Webb.
Kenedy.	Zapata.

June 15; Zone 3 counties:

Atascosa.	Kinney.
Bexar.	LaSalle.
Caldwell.	McMullen.
Calhoun.	Maverick.
DeWitt.	Medina.
Dimmit.	Uvalde.
Frio.	Val Verde.
Goliad.	Victoria.
Gonzales.	Wilson.
Guadalupe.	Zavala.
Karnes.	

July 1; Zone 4 counties:

Austin.	Harris.
Bastrop.	Hays.
Blanco.	Jackson.
Brazoria.	Lavaca.
Burleson.	Lee.
Burnet.	Matagorda.
Chambers.	Milam.
Colorado.	Travis.
Comal.	Waller.
Fayette.	Washington.
Fort Bend.	Wharton.
Galveston.	Williamson.

July 15; Zone 5 counties:

Anderson.	Lamar.
Angelina.	Leon.
Bandera.	Liberty.
Bell.	Limestone.
Bosque.	Llano.
Bowie.	McLennan.
Brazos.	Madison.
Camp.	Marion.
Cass.	Mason.
Cherokee.	Menard.
Collin.	Montgomery.
Cooke.	Morris.
Crockett.	Nacogdoches.
Dallas.	Navarro.
Delta.	Newton.
Denton.	Orange.
Edwards.	Panola.
Ellis.	Polk.
Falls.	Rains.
Fannin.	Real.
Franklin.	Red River.
Freestone.	Robertson.
Gillespie.	Rockwall.
Grayson.	Rusk.
Gregg.	Sabine.
Grimes.	San Augustine.
Hardin.	San Jacinto.
Harrison.	Schleicher.
Henderson.	Shelby.
Hill.	Smith.
Hopkins.	Sutton.
Houston.	Tarrant.
Hunt.	Titus.
Jasper.	Trinity.
Jefferson.	Tyler.
Johnson.	Upshur.
Kaufman.	Van Zandt.
Kendall.	Walker.
Kerr.	Wood.
Kimble.	

August 1; Zone 6 counties:

Brown.	Lampasas.
Coke.	McCulloch.
Coleman.	Mills.
Concho.	Runnels.
Coryell.	San Saba.
Hamilton.	Tom Green.

August 15; Zone 7 counties:

Andrews.	Borden.
Archer.	Brewster.
Bailey.	Briscoe.
Baylor.	Callahan.
Castro.	Lamb.
Childress.	Loving.
Clay.	Lubbock.
Cochran.	Lynn.
Comanche.	Martin.
Cottle.	Midland.
Crane.	Mitchell.
Crosby.	Montague.
Culberson.	Motley.
Dawson.	Nolan.
Dickens.	Palo Pinto
Eastland.	Parker.
Ector.	Parmer.
El Paso.	Pecos.
Erath.	Presidio.
Fisher.	Reagan.
Floyd.	Reeves.
Foard.	Scurry.
Gaines.	Shackelford.
Garza.	Somervell.
Glasscock.	Stephens.
Hale.	Sterling.
Hall.	Stonewall.
Hardeman.	Swisher.
Haskell.	Taylor.
Hockley.	Terrell.
Hood.	Terry.
Howard.	Throckmorton.
Hudspeth.	Upton.
Irion.	Ward.
Jack	Wichita.
Jeff Davis.	Wilbarger.
Jones.	Winkler.
Kent.	Wise.
King.	Yoakum.
Knox.	Young.

September 1; Zone 8 counties:

Armstrong.	Hutchinson.
Carson.	Lipscomb.
Collingsworth.	Moore.
Dallam.	Ochiltree.
Deaf Smith.	Oldham.
Donley.	Potter.
Gray.	Randall.
Hansford.	Roberts.
Hartley.	Sherman.
Hemphill.	Wheeler.

2. Paragraphs (a), (b), and (f) of § 722.15 of the regulations are amended or deleted as follows:

§ 722.15 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive unconditional marketing cards, Form MQ–76 Upland or Form MQ–76 ELS.* The operator of a farm or other producer, as provided in paragraph (e) of this section, or an official of a publicly owned agricultural experiment station shall be eligible to receive an unconditional marketing card, MQ–76 Upland or MQ–76 ELS, for each crop of cotton if for such crop no farm marketing excess is determined for the farm, except that the operator shall not be eligible to receive such card if (1) he or any producer on the farm has on hand any cotton produced in a previous crop year on which the penalty was incurred and has not been paid, or (2) the farm operator is eligible for price support only when loan documents must be prepared in the county office.

(b) *Producers eligible to receive conditional marketing cards, Form MQ–77 Upland or Form MQ–77 ELS.* The operator of a farm or other producer, as provided in paragraph (e) of this section, not eligible to receive an unconditional marketing card under paragraph (a) of this section shall be eligible to receive a conditional marketing card, MQ–77 Upland or MQ–77 ELS, for each crop of cotton if for such crop an amount equal to the penalty on any farm marketing excess has been paid and an amount equal to the penalty incurred by such operator or any producer on the farm has been paid with respect to any cotton on hand produced in a previous crop year.

* * * * *

(f) [Deleted]

* * * * *

3. Sections 722.20, 722.21, and 722.22 of the regulations are amended to read as follows:

§ 722.20 Identification by marketing card.

A marketing card issued to a producer under the provisions of § 722.15, when presented to the buyer together with the representation of the producer that the cotton being offered was produced in the crop year and on the farm for which the marketing card was issued, shall be evidence to the buyer that such cotton is not subject to the penalty provided in § 722.24 and the lien for the penalty as provided in § 722.25 and may be purchased without collection, deduction, or payment of the penalty.

§ 722.21 Identification by marketing certificate.

A marketing certificate, Form MQ–91 (Cotton), when presented to the buyer, shall be evidence to the buyer that the cotton described on such certificate may be purchased without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.22 Identification by loan document.

A loan document (the Original or Producer's Copy) Cotton Producer's Note, Form CCC Cotton A; Release of Warehouse Receipts, Form CCC Cotton AA; or Form CCC Cotton G–1, when presented to the buyer, shall be evidence to the buyer that the carry-over cotton described in such loan document may be purchased without the collection deduction, or payment of the penalty and that such cotton is not subject to the lien for the penalty.

4. Section 722.46 of the regulations is amended by addition of a new paragraph (b) at the end thereof to read as follows:

§ 722.46 Penalty rate for each crop year.

* * * * *

(b) *Penalty rates for 1965 crops of cotton*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1965, is 42.02 cents per pound. The rate of penalty for upland cotton produced in 1965 as calculated on the basis of such parity price and in accordance with the provisions of § 722.24 shall be 21.0 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton effective as of June 15, 1965, is 74.90 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for the 1965 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop.

Such per centum was 75 percent. No increased price support levels for 1965 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly if the support price for 1965 crop ELS cotton were determined on the basis of the June 15, 1965, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1965. Thus the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.24 in calculating the rate of penalty for 1965 crop ELS cotton. Such rate of penalty shall be 37.4 cents per pound of ELS lint cotton.

(Secs. 301, 346, 375; 52 Stat. 38, as amended, 63 Stat. 674, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1346, 1375)

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

Signed at Washington, D.C., on June 11, 1965.

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

[F.R. Doc. 65-6374; Filed, June 16, 1965; 8:48 a.m.]

[Amdt. 4]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1964 and Subsequent Crop Years

1965 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1965 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

Section 730.1573 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1965 crop of rice shall be 4.30 cents per pound. This is 65 per centum of the parity price as of June 15, 1965, which is determined to be 6.62 cents per pound."

Effective date. Date of publication in the FEDERAL REGISTER.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Signed at Washington, D.C., on June 11, 1965.

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

[F.R. Doc. 65-6375; Filed, June 16, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965-crop of barley as follows:

Sec.
1421.2241 Purpose.
1421.2242 Availability.
1421.2243 Compliance requirements.
1421.2244 Eligible barley.
1421.2245 Determination of quality.
1421.2246 Determination of quantity.
1421.2247 Warehouse receipts.
1421.2248 Service charges.
1421.2249 Warehouse charges.
1421.2250 Maturity of loans.
1421.2251 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2241 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, and any amendments thereto, apply to loans and purchases for 1965-crop barley.

§ 1421.2242 Availability.

(a) Producers desiring to participate in this program must file an application for price support not later than January 31, 1966, in States in which loans have February 28 or March 10, 1966, as their maturity dates and not later than March 31, 1966, in States in which loans have a maturity date of April 30, 1966 (see § 1421.2250).

(b) Loans will be available through January 31, 1966, in States in which loans have February 28 or March 10, 1966, as their maturity dates and through March 31, 1966, in States in which loans have a maturity date of April 30, 1966.

§ 1421.2243 Compliance requirements.

(a) A producer shall not be eligible for a loan or purchase unless he is eligible to receive a price support payment on barley of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto) on the farm on which the barley tendered for loan or purchase is produced, except as provided in paragraphs (b) and (c) of this section.

(b) The requirements of this section shall not apply to barley (1) produced on a farm in compliance with the New Farm Provisions of the 1964 and 1965 Feed Grain Program Regulations, as amended, (2) exempt from the Feed Grain Program for 1965 under the Malting Barley Exemption, in § 775.329 of this title (1964 and 1965 Feed Grain Program Regulations, as amended) or (3) produced in Alaska or in any other area of the United States where the 1964 and 1965 Feed Gain Program is not applicable on barley of the 1965 crop and price support payments are not made on such barley because of an emergency created by drought or other disaster or in order to prevent or alleviate a shortage in the supply of the commodity.

(c) A producer shall be eligible for a loan or purchase even though he has not received a price support payment on barley of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations if he would be eligible for a payment except for the fact that (1) he has declined a price support payment or (2) the barley was produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of barley.

§ 1421.2244 Eligible barley.

(a) *General.* In order to be eligible for price support, barley must be merchantable for food or feed or for other uses as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored loan grade requirements.* In order to be eligible for a warehouse storage loan, barley must also meet the following requirements:

(1) The barley must grade No. 5 or better, except that (i) the barley may grade "Sample" on the factor of total damage (except heat damage), (ii) Western Barley shall have a test weight of not less than 36 pounds per bushel, and (iii) the barley may have the following special grade designations: "Garlicky" and in the State of Alaska only, "Tough."

(2) The barley must not grade Blighted, Bleached, Ergoty, Smutty, or, if Western Barley, Stained;

(3) The barley must not grade "Weevily" unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver barley which does not grade "Weevily" and which is otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2247(c);

(4) The barley must not contain over 14.5 (13.5 if Western Barley) percent moisture unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver barley which does not contain over 14.5 (13.5 if Western Barley) percent moisture and which is otherwise of an eligible quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2247(c). This subparagraph shall not apply to barley produced in the State of Alaska.

§ 1421.2245 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 1421.2246 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 48 pounds of barley free of dockage.

(a) *In warehouse.* The quantity of barley on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the barley has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the barley, when received, and 14.5 (13.5 if Western Barley) percent.

(b) *On farm.* The quantity of eligible barley which may be placed under farm storage loan shall be determined in accordance with § 1421.67. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight. In determining the quantity of sacked barley by weight, a deduction of three-fourths of a pound per sack shall be made.

(c) *Dockage.* When the quantity is determined by weight, the percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight in determining the net quantity.

§ 1421.2247 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of barley.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture if above 14.5 (13.5 if Western Barley) percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the barley arrived by rail, truck, or barge and, (9) the date the barley was received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily" or excess moisture.* If a warehouse receipt tendered for loan indicates the barley grades "Weevily" or contains over 14.5 (13.5 if Western Barley) percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2244(b) in order for the barley to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows: (1) When the warehouse receipt shows "Weevily" and the barley has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt; (2) when the warehouse receipt indicates a moisture content of over 14.5 (13.5 if Western Barley) percent and the barley has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the barley to a moisture content of not over 14.5 (13.5 if Western Barley) percent. The quantity shown shall reflect a drying or blending shrink as specified in § 1421.2246; (3) the supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt; (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2249.

(e) *Freight bill requirements.* Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the barley and must reflect the total freight from origin to the designated terminal point including penalty for out-of-line haul, if any. The form of these certificates shall be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

§ 1421.2248 Service charges.

A charge of one-half cent per bushel will be made for the quantity of barley delivered to CCC and such charge shall be handled in accordance with § 1421.60 (b).

§ 1421.2249 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage. Warehouse receipts and the barley represented thereby stored in an approved warehouse operated by an eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table at the end of this section provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of barley stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on barley stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the barley was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid.

(c) *Deduction of storage charges; eastern common carriers.* In the case of barley stored in an approved warehouse operated by an eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The State office shall advise county offices of the applicable charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

BARLEY STORED IN USDA WAREHOUSES

Deduction (cents per bushel)	Maturity date of Feb. 28, 1966	Maturity date of Mar. 10, 1966	Maturity date of Apr. 30, 1966
	Date storage charges start, all dates inclusive		
13			Prior to May 29, 1965.
12	Prior to Apr. 25, 1965.	Prior to May 5, 1965.	May 29–June 24, 1965.
11	Apr. 25–May 21, 1965.	May 5–May 31, 1965.	June 25–July 21, 1965.
10	May 22–June 17, 1965.	June 1–June 27, 1965.	July 22–Aug. 17, 1965.
9	June 18–July 14, 1965.	June 28–July 24, 1965.	Aug. 18–Sept. 13, 1965.
8	July 15–Aug. 10, 1965.	July 25–Aug. 20, 1965.	Sept. 14–Oct. 10, 1965.
7	Aug. 11–Sept. 6, 1965.	Aug. 21–Sept. 16, 1965.	Oct. 11–Nov. 6, 1965.
6	Sept. 7–Oct. 3, 1965.	Sept. 17–Oct. 13, 1965.	Nov. 7–Dec. 3, 1965.
5	Oct. 4–Oct. 30, 1965.	Oct. 14–Nov. 9, 1965.	Dec. 4–Dec. 30, 1965.
4	Oct. 31–Nov. 26, 1965.	Nov. 10–Dec. 6, 1965.	Dec. 31, 1965–Jan. 26, 1966.
3	Nov. 27–Dec. 23, 1965.	Dec. 7, 1965–Jan. 2, 1966.	Jan. 27–Feb. 22, 1966.
2	Dec. 24, 1965–Jan. 19, 1966.	Jan. 3–Jan. 29, 1966.	Feb. 23–Mar. 21, 1966.
1	Jan. 20–Feb. 28, 1966.	Jan. 30–Mar. 10, 1966.	Mar. 22–Apr. 30, 1966.

§ 1421.2250 Maturity of loans.

Loans mature on demand but not later than February 28, 1966, on barley stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; March 10, 1966, on barley stored in Arizona and California; and April 30, 1966, on barley stored in all other States.

§ 1421.2251 Support rates.

Basic support rates per bushel for barley of the classes "Barley" and "Western Barley" grading No. 2 or better will be published as an amendment to this section at a later date. Farm stored loans will be made at the applicable basic support rate adjusted for Weed Control discount where applicable. The support rate for warehouse storage loans and for barley acquired under a loan or purchase shall be the applicable basic support rate adjusted in accordance with the following provisions of this section and in the case of settlement of loans and purchases as further provided in § 1421.72. Notwithstanding the foregoing provisions of this paragraph, in determining the total loan, settlement, and purchase rate for eligible barley produced in compliance with the Malting Barley Exemption of § 775.329 of the 1964 and 1965 Feed Grain Program Regulations of this title, as amended, 16 cents per bushel shall be added to the applicable terminal or county rate listed in the following paragraphs:

(a) *Support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to barley shipped on a domestic interstate freight rate basis. The basic support rate at the designated terminal market for any barley shipped at other than the domestic interstate freight rate shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate.

(2) The basic support rates established for designated terminal markets also apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable basic support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee out-bound movement at the minimum proportional domestic interstate freight rate. If the barley is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) In determining the support rate for barley received by truck and stored at any designated terminal market, there shall be deducted from the applicable basic support rate the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 2.5 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley shipped by rail or water and stored at any of the following terminal markets, there shall also be deducted from the applicable basic support rate the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Beaumont, Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.
Superior, Wis.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall also be deducted from the applicable basic support rate an amount of 2.5 cents per bushel, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater loading facility located within the same switching limits.

(b) *Support rates for barley in approved warehouse storage at other than designated terminal markets.* In determining the support rate for barley which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets), there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such barley to such terminal market: *Provided*, That on any barley shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the amount by which the freight rate paid is less than the amount of the domestic interstate freight rate from the point of origin of such barley to the point of destination or appropriate terminal market: *And provided further*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to the cost of any out-of-line movement to the appropriate designated market or other cost incurred in storing barley in such position.

(c) *Basic county support rates.* (1) The applicable basic support rate for farm-storage loans and for barley stored in approved county warehouse-storage, except as otherwise provided in paragraph (b) of this section and subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the barley is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support of the counties involved.

(d) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1—11	1
11.1—12	2
12.1—13	3
13.1—14	4
14.1—15	5
15.1—16	6
16.1—17	7
17.1—18	8
18.1—19	9
19.1 and above	10
Garlicky	10
Weed control laws (see sec. 1421.74)	10
Other discounts to be determined by CCC for settlement purposes	

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 11, 1965.

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

[F.R. Doc. 65-6377; Filed, June 16, 1965; 8:48 a.m.]

PART 1427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

TERMINATION OF OFFER TO PARTICIPATE

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of cotton loans made to producers under price support programs announced by CCC are hereby further amended to provide for the termination of CCC's offer to commercial banks for participation in such pools by adding a new § 1427.1243 as follows:

§ 1427.1243 Termination of offer to participate.

The offer of CCC to commercial banks to participate in pools of cotton loans made to producers under price support programs announced by CCC, contained in §§ 1427.1235 through 1427.1242 is hereby terminated with respect to cotton loans made under 1965 and subsequent crop year programs. Such termination does not affect the obligations of CCC or of the commercial bank under this subpart with respect to participation by commercial banks in pools of 1964 and prior crop year cotton loans.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on 11th day of June 1965.

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

[F.R. Doc. 65-6379; Filed, June 16, 1965; 8:49 a.m.]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

This subpart contains the regulations providing the terms and conditions under which financial institutions may participate in pools of cotton loans made to producers and cotton cooperative marketing associations under price support programs announced by the Commodity Credit Corporation, U.S. Department of Agriculture.

Sec.
1427.2235 Definition of terms.
1427.2236 Pooling of price support program loans.
1427.2237 Conversion of loan drafts to certificates and acceptance of terms.
1427.2238 Purchase of certificates by CCC.
1427.2239 Rate of interest and basis of computation of interest earned.
1427.2240 Maturity date of certificates.
1427.2241 Transfer and exchange of certificates.
1427.2242 Purchase by CCC of certificates presented through banking channels.
1427.2243 Purchase by CCC of certificates presented to the New Orleans Office.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c.

§ 1427.2235 Definition of terms.

As used in this section and §§ 1427.2236 through 1427.2243, the following terms shall have the following meanings:

(a) "CCC" shall mean the Commodity Credit Corporation, U.S. Department of Agriculture.

(b) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "New Orleans office" shall mean the New Orleans ASCS Commodity Office, 120 Marais Street, New Orleans, La., 70112.

(d) "Financial institution" shall mean a bank in the United States which accepts demand deposits, an association organized pursuant to State law and supervised by State banking authorities, or a production credit association.

(e) "Transit number" shall mean the ABA transit number of a commercial bank or the transit number assigned by CCC to another eligible financial institution.

(f) "Price support program loans" shall mean loans approved under the price support programs of the Commodity Credit Corporation.

(g) "Loan draft" shall mean Commodity Credit Corporation Cotton Loan Draft and Certificate of Interest (Form CCC-816), the document issued by an ASCS county office to the producer, or to a payee designated by the producer, in disbursement of a price support program loan on 1965 or subsequent crop year cotton.

(h) "Date of investment" shall mean the date a financial institution exchanged cash for a loan draft, received it for deposit, or otherwise invested funds in it through a regular banking transaction.

(i) "Certificate" shall mean a loan draft on which a financial institution has entered its transit number and date of investment or a Commodity Credit Corporation Cotton Certificate of Interest (Form CCC-817) issued by the New Orleans office. A certificate is the document which evidences participation in a pool of price support program loans on cotton.

(j) "Holder" shall mean the financial institution which has converted a loan draft to a certificate in accordance with § 1427.2237, the financial institution named as payee on a certificate issued by the New Orleans office, or the financial institution which has acquired a certificate by transfer.

§ 1427.2236 Pooling of price support program loans.

(a) CCC will place in a pool for each crop of cotton beginning with the 1965 crop all price support program loans on cotton of such crop. CCC may place in the pool for any crop of cotton any other unmatured price support program loans on any commodities held by CCC which were disbursed under CCC price support programs for any crop.

(b) Financial institutions may participate in a pool by (1) converting loan drafts to certificates in accordance with § 1427.2237 or acquiring such certificates from other financial institutions and (2) holding the certificates as evidence of participation. The pool to which each certificate pertains shall be the pool for the crop of cotton of the year specified on the face of the document.

(c) Financial institutions may also participate in the pools by making price support program loan advances to cotton cooperative marketing associations on the basis of sight drafts which are drawn on the financial institutions by the associations and which are approved for CCC by the banks holding custody of the loan documents under servicing agreements with CCC or by the New Orleans office. Approval of such drafts for CCC shall evidence tender by the associations and acceptance by CCC of loan documents representing cotton having loan value equal to the amounts of such drafts. The New Orleans office will issue certificates to financial institutions for the amounts of such price support loan advances made by them. The date of each such certificates shall be the date of the loan advance covered by the certificate. Each certificate shall pertain to the pool for the crop of cotton of the year specified on the face of the document. Each certificate will also show the transit number of the financial institution named as payee.

(d) CCC will not issue certificates to itself but shall have an interest in each pool to the same extent as though cer-

tificates were issued equal to the amount by which the unpaid principal amount of loans comprising the pool exceeds the face value of outstanding certificates. To the extent of its interest, CCC reserves the right to offer financial institutions the opportunity to participate in the pool through issuance of certificates upon the payment to CCC of the face amounts thereof. Offers to sell certificates, when made, will be by special announcement. CCC may remove from the pool at any time loans representing all or any part of its interest in the pool. CCC shall have the residual interest in any proceeds of the pool remaining after payment of the face value of certificates plus earned interest.

§ 1427.2237 Conversion of loan drafts to certificates and acceptance of terms.

(a) *Handling of loan drafts by financial institutions.* Financial institutions will receive loan drafts issued to them if they are designated by producers to receive the proceeds of price support program loans on cotton and may acquire other loan drafts, which have been endorsed by the payees, through regular banking transactions. A financial institution may convert a loan draft to a certificate in accordance with paragraph (b) of this section or may obtain immediate cash reimbursement for the loan draft by presenting it as a cash item to the Federal Reserve Bank-Branch at New Orleans, La. through regular banking channels.

(b) *Conversion of loan drafts to certificates by financial institutions.* A financial institution may convert a loan draft to a certificate by entering the date of investment and its transit number in the designated spaces on the face of the loan draft. After conversion of a loan draft to a certificate, the certificate shall evidence participation in the loan pool for the crop of cotton of the year specified on the face of the document and shall be subject to all the provisions of this subpart relating to certificates.

(c) *Liability for discrepancies or errors.* Financial institutions shall not be responsible for any discrepancies which may be determined to exist between a loan draft and the related producer note or for a loan draft which was issued by the ASCS county office in error and shall be held harmless by CCC from any loss sustained as a consequence of such discrepancies or errors. This provision shall not be construed to relieve any financial institution from liability for any wilful misconduct on the part of the financial institution or its officers or employees.

(d) *Acceptance of terms.* The regulations in this subpart constitute the offer of CCC to financial institutions to participate in pools of CCC price support program loans on cotton. A financial institution which makes an election to participate in pools of CCC price support program loans by conversion of loan drafts to certificates in accordance with this section shall by such act evidence acceptance of the terms and conditions contained in this subpart.

§ 1427.2238 Purchase of certificates by CCC.

CCC shall purchase any outstanding certificate at its face value plus earned interest upon presentation by the holder as provided in §§ 1427.2242 and 1427.2243. CCC reserves the right to purchase at its option, at any time, any outstanding certificate at its face value plus earned interest, and will in the event the face value of outstanding certificates in any pool on the last day of any month exceeds the unpaid principal amount of the loans comprising the pool, as determined by CCC, call in for purchase outstanding certificates in a total amount sufficient to reduce the face value of outstanding certificates to or below the unpaid principal amount of the loans comprising the pool. The specific certificates to be called in for purchase shall be determined by CCC. Financial institutions will be notified of the certificate numbers of certificates to be purchased by CCC at least 15 days prior to the date such certificates are to be presented to CCC for purchase. Payment of the face amount and earned interest will be made as prescribed in §§ 1427.2242 and 1427.2243.

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum.

(b) *Rate increases or decreases.* The rate of interest as specified in paragraph (a) of this section may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Financial institutions will be promptly notified of all interest rate increases and decreases.

(c) *Basis of computation of interest earned.* Interest earned will be paid on a 365-day basis from and including the date of investment shown on a certificate, or the date shown on a certificate issued by the New Orleans office, to, but not including, the maturity date, the date the certificate is purchased by CCC, or the date a certificate is to be presented to CCC for purchase pursuant to a call by CCC, whichever date first occurs. Notwithstanding any other provision of this subpart, if the interest payable to a financial institution on certificates purchased on any day by CCC is computed to be $3 or less, or certificates established by conversion of loan drafts are presented for purchase earlier than 10 days after the dates of investment shown thereon, no interest shall be payable on such certificates, and, if any certificate established by conversion of a loan draft is presented for purchase later than 60 days after maturity, interest computed as provided in this section shall be payable only if satisfactory evidence is furnished to CCC that the financial institution identified by the transit number entered on the loan draft invested funds in the loan draft before the maturity date.

§ 1427.2240 Maturity date of certificates.

The maturity date of a certificate shall be August 1 of the year next following the crop year indicated on the certificate. If August 1 falls on a Saturday, Sunday, or national holiday, the maturity date of the certificate shall be the next succeeding business day.

§ 1427.2241 Transfer and exchange of certificates.

(a) *Transfers between financial institutions.* A certificate may be transferred to another financial institution by endorsement and delivery. A financial institution which acquires a certificate by endorsement and delivery may transfer it to another financial institution, present it for purchase by CCC pursuant to § 1427.2242 or § 1427.2243, or tender it to the New Orleans office for exchange as set forth in this section. Section 1427.2242 provides that interest on a certificate presented for payment through banking channels will be paid only to the financial institution indicated by the transit number shown on the face of the certificate; therefore, a financial institution which holds certificates as an investment should exchange those certificates acquired by endorsement and delivery from another financial institution before presenting them through banking channels for purchase by CCC.

(b) *Exchange and consolidation of certificates.* A financial institution may tender certificates to the New Orleans office for exchange or for exchange and consolidation. Only certificates relating to the same pool which have earned interest at the same rate or rates from the dates of investment shown thereon, or dates shown on certificates issued by the New Orleans office, will be consolidated. The tendering financial institution shall indicate the payee's name, transit number, and dollar amount of certificates desired for each group of certificates tendered. The new certificates will show the name and transit number of the tendering financial institution or of another financial institution designated by the tendering financial institution as payee. New certificates will be issued in the dollar amounts requested: *Provided*, That the total face value of such certificates issued shall be equal to the total face value of certificates tendered for exchange. Interest will not be paid at the time certificates are tendered for exchange. The date to be shown on a consolidated certificate shall be the weighted average date determined in accordance with paragraph (c) of this section. Exchange certificates issued without consolidation will show the same dates as the dates of investment shown on the certificates they replace or, if the certificates they replace were issued by the New Orleans office, the dates shown thereon.

(c) *Formula for determining the weighted average date.* The formula for

determining the weighted average date of certificates issued in exchange for certificates tendered for exchange and consolidation shall be as follows: (1) The focal interest date shall be the date the certificates tendered for exchange were received by the New Orleans office; (2) dollar days shall be computed for each certificate from the date of investment shown thereon, or the date of a certificate issued by the New Orleans office, to, but not including, the focal interest date; (3) total dollar days shall be divided by the total face value of the certificates tendered for exchange to determine the average number of days the certificates were outstanding (fractions of ½ day or more will be raised to the next whole digit; fractions of less than ½ day will be disregarded); and (4) the average number of days outstanding shall be subtracted from the focal interest date to determine the date to be shown on the certificates to be issued.

(d) *Certificates tendered for exchange during the 15-day period prior to maturity.* Certificates tendered for exchange during the 15-day period prior to maturity will be held by the New Orleans office until maturity, at which time the face amount plus interest will be paid to the financial institution which tendered the certificates.

§ 1427.2242 Purchase by CCC of certificates presented through banking channels.

The holder of a certificate may receive payment of the face amount thereof at any time by endorsement and presentation through normal banking channels to the Federal Reserve Bank-Branch at New Orleans, La. The Federal Reserve Bank-Branch will receive the certificate as a cash item for the face amount thereof. The New Orleans office will compute interest earned on the total face value of certificates showing the same transit number paid through the Federal Reserve Bank branch each day, and will promptly pay such interest, computed according to § 1427.2239, to the financial institution indicated by the transit number shown on the face of the certificates.

§ 1427.2243 Purchase by CCC of certificates presented to the New Orleans office.

The holder of a certificate may receive payment of the face amount thereof, plus earned interest, computed according to § 1427.2239, by presentation of the certificate directly to the New Orleans office. Payment will be made by that office to the financial institution which presented the certificate. Certificates must be endorsed to CCC or bear the standard stamp endorsement customarily used by the financial institution. For prompt credit of the face amounts, certificates should be presented for payment through banking channels as provided in § 1427.2242.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on 11th day of June 1965.

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

[F.R. Doc. 65-6378; Filed, June 16, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6074; Amdt. 39-83]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 720 and 720B Series Aircraft

Amendment 758 (29 F.R. 8474), AD 64-15-2, as amended by Amendment 797 (29 F.R. 11915) requires inspection of the inboard wing upper skin on Boeing Models 720 and 720B Series aircraft and repair if any cracks are found. Investigation, based upon a request for an extension of the repetitive inspection interval, has shown that an increase from 550 to 600 hours' time in service may be granted to operators of Boeing Models 720 and 720B Series aircraft without adversely affecting safety. Therefore, Amendment 758 as amended by Amendment 797 is further amended to provide a 50-hour increase in the repetitive inspection interval.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice, and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

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 of the Federal Aviation Regulations, Amendment 758 (29 F.R. 8474), AD 64-15-2, as amended by Amendment 797 (29 F.R. 11915), is further amended by striking out the words "550 hours' time in service" from the compliance paragraph and inserting the words "600 hours' time in service" in place thereof.

This amendment becomes effective June 17, 1965.

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

Issued in Washington, D.C., on June 10, 1965.

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

[F.R. Doc. 65-6295; Filed, June 16, 1965; 8:45 a.m.]

[Docket No. 6528, Amdt. 39-82]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the flap asymmetry system on Fairchild F-27 aircraft was published in 30 F.R. 3783.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, subsequent to the issuance of the proposal, there has been another flap asymmetry warning system failure. The Agency has determined that it is therefore necessary to reduce the compliance time for the required modification from 1,500 to 500 hours' time in service, and to require modification in accordance with Revision 2 of the manufacturer's service bulletin, which incorporates a minor change in wiring requirements and a minor change in the adjustment of the teleflex cables to the asymmetry switch over the original bulletin.

As a situation exists which demands immediate adoption of this regulation, it is found that additional notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27 aircraft Serial Numbers 1 to 39 inclusive, 41 to 45 inclusive, and 47.

Compliance required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

(a) Remove old asymmetric switches, P/N 472-001-1 and -2, located on each outboard flap gear box at Wing Station 394.

(b) Accomplish the following modifications in accordance with paragraph 2, "Accomplishment Instructions", of Fairchild Service Bulletin No. 27-26, dated September 9, 1960, Revision 2, dated April 26, 1965, or later FAA-approved revision, or equivalent approved by the FAA Eastern Region, Engineering and Manufacturing Division:

(1) Rework the outboard flap and asymmetric switches, P/N 658-001, with the teleflex units.

(2) Install asymmetric override toggle switch at the cockpit pedestal and rewire aircraft for the new asymmetry switches and the override switch.

(c) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective June 17, 1965.

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

Issued in Washington, D.C., on June 10, 1965.

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

[F.R. Doc. 65-6296; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-36]

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

Alteration of Transition Area and Control Zone

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke an extension of the Selma, Ala., transition area and two extensions of the Selma, Ala., control zone.

The Selma, Ala., radio beacon is scheduled to be decommissioned on July 22, 1965. It is therefore necessary that the control zone and transition area extensions based on the radio beacon be revoked. Additionally, the instrument approach procedure JAL-387-TACAN is being modified to a TACAN/ILS approach and the control zone extension based on the Craig AFB TACAN 152° radial is unnecessary.

Since these amendments are less restrictive in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

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.

In § 71.181 the Selma, Ala., transition area (30 F.R. 3422) is amended by deleting "within 2 miles each side of a 097° bearing from the Selma RBN extending from the Selfield 5-mile radius area to the RBN."

In § 71.171 (29 F.R. 17581) the Selma, Ala., control zone (30 F.R. 3422) is amended by deleting "within 2 miles each side of a 143° bearing from the Selma, Ala., RBN extending from the 5-mile radius zone to the RBN" and "within 2 miles each side of the Craig AFB TACAN 152° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 8, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-6297; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-47]

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

Revocation of Control Area Extensions, Alteration of Control Zones, and Designation of Transition Area

On April 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5856) stating that the Federal Aviation Agency proposed to revoke the control area extensions at Mobile, Ala., and New Orleans, La., alter the control zones and designate a transition area at Mobile, Ala.

Interested persons were afforded an opportunity to participate in the rule making through submission 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., August 19, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Mobile, Ala., and New Orleans, La., control area extensions are revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

MOBILE, ALA. (BATES FIELD)

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14' 26.6" W.); within 2 miles each side of the Mobile VORTAC 113° radial extending from the 5-mile radius zone to 6.5 miles NW of the airport; within 2 miles each side of the Mobile ILS NW course extending from the 5-mile radius zone to 5.5 miles NW of the airport.

MOBILE, ALA. (BROOKLEY AFB)

Within a 5-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); within 2 miles each side of the Brookley VORTAC 150° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC; within 2 miles each side of the Brookley VORTAC 140° radial extending from the 5-mile radius zone to 4.5 miles SE of the VORTAC; within 2 miles each side of a 140° bearing from the Brookley RBN extending from the 5-mile radius zone to 12 miles SE of the RBN.

3. Section 71.181 (29 F.R. 17643) is amended by adding the following:

MOBILE, ALA.

That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Bates Field localizer NW course extending from 5 miles SE to 12 miles NW of the OM, within 2 miles each side of a 145° bearing from Bates Field extending from 5 miles to 6 miles SE of the airport, within a 7-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.), and within 2 miles each side of the Brookley VORTAC 140° radial extending from the VORTAC to 12 miles SE; including that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°14'00" N., longitude 88°01'30" W., extending to latitude 30°32'00" N., longitude 88°15'00" W., thence to latitude 30°32'00" N., longitude 88°37'00" W., thence N along longitude 88°37'00" W. to the S edge of V-222, thence E along the S edge of V-222 to the W edge of V-209, thence S along the W edge of V-209 to latitude 31°15'00" N., thence to latitude 31°15'00" N., longitude 87°55'00" W., thence to the intersection of the E boundary of V-208 and latitude 31°00'00" N., thence to latitude 30°50'00" N., longitude 87°48'00" W., thence along a line to latitude 30°41'30" N., longitude 87°59'30" W., to its intersection with a 15 nautical mile radius arc centered at Brookley AFB (latitude 30°-37'39" N., longitude 88°04'10" W.), thence clockwise along the 15 nautical mile arc to a line 6 miles N of and parallel to the Brookley VORTAC 102° radial, thence eastward along this line to its intersection with a 25-mile arc centered on NAAS Saufley Field, Pensacola, Fla., thence counterclockwise along this arc to a line 4 miles S of and parallel to the Brookley VORTAC 102° radial, thence W along this line to its intersection with a 15 nautical mile arc centered at the Brookley AFB, thence clockwise along the 15 nautical mile arc to and clockwise along a 10-mile radius arc centered at latitude 30°-23'30" N., longitude 87°57'00" W. to a line between latitude 30°31'00" N., longitude 87°-55'00" W. and latitude 30°15'00" N., longitude 87°41'20" W., thence SE along this line to latitude 30°15'00" N., longitude 87°41'20" W., thence W along the Alabama-Florida shoreline to longitude 88°01'30" W., thence to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 7, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-6298; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-13]

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

Alteration of Control Zone and Transition Areas, Revocation of Control Area Extensions and Transition Area, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4766), stating that the Federal Aviation Agency proposed the alteration of controlled airspace in the Salt Lake City, Wendover, and Provo, Utah, areas.

Interested persons were afforded an opportunity to participate in the rule making through submission 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., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17631), the Salt Lake City, Utah, control zone is amended to read:

SALT LAKE CITY, UTAH

Within a 5-mile radius of Salt Lake City Municipal Airport No. 1 (latitude 40°47'10" N., longitude 111°58'05" W.); within 2 miles each side of the Salt Lake City VORTAC 346° radial, extending from the 5-mile radius zone to 13 miles N of the VORTAC and within 2 miles each side of the Salt Lake City ILS localizer N course, extending from the 5-mile radius zone to 5 miles N of the localizer.

2. In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

a. Salt Lake City, Utah.

b. Provo, Utah.

3. In § 71.181 (29 F.R. 17643), the following transition area is added:

SALT LAKE CITY, UTAH

That airspace extending upward from 700 feet above the surface bounded on the E by longitude 111°45'00" W., on the S and W by the arc of a 17-mile radius circle centered on the Salt Lake City VORTAC, and on the N by latitude 41°00'00" N., and that airspace within 5 miles each side of the Salt Lake City ILS localizer S course, extending from the 17-mile radius circle to latitude 40°30'00" N.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 13,000 feet m.s.l. bounded on the NE by V-484, on the S by V-200 and on the NW by V-235; excluding the portion within Restricted Area R-6403.

4. In § 71.181 (29 F.R. 17691), the following transition area is revoked:

Stansbury, Utah.

5. In § 71.181 (29 F.R. 17704), the Wendover, Utah, transition area is altered as follows: "That airspace extending upward from 8,700 feet m.s.l." is deleted and "That airspace extending up-

ward from 8,500 feet m.s.l." is substituted therefor.

6. In § 71.181 (30 F.R. 82), the Provo, Utah, transition area is amended to read:

PROVO, UTAH

That airspace N of Provo extending upward from 1,200 feet above the surface bounded on the E by longitude 111°46'00" W., on the SE by V-235 and V-21, on the S by latitude 40°15'00" N., on the W by V-257, and on the N by latitude 40°30'00" N., excluding the portion within R-6401; that airspace SW of Provo extending upward from 10,500 feet m.s.l. bounded on the SE by V-21, on the W by V-257, and on the N by latitude 40°15'00" N.; and that airspace SE of Provo extending upward from 9,500 feet m.s.l. bounded on the E by longitude 111°41'00" W., on the S by latitude 40°00'00" N., on the W by V-21 and on the N by V-200.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 9, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6299; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-43]

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

Alteration of Control Zones, Revocation of Control Area Extensions and Transition Areas, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4768), stating that the Federal Aviation Agency proposed the alteration of controlled airspace in the Ogden, Utah, terminal area.

Interested persons wer afforded an opportunity to participate in the rule making through submission 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., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17622), the following control zones are amended to read:

a. Ogden, Utah (Ogden Municipal Airport).
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

b. Ogden, Utah (Hill AFB).
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

2. In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

a. Ogden, Utah.
b. Corinne, Utah.
c. Promontory Point, Utah.

3. In § 71.181 (29 F.R. 17643), the following transition areas are revoked:

a. Tremonton, Utah.
b. Promontory Point, Utah.

4. In § 71.181 (29 F.R. 17643), the following transition area is added:

OGDEN, UTAH

That airspace extending upward from 700 feet above the surface bounded on the E by longitude 111°55'00" W., on the N by latitude 41°27'00" N., on the W by longitude 112°22'00" W., and on the S by latitude 41°00'00" N.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288, on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 9, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6300; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-AL-19]

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

Designation of Federal Airways and Reporting Points

On March 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4137), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airways Nos. 498 and 506 to Kotzebue, Alaska, and that would designate Kotzebue as a low altitude compulsory reporting plant.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.125 (29 F.R. 17546), V-498 and V-506 are amended, respectively, to read as follows:

a. V-498 From McGrath, Alaska, via Galena, Alaska, to Kotzebue, Alaska.

b. V-506 From King Salmon, Alaska, via Bethel, Alaska; Nome, Alaska, to Kotzebue, Alaska.

2. In § 71.211 (29 F.R. 17723), the Kotzebue, Alaska, low altitude reporting point is added.

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

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6301; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SO-89]

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

Control Zones, and Transition Area; Designation; Correction

On May 25, 1965, Federal Register Document No. 65-5415 was published in the FEDERAL REGISTER (30 F.R. 6977) amending Part 71 of the Federal Aviation Regulations. In the amendment, beginning on the sixth line of the Birmingham, Ala., control zone, it was stated "* * * within 2 miles each side of the 055° and 235° bearings from the Roebuck RBN extending from the 5-mile radius zone to 8 miles NW of the RBN." This control zone extension should have been designated from the 5-mile radius zone to 8 miles NE of the RBN. Also, in the amendment, beginning on the 19th line of the Birmingham, Ala., transition area, it was stated "* * * thence counterclockwise along this arc to the SW boundary V-209 * * *." This portion of the transition area description should have read "thence counterclockwise along this arc to the SE boundary of V-209."

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 65-5415 is altered as follows:

In the ninth line of the description of the Birmingham, Ala., control zone "NE" is substituted for "NW."

In the 20th line of the description of the Birmingham, Ala., transition area "SE" is substituted for "SW."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 7, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-6302; Filed, June 16, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56427]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Theatrical Effects, Motion-Picture Films, and Commercial Travelers' Samples

The procedure for entry of certain theatrical effects, motion-picture films, and commercial travelers' samples taken abroad and returned is prescribed in § 10.68 of the Customs Regulations. The procedure provides for registration of such articles on customs Form 4455 and for movement of such articles under a transportation and exportation entry when exportation is to be made at a port other than the port of entry. The provision for use of a transportation and exportation entry is cross-referenced to § 10.38(d) of the regulations. An employee has pointed out that this has given rise to an erroneous implication that customs Form 3495, which is required by § 10.38(d), is to be used in such cases and has suggested that the cross-reference be deleted.

In view of the foregoing and the fact that the cross-reference serves no useful purpose, the second sentence of § 10.68 (a) is amended by deleting "as prescribed by § 10.38(d)", so that the second sentence will read as follows: "When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry."

(R.S. 251, section 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

Approved: June 10, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6350; Filed, June 16, 1965; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 415]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

Appendix—Redelegations of Authority To Compromise and Close Civil Claims

Amendment of Memo No. 374, dated June 3, 1964, delegating Authority to U.S. Attorneys in Civil Division Cases.

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168:

It is hereby ordered, That Memo No. 374 (29 F.R. 7422; 28 CFR, Part 0, Subpart W, Appendix) dated June 3, 1964, delegating authority to U.S. Attorneys in Civil Division cases, be amended by inserting in section 3(E)(1), immediately following the word "for", the words "hospital and medical care and treatment and for."

This memorandum shall be effective upon the date of its publication in the FEDERAL REGISTER.

JOHN W. DOUGLAS,
Assistant Attorney General, Civil Division.

Approved: June 14, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6416; Filed, June 16, 1965; 10:27 a.m.]

[Order No. 344-65]

PART 43—RECOVERY OF COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Recovery From Tortiously Liable Third Persons of Cost of Hospital and Medical Care and Treatment Furnished by United States

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2651-2653), and delegated to me by section 2 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), § 43.3 of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 289-62) is hereby amended by deleting from paragraphs (a) and (b) the figure "$2,500" and substituting therefor the figure "$5,000".

The amendments prescribed by this order shall become effective upon publication of this order in the FEDERAL REGISTER.

Dated: June 14, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6415; Filed, June 16, 1965; 10:27 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Special Provision for Firefighters and Fireguards

Pursuant to section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331) and Secretary's Order No. 32-63 (29 F.R. 118), I hereby amend 29 CFR 5.14 by adding a new paragraph (d) to that section to read as set forth below.

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 this rule involves only matters that relate to public contracts. I do not believe that such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

The new 29 CFR 5.14(d) reads as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

* * * * *

(d) *Variations.* (1) In order to prevent undue hardship, a workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards, under the following conditions: (i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight hours per day in a standby or on-call status; and (ii) if the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and (iii) provided that, in determining the daily and the weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331)

Signed at Washington, D.C., this 10th day of June 1965.

CHARLES DONAHUE,
Solicitor of Labor.

[F.R. Doc. 65-6316; Filed, June 16, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Policy, Cost-Type Contractor Procurement

The following section is added:

§ 9-53.000-50 Policy, cost-type contractor procurement.

There are no provisions in this part which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development

of statements of contractor procurement practices.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Maryland, this 10th day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-6317; Filed, June 16, 1965; 8:46 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-18—ACQUISITION OF REAL PROPERTY

Subpart 101-18.1—Acquisition by Lease

BASIC GSA POLICY FOR ACQUIRING SPACE BY LEASE

Section 101-18.102 (29 F.R. 15974, Dec. 1, 1964) is amended to quote the basic policy of GSA on leasing space and now reads as follows:

§ 101-18.102 Basic policy.

(a) GSA will lease space in privately owned buildings and land only when needs cannot be satisfactorily met in Government-owned or presently leased space, and when the construction or alteration of a Federal building or the purchase of a privately owned building is not warranted because requirements in the community are insufficient or are indefinite in scope or duration.

(b) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.

(c) Acquisition of space by lease will be by negotiation except where all the factors are present which will permit true competition and the formal sealed bid method is required by law.

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

Effective date. This regulation is effective on the date of its publication in the FEDERAL REGISTER.

Dated: June 11, 1965.

LAWSON B. KNOTT, Jr.,
Administrator.

[F.R. Doc. 65-6358; Filed, June 16, 1965; 8:47 a.m.]

PART 101-20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101-20.2—Utilization of Space

RELINQUISHMENT OF ASSIGNED SPACE

1. The table of contents for Part 101-20 is revised by adding the following entries:

Sec.
101-20.205 Notice to GSA of relinquishment of assigned leased space.
101-20.206 Notice to GSA of relinquishment of Government-owned space.

2. Subpart 101-20.2 is amended by adding two new sections, as follows:

§ 101-20.205 Notice to GSA of relinquishment of assigned leased space.

GSA shall be notified by an agency occupying leased space assigned by GSA at least 60 days prior to the date on which the space, or portion thereof, will no longer be needed. In no event, however, shall such notice be given less than 30 days prior to the date on which the lease termination notice must be issued. Such notification shall be submitted in writing to the GSA regional office responsible for the geographical area in which the space is located, giving a description of the area involved, its location, and the estimated date of vacating. The appropriate GSA regional office may reassign or dispose of the space.

§ 101-20.206 Notice to GSA of relinquishment of Government-owned space.

When an agency is responsible for operation, maintenance, and protection of Government-owned space to which it has been assigned by GSA, and the agency determines that such space, or a portion thereof, is no longer needed, the agency shall so notify GSA at least 6 months prior to relinquishing the space. The notice shall be submitted in writing to the GSA regional office responsible for the geographical area in which the property is located, giving a description of the property, its location, and the estimated date of release. The operation, protection, and maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the fiscal quarter after the 6-month period ends.

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

Effective date. Section 101-20.205 shall be effective September 30, 1965, and § 101-20.206 shall be effective November 30, 1965. However, agencies are requested to notify GSA as soon as possible of plans to relinquish space in the interim.

Dated: June 9, 1965.

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

[F.R. Doc. 65-6359; Filed, June 16, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3565; Correction]

[Washington 05342]

WASHINGTON

Power Site Cancellation No. 215; Partly Cancelling Power Site Classification No. 408; Correction

JUNE 10, 1965.

Public Land Order No. 3565 of March 9, 1965 (30 F.R. 3441), partly cancelled Power Site Classification No. 408. It correctly described the lands eliminated from Power Site Classification No. 408. However, it erroneously referred to the lands as having been a part of "Power Site Classification No. 215."

The order will be applied to the lands it described.

MAX CAPLAN,
Acting Assistant Director.

[F.R. Doc. 65-6349; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3677]

[Anchorage 062024]

ALASKA

Withdrawal for Administrative Site

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

1. Subject to valid existing rights, the following described lands which are withdrawn and reserved for military purposes by Public Land Order No. 5 of June 26, 1942, are hereby also reserved for a Department of the Interior administrative site:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 3, SW¼.

Containing 160 acres.

2. This order shall take precedence over but not otherwise affect Public Land Order No. 5 of June 26, 1942, subject to an operational agreement to be negotiated between the Department of the Interior and the Department of the Army.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6318; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3678]

[Montana 070010]

MONTANA

Partial Revocation of Reclamation Withdrawal; Milk River Project

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

The departmental order of January 12, 1912, withdrawing lands for the Fort Peck Reservoir is hereby revoked as far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 26 N., R. 41 E.,
Sec. 8, NE¼SW¼, NW¼SE¼;
Sec. 9, SW¼NW¼, N½SW¼.

The areas described aggregate approximately 200 acres of nonpublic lands.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6319; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3679]

[New Mexico 0556211]

NEW MEXICO

Withdrawal for Indian School

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, for Indian school purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 9 W.,
Sec. 31, NW¼NW¼ of lot 3.

The tract described contains approximately 2.5 acres in San Juan County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6320; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3680]

[Nevada 063429]

NEVADA

Correction of Public Land Order No. 3646 of April 15, 1965

Subject to any intervening valid existing rights, Public Land Order No. 3646 of April 15, 1965, appearing as Federal Register Document No. 65-4135 (30 F.R. 5637) in the issue of April 21, 1965, is hereby corrected in the following respect:

The description "N½NW¼SW¼" is corrected to read "N½NW¼SE¼".

The N½NW¼SW¼ is subject to all those laws and regulations to which it was subject prior to the erroneous inclusion in Public Land Order No. 3646.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6321; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3681]

[Arizona 034846]

ARIZONA

Partial Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of March 18, 1918, creating Stock Driveway Withdrawal No. 10, Arizona No. 1, is hereby modified to the extent necessary to permit the grant of a highway right-of-way for the Holbrook-Heber Road under Section 2477, U.S. Revised Statutes (43 U.S.C. 932) to Navajo County, Ariz., over the following-described lands, as delineated on maps on file with the Bureau of Land Management in Arizona 034846:

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 19 E.,
Sec. 22, E½NE¼, SE¼, SE¼SE¼SW¼;
Sec. 28, SE¼.

Containing 32.84 acres in Navajo County.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6322; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3682]

[Utah 0139316]

UTAH

Withdrawal for Central Utah Project

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

Subject to valid existing rights, the following described lands in the Ashley and Uintah National Forests are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Central Utah Project:

UINTAH SPECIAL MERIDIAN

Ashley National Forest

T. 2 N., R. 8 W.,
Sec. 28, S½SE¼ and E½SE¼SW¼.

T. 1 N., R. 9 W.,
Sec. 10, S½SE¼.

Uintah National Forest

T. 4 S., R. 12 W.,
Sec. 10;
Sec. 11, NW¼, N½NE¼, SW¼NE¼, NW¼SW¼.

The areas described aggregate 857.96 acres in Duchesne and Wasatch Counties.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6323; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3683]

[Montana 069357]

MONTANA

Partial Revocation of Reclamation Withdrawal; Milk River Irrigation Project

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

The departmental order of August 18, 1902, which withdrew lands for reclamation purposes is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 31 N., R. 35 E.,
Sec. 28, N½NE¼.

Containing approximately 80 acres in Valley County.

The land is included in an allowed homestead entry.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6324; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3684]

[Arizona 034182]

ARIZONA

Withdrawal for National Forest Recreation Sites

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

1. Subject to valid existing rights, the following described national forest lands in the Tonto National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

Weaver's Needle

T. 1 N., R. 9 E.,
Sec. 13, NE¼.
T. 1 N., R. 10 E.,
Sec. 18, lots 1 and 2 and E½NW¼.

Containing approximately 320 acres.

Tortilla Flat Campground

T. 2 N., R. 9 E. (unsurveyed),
Sec. 14, NE¼NE¼NE¼.

Containing approximately 10 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6325; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3685]

[New Mexico 0554274]

NEW MEXICO

Withdrawal for National Aeronautics and Space Administration Facilities

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

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), and reserved for the protection of NASA facilities:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 2 E.,
Sec. 13;
Sec. 14, N½ and SE¼;
Sec. 15, lots 15 to 169 inclusive;
Secs. 24 and 25.

The areas described aggregate approximately 2,789 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6326; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3686]

[Arizona 030859]

ARIZONA

Withdrawal for National Forest Recreation Area

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

1. Subject to valid existing rights, the following described lands in the Coconino National Forest are hereby withdrawn from appropriation under the mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

Clover Recreation Area

T. 13 N., R. 9 E.,
Sec. 14, W½SE¼, W½E½SE¼, S½SW¼NE¼, SW¼SE¼NE¼.

The tracts described aggregate 150 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6327; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3687]

[Montana 069190]

MONTANA

Withdrawal for National Forest Recreation Sites

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

1. Subject to valid existing rights, the following described national forest lands in the Lolo National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MONTANA PRINCIPAL MERIDIAN

LOLO NATIONAL FOREST

Norton Picnic Site

T. 10 N., R. 16 W.,
Sec. 30, lot 10.
T. 10 N., R. 17 W., unsurveyed but which probably will be when surveyed;
Sec. 25, E½SE¼ except that portion covered by H.E.S. 52 and H.E.S. 798.

Containing 68.79 acres.

Alva Camp

T. 18 N., R. 16 W.,
Sec. 13, lot 1;
That portion of lot 4 lying west of the centerline of Swan River Highway No. 15;
That portion of NW¼NE¼ lying west of the centerline of Swan River Highway No. 15.

Containing 75.17 acres.

Quartz Flat Campground (addition)

T. 15 N., R. 25 W.,
Sec. 9, lots 2, 3, and 6;
Sec. 4, lots 10, 11, and 12.

Containing 168.16 acres.

Blue Slide Campground

T. 23 N., R. 30 W.,
Sec. 34, lot 2.

Containing 25.58 acres.

Little Joe Creek Camp

T. 17 N., R. 28 W., unsurveyed but which probably will be when surveyed;
Sec. 3, NW¼NE¼NE¼.
T. 18 N., R. 28 W.,
Sec. 34, S½SE¼SE¼.

Containing 30 acres.

Sloway Camp

T. 17 N., R. 27 W.,
Sec. 15, lots 2 and 3.

Containing 86.91 acres.

The areas described total approximately 454 acres in Granite, Missoula, Sanders, and Mineral Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6328; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3689]

ALASKA

Withdrawing Lands for Use of the Department of the Army in Connection With the Alaska Petroleum Pipeline System

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws, and reserved for use of the Department of the Army for pumping station sites in connection with the Alaska Petroleum Pipeline System:

(Fairbanks 031664)

BIG DELTA AREA

Timber Pumping Station

Beginning at corner No. 1, a point on the centerline of the Richardson Highway which bears N. 27°26' W. and is 783.79 feet from the corner common to secs. 25, 26, 35, and 36, T. 8 S., R. 9 E., Fairbanks Meridian.

From corner No. 1, by metes and bounds,
N. 35°16' W. along the centerline of the Richardson Highway 732.46 feet;
N. 50°02' E. 387 feet;
S. 39°58' E. 730 feet;
S. 50°02' W. 447 feet to corner No. 1, the point of beginning.

Containing 7.49 acres.

(Fairbanks 031676)

A. NORTHWAY AREA

Lakeview Pumping Station

Beginning at a point which bears N. 39°-12' W. and is 499.96 feet from corner No. 1, lot 1, U.S. Survey 2784.
Thence N. 50°48' E. 985 feet;
Southerly along the centerline of the Alaska Highway 1,100 feet;
S. 50°48' W. 1,130 feet along the division of lots 1 and 2, U.S. Survey 2784;
Northwesterly along the meander of Yarger Lake 920 feet; N. 50°48' E. 496 feet to the point of beginning.

Containing 21.48 acres.

b. DELTA-TOK AREA

Sears Creek Pumping Station

Beginning at a point on the centerline of the Alaska Highway which bears S. 89°38'44" W. and is 808.01 feet from U.S.C. & G.S. azimuth mark "comb" (N. 10,000, E. 10,000).
Thence S. 740 feet;
W. 670 feet;
N. 733 feet;
Easterly along the centerline of the Alaska Highway 678 feet to the point of beginning.

Containing 11.24 acres.

The total area withdrawn by this order is 40.21 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. The land is subject to existing highway rights-of-way.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6329; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3690]

[Idaho 015806]

IDAHO

Powersite Classification No. 457; Snake River, Idaho

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), as amended, and Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), subject to valid existing rights, the following described lands under the jurisdiction of the Department of the Interior are hereby classified as powersites, so far as title to such lands and interests therein remain in the United States:

BOISE MERIDIAN

T. 5 S., R. 8 E.,
Sec. 32, lots 8 and 9;
Sec. 33, lot 2.
T. 6 S., R. 8 E.,
Sec. 3, lot 12.
T. 5 S., R. 9 E.,
Sec. 26, lots 6 and 7;
Sec. 27, lot 3;
Sec. 31, lots 9 to 13, incl.;
Sec. 32, lots 8 to 11, incl.;
Sec. 33, lots 9 and 10;
Sec. 34, lots 7 to 13, incl.;
Sec. 35, lot 9.
T. 5 S., R. 10 E.,
Sec. 12, lot 8;
Sec. 13, lot 4;
Sec. 14, lots 9 and 10;
Sec. 21, lot 8;
Sec. 22, lots 12 to 14, incl.;
Sec. 23, lots 5 and 6;
Sec. 28, lots 9 and 10;
Sec. 31, lots 8 to 12, incl.;
Sec. 32, lots 10 and 11.

The areas described aggregate 127.53 acres, in Elmore and Owyhee Counties.

This classification is subject to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6330; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3691]

[New Mexico 0556111]

NEW MEXICO

Partial Revocation of Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934

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

1. The Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933 and No. 6583 of February 3, 1934, which withdrew certain lands in the State of New Mexico to aid the State in making exchange selections as provided by the Act of June 15, 1926 (44 Stat 746), are hereby revoked so far as they affect lands in the following described townships which have been patented to the State of New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 1 W.
T. 19 S., R. 1 W.
T. 1 S., R. 2 W.
T. 21 S., R. 2 W.
T. 1 S., R. 3 W.
T. 6 S., R. 3 W.
T. 7 S., R. 3 W.
T. 22 S., R. 3 W.
T. 24 S., R. 3 W.
T. 5 S., R. 4 W.
T. 6 S., R. 4 W.
T. 7 S., R. 4 W.
T. 8 S., R. 4 W.
T. 20 S., R. 4 W.
T. 22 S., R. 4 W.
T. 24 S., R. 4 W.
T. 18 S., R. 5 W.
T. 20 S., R. 5 W.
T. 11 S., R. 6 W.
T. 12 S., R. 6 W.
T. 13 S., R. 6 W.
T. 15 S., R. 6 W.
T. 16 S., R. 6 W.
T. 17 S., R. 6 W.
T. 18 S., R. 6 W.
T. 27 S., R. 6 W.
T 9 S., R. 7 W.
T. 10 S., R. 7 W.
T. 13 S., R. 7 W.
T. 14 S., R. 7 W.
T. 6 S., R. 8 W.
T. 8 S., R. 8 W.
T. 9 S., R. 8 W.
T. 11 S., R. 8 W.
T. 14 S., R. 8 W.
T. 15 S., R. 8 W.
T. 20 S., R. 8 W.
T. 21 S., R. 8 W.
T. 23 S., R. 8 W.
T. 26 S., R. 8 W.
T. 4 S., R. 9 W.
T. 5 S., R. 9 W.
T. 6 S., R. 9 W.
T. 9 S., R. 9 W.
T. 22 S., R. 10 W.
T. 23 S., R. 10 W.
T. 5 S., R. 11 W.
T. 6 S., R. 11 W.
T. 7 S., R. 11 W.
T. 17 S., R. 11 W.
T. 18 S., R. 11 W.
T. 19 S., R. 11 W.
T. 20 S., R. 11 W.
T. 21 S., R. 11 W.
T. 22 S., R. 11 W.
T. 1 S., R. 12 W.
T. 2 S., R. 12 W.
T. 3 S., R. 12 W.
T. 7 S., R. 12 W.
T. 18 S., R. 12 W.
T. 21 S., R. 12 W.
T. 22 S., R. 12 W.
T. 23 S., R. 12 W.
T. 25 S., R. 12 W.
T. 1 S., R. 13 W.
T. 2 S., R. 13 W.
T. 19 S., R. 13 W.
T. 23 S., R. 13 W.
T. 1 S., R. 14 W.
T. 7 S., R. 14 W.
T. 8 S., R. 14 W.
T. 19 S., R. 14 W.
T. 21 S., R. 14 W.
T. 22 S., R. 14 W.
T. 24 S., R. 14 W.
T. 25 S., R. 14 W.
T. 15 S., R. 15 W.
T. 21 S., R. 15 W.
T. 23 S., R. 15 W.
T. 25 S., R. 15 W.
T. 34 S., R. 15 W.
T. 15 S., R. 16 W.
T. 22 S., R. 16 W.
T. 24 S., R. 16 W.
T. 25 S., R. 16 W.
T. 26 S., R. 16 W.
T. 1 S., R. 17 W.
T. 16 S., R. 17 W.
T. 22 S., R. 17 W.
T. 24 S., R. 17 W.
T. 29 S., R. 17 W.
T. 30 S., R. 17 W.
T. 31 S., R. 17 W.
T. 1 S., R. 18 W.
T. 15 S., R. 18 W.
T. 16 S., R. 18 W.
T. 26 S., R. 18 W.
T. 27 S., R. 18 W.
T. 29 S., R. 18 W.
T. 14 S., R. 19 W.
T. 16 S., R. 19 W.
T. 24 S., R. 19 W.
T. 25 S., R. 19 W.
T. 26 S., R. 19 W.
T. 30 S., R. 19 W.
T. 25 S., R. 20 W.
T. 26 S., R. 20 W.
T. 30 S., R. 20 W.
T. 33 S., R. 20 W.
T. 26 S., R. 21 W.

The areas described aggregate 269,581.83 acres.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6331; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3692]

[Idaho 016339]

IDAHO

Partial Revocation of Public Land Order No. 993 of August 16, 1954

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

1. Public Land Order No. 993 of August 16, 1954, which withdrew national forest lands for research purposes, is hereby revoked so far as it affects the following described lands:

BOISE NATIONAL FOREST

BOISE MERIDIAN

Carpenter Creek Method of Cutting Plots

T. 9 N., R. 5 E.,
Secs. 28, 33 and 34.

Containing 1,915.60 acres, in Boise County.

2. At 10 a.m., on July 16, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6332; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3693]

[Riverside 05833]

CALIFORNIA

Partly Revoking Executive Order No. 6285 of September 14, 1933

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

1. Executive Order No. 6285 of September 14, 1933, withdrawing public lands pending determination as to the advisability of including them in a National Monument, is hereby revoked so far as it affects the following described lands:

SAN BERNARDINO MERIDIAN

T. 5 S., R. 4 E.,
Sec. 1, lots 1 and 2 of NE¼, S½NE¼, and S½.

The areas described aggregate 479.84 acres.

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

3. At 10 a.m., on July 16, 1965, the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to locations for metalliferous minerals. They will be open to location for nonmetalliferous minerals after 10 a.m., on December 9, 1965.

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

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6333; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3694]

[Wyoming 0813192]

WYOMING

Partial Revocation of Reclamation Withdrawal; Kendrick Project

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

1. The departmental order of June 25, 1940, which withdrew lands for reclamation purposes is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 84 W.,
Sec. 21, NW¼NW¼.

Containing approximately 40 acres, in Carbon County.

2. Until 10 a.m., on December 9, 1965, the State of Wyoming shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the land shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on December 9, 1965, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The land has been open to applications and offers under the mineral leasing laws. It will be open to location under the United States mining laws at 10 a.m., on December 9, 1965.

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

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6334; Filed, June 16, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Mont.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,500 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year except closed from September 7 through December 31, 1965.

(2) Boats with motors may be used on the East Pool during the fishing season. Boats prohibited on the West Pool.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 7, 1965.

[F.R. Doc. 65-6351; Filed, June 16, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Willow Creek National Wildlife Refuge, Mont.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,420 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont., and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year, except closed from September 7 through December 31, 1965.

(2) Boats with motors may be used during the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 7, 1965.

[F.R. Doc. 65-6352; Filed, June 16, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

[Docket No. AO-349]

HOPS OF DOMESTIC PRODUCTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the "order") regulating the handling of domestically produced hops. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250. To be considered, exceptions must be filed not later than July 2, 1965. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Portland, Oreg., March 29 through April 3, 1965, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 10, 1965 (30 F.R. 3268). The notice contained a proposed marketing agreement and order prepared and submitted by a group of hop growers from the States of California, Oregon, Washington, and Idaho known as the "Four State Hop Study Group."

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, the area, the persons to be regulated, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, powers, and duties of a Hop Administrative Committee, which shall be the administrative agency for the program;

(c) The establishment, maintenance, and duties of a Hop Advisory Board which shall be advisory to the committee;

(d) Procedures applicable to the committee and the Board;

(e) Authority for marketing research and development projects and the method of financing them;

(f) Authority for quality control and provisions for hop inspection and identification;

(g) Exemption of hops harvested prior to effective date of the program;

(h) Annual marketing policy procedures and a method for limiting the quantity of hops to be handled to normal market requirements;

(i) Allotment of the quantity to be handled among the producers thereof;

(j) Reserve pooling of hops in excess of normal market requirements;

(k) Transfer of producer allotment bases;

(l) The authority for the committee to incur expenses and for the Secretary to levy assessments on handlers;

(m) Establishment of reporting and related record keeping requirements; and

(n) Additional terms and conditions as set forth in the notice of hearing as §§ 991.70 through 991.82.

Findings and conclusions. The findings and conclusions on the aforementioned material issues all of which are based on the evidence adduced at the hearing and the record thereof are as follows:

The proposed program should regulate the handling of hops by restricting the volume of hops which may be received and freely handled by handlers. It should provide a method for limiting the quantity of hops from any crop which may be marketed and alloting such quantity among producers based on amounts sold by them during a representative period determined by the Secretary, to the end that the quantity available for handling from any such crop will be apportioned equitably among producers. This should be for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to producers of hops as provided therein.

(1) Hops are baled by growers and sold to dealers for shipment throughout the world. No significant differentiation occurs in producer sales or processing as between hops for use within the State of production as compared with hops for use in other parts of the United States or the world. Each of the principal hop producing States produces hops substantially in excess of its local needs. If a program regulating only interstate commerce in hops were to be made effective, the market for hops in the respective States of production would be greatly overburdened with the unregulated supplies and this would result in differing and lower prices in the individual States. All evidence of record is that all movement of hops is inextricably intermingled and in direct competition, and hence it is concluded that the handling of hops within the respective States of production directly burdens, obstructs, and affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in hops as well as the interstate and foreign commerce.

(2) Prices received by growers for hops averaged 47.2 cents on the 1964 crop of 53.4 million pounds, about 74 percent of the January 1965 parity of 63.7 cents per pound. Recent acreage and production trends indicate a buildup in inventories and such are normally accompanied by lower grower returns in later years. Hop stocks on September 1, 1965, are expected to increase by about 4 million pounds relative to the year ago level of 19.1 million pounds and a further buildup is likely. Past experience indicates that this inventory will take a down turn in future years either as a result of economic pressures and associated reduction in acreage and production or as a result of the production guides which would be established by operation of the order.

The demand for hops in the United States and worldwide is inelastic as reflected by sharp increases and decreases in the price of hops in response to relatively small supply changes in the various producing areas in the world. In the United States, and more recently in Europe, extensive use of futures contracts has reduced these season average price fluctuations, but a substantial price response to changes in supply is still evident, particularly in the spot market.

U.S. brewers have consumed a little over 30,000,000 pounds annually in recent years of which about 5,500,000 have been imported and 24,500,000 have been U.S. hops. Foreign hops have been imported over the years at prices considerably above the level at which U.S. hops were available and certain brewers have been willing to pay the higher prices because of the special characteristics attributed to the varieties of the foreign hops that are imported.

A potentially important factor in the future outlook for hops is the growing use of extract and the technology associated with its development. Extract does not deteriorate noticeably with age. An equivalent amount of hops in the form of extract makes somewhat more beer than when hops are used in the traditional manner. Present technology indicates the feasibility of separating the components of hop extract and using them in various ways that could greatly increase their efficiency. The use of extract may slightly reduce the rate of increase in the world demand for hops in

the years immediately ahead and, if widely adopted, could substantially reduce the world demand for hops in the future. In the long run, because of their relatively low price and high brewing value, U.S. hops may well be able to compete more favorably with hops of other origins for use in extract than for use in fresh form.

Concern was expressed at the hearing that the order would constitute effective acreage control and is therefore illegal under the act. However, although the effect of the program will be to institute guides to production, it does not deal with production control per se. The act specifically provides for limiting the quantity which handlers may handle to that which producers, on the basis of their sales in a representative period, sold to handlers. This authorization is the basis of the order and provision is made to cause hops in excess of the "salable" quantity to be pooled and disposed of by the committee.

It was also contended that the proposal would deny a hop grower the right to expand his business, would create a franchise to grow hops and would interfere with the production of new varieties needed to meet changing trade requirements. However, due consideration has been given to these matters and the program designed to give the fullest possible flexibility to producers wishing to increase their production or shift to different varieties or transfer their allotment bases to other locations of production as hereinafter discussed in connection with the transfer provisions.

The program was also opposed on the basis that the supply of hops is in balance with demand worldwide and that the hop industry in general is thriving and marketing is orderly as evidenced by wide use of future contracting. However, supporters of the program pointed to the historic fluctuation in production and prices resulting from the inelastic demand for hops and submitted evidence indicating that the current increases in production and carryover stocks will result in a repetition of previous severe economic adjustments. On the basis of current plantings and existing bearing acreage, 1965 season acreage of hops is estimated at 33,400 acres, an increase of 800 acres over 1964. At 1964 yields, this indicates production in 1965 of about 55 million pounds or at least 5 million pounds more than estimated demand for U.S. hops. An excess of 5 million pounds would increase hop stocks to near record levels of about 29 million pounds at the end of 1965–66, a quantity in excess of an entire year's domestic consumption of U.S. hops. In the past, whenever September 1 hop stocks have reached this level, prices of new contract and spot hops have been depressed and a substantial amount of acreage has been taken out of production. The last time this occurred was in the 2 years 1960 and 1961, when acreage fell from 29,200 acres to 22,900 acres, and present conditions and trends point to a pending similar adjustment. Production of hops involves substantial investment in hopyards, drying kilns and picking machines which can be used only for the production and processing of hops. Hence, these production adjustments involve substantial economic losses to hop producers. The order would, through providing production guides, discourage the buildup of excessive stocks and the attendant adjustments.

The program was opposed on the further grounds that the trade demand for U.S. hops is determined primarily by world competitive conditions and that the way the program would be administered would adversely affect the market and result in a spiral of increasing restrictions and consequent increasing production costs to the general detriment of the hop industry. However, operation of the program, the features of which are herein discussed, in a manner that will encourage industry stability and market growth appears to be feasible and should not be subject to the prejudgment that the program will fail to maintain the demand for hops. Operation of the order would be under the continuing review of the Secretary who would be obligated to terminate it if its operations proved unsuccessful.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States and, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which this order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Hops" should be defined to include the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and should include any residues from processing, either in the form of whole hops or portions thereof, which can be used for a purpose for which hops are used. It is necessary to include processing residues, such as lupulin, because they compete with fresh hops for use in the production of malt beverages and extract.

"Production area" should be defined to include the current producing States of California, Oregon, Washington, and Idaho and any other part of the United States where hops are grown commercially. However, to reduce the administrative burden and possible compliance problems in States with negligible productions, the regulated area should consist of only the four named States currently with substantial commercial production. If other States become commercial producers, they should, if necessary for successful program operation, by amendment of the order become part of the production area and subject to program regulation. In such case, producers therein could obtain allotment bases pursuant to § 991.38 of the order or, if impracticable, so as to achieve a like method of allotment. For purpose of representation on the administrative committee, hereinafter discussed, the production area should be divided into four districts:

District 1—State of Washington.
District 2—State of Oregon.
District 3—State of Idaho.
District 4—State of California.

"Producer" is synonymous with "grower" and should be defined to mean any person engaged in a proprietary capacity in the production of hops. Such producers should be divided between cooperative producers who are members of and market their hops through a cooperative hop marketing association and independent producers who are not members. This distinction is needed in connection with the hop administrative committee hereinafter discussed. The producer should be the person having the right to sell the hops and hence the one engaged in a proprietary capacity in production. In sharecropping arrangements, each person receiving a share of the crop would be a producer. A cash renter of hop acreage, having the full right of disposition of the crop, would be the sole producer.

"Handler" should be defined as any person who handles hops. For regulatory, assessment, and reporting purposes, certain obligations are placed on handlers and such persons should be defined.

"Handle" should be defined to mean to acquire hops, use hops commercially of own production, or sell, transport (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce, including preparation for market of hops, except that the preparation for market of other than reserve hops or substandard hops or the sale or delivery of such other hops to a handler of record shall not be construed as handling. This definition is intended to assure that all hops are subject to regulation. Failure to include all hops would impair the ability of the order to effectuate the purpose of the act.

Hops are normally dried and baled on the ranch by the producer. In doing so, he performs the preparation for market or handling function, as well as the production function. Preparation for market of hops other than reserve hops or substandard hops and delivery of such other hops to a handler of record should not be considered handling as such hops would be acquired by handlers who would move them into normal channels of distribution. Some brewers of beer grow their own hops and their acquisition and use should be handled to avoid their escaping regulation. Such brewers should be regarded as acting in three separate capacities, first as a producer, second as a handler, and third as a consumer, and in their handling capacity should be subject to the regulatory provisions of the order. Sale or transportation of hops from the point of production should be included to cover those further acts of handlers which directly place hops into the current of commerce. The movement of hops by a producer for storage or custom drying and baling within the

area of production should not be construed as handling as such would not be placing them into the current of commerce. Hops produced and prepared by a brewer for use, or by a dealer for sale, should be considered as acquired, for regulatory and administrative purposes, at the time they are prepared, i.e., dried and baled. Transport is not intended to cover persons acting as agents of handlers such as common carriers.

"Marketing year" should be defined to mean the period August 1 through July 31 inclusive as this covers the period when new crop hops become available and are largely shipped and it establishes an operation period for the levying of assessments and hence a fiscal year.

"Part" should be defined to mean the order regulating the handling of hops and all rules, regulations and supplementary orders issued thereunder. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) The program should be operated by a Hop Administrative Committee and its employees. The committee should consist of 13 grower members and their respective alternates. Representation on the committee should be distributed among the States having commercial production of hops primarily on the basis of their past record of production but also taking into consideration the number of growers in each district and the need to assure separate geographical districts reasonable representation. This should be accomplished by dividing the member positions among the various districts of production. District 1, with somewhat over half of the total production, should have 7 positions on the committee. Each of the other districts, due to similar production levels, should have 2 positions each on the committee. In District 1, about 85 out of a total of approximately 250 growers belong to one cooperative marketing association. Other growers have also entered into various cooperative arrangements and, to the extent that such other growers engage in cooperative marketing of hops, they, too, should be categorized as cooperative producers. To provide this group of hop growers with representation, roughly commensurate with their numbers and to ensure that they do not dominate the committee membership by virtue of their common interest and potential voting capacity they should be allocated 2 of the 7 District 1 positions on the committee. Independent hop producers are thereby assured 5 of its 7 positions. No differentiation between cooperative and independent producers is necessary in the other districts as cooperatives do not constitute a significant portion of the total number of growers in those districts.

To ensure that members of the committee have a direct interest in hop production, each member and alternate of the committee should at the time of his selection, and during his term of office, be a producer or an officer or employee of a producer in the district from which selected. At the hearing, a good deal of attention was devoted to the question of whether the cooperative would be on the proposed committee in its capacity as a handler. The cooperative positions on the committee should be for hop growers or members of the cooperative functioning in their capacity as growers. Full time employees of the cooperative should not be eligible for committee membership even though they may also be growers of hops as their primary interest would likely be that of handlers. To ensure true representation by persons serving on the committee, eligibility on the committee should be limited to hop products in the district which they represent, and if a committee member or alternate ceases to qualify as a producer at any time during his term of office, his position should be automatically vacated. No one individual should occupy more than one position on the committee simultaneously. In the case of growers or grower-dealers participating in more than one separate producing entity, each such entity would be considered a producer for referendum purposes and any officer or employee should be eligible for a position on the committee. This would provide each person as herein defined who is a producer an opportunity to serve on the committee.

Provisions should be included for growers in each district to nominate persons for each committee member and alternate position to represent them on the committee. Since the term of office hereinafter recommended begins on January 1, nominations should be made available to the Secretary by the committee not later than December 1 in order for the Secretary to complete his selection in time to coincide with the beginning of the term of office. If, for any reason, the committee does not submit nominees to the Secretary by that date, he should have the authority to select another qualified person for that position without nomination. This would be an additional safeguard to ensure continuity should the committee be unable to act. In submitting its nominees to the Secretary, the committee should also provide such related information as it deems appropriate or as the Secretary may request.

Election procedures should be provided to give growers a method of selecting nominees for member and alternate member positions on the committee. Balloting for each position should be conducted by the committee which should provide growers except cooperative marketing growers with ballots and necessary voting information. Cooperative associations should submit their candidates for each position directly to the committee for certification to the Secretary, hence, there is no need for ballots to be mailed to cooperative producers.

In order to obtain a list of candidates to be included on the ballot for each position, the committee should solicit names of candidates from the principal grower organization in each of the respective districts and should also include names submitted by petition signed by ten producers in the district from which the candidate would be expected to serve. The principal grower organization is not intended to mean the Hop Commissions now operating, nor cooperative marketing associations, but rather the dominant grower trade or service association in each of the States. A petition signed by ten growers is sufficient to indicate an interest in having a candidate serve in a particular member or alternate member position on the committee. Since an indication of interest is all that should be required, there is no need to obtain more than ten signatures as this would tend to place an undue limitation on this method of obtaining candidates in some States. To facilitate free choice by producers voting for a nominee, a blank space should also be provided for each position on the ballot for voters to write in their choice of other candidates. Each member position and each alternate member position should be voted on separately and the person receiving the highest number of votes for each position should be the nominee. The committee should conduct the election of nominees, provide voting instructions, and advise the Secretary of the election results. Eligibility to vote should be the same as eligibility to serve on the committee and no producer should have more than one vote for one position on the committee. Since producers' interests under the order would be generally similar in all districts, each producer should choose the district in which he wants to participate in election of committee nominees if he produces hops in more than one district and he should be limited to voting in that district only. Changing conditions may make it desirable to change these nominating procedures. Therefore, provisions should be included for the Secretary based on a committee recommendation to modify them if the need arises.

At an assembled meeting of the committee a quorum of ten members should be required for the transaction of business and nine concurring votes should be required as a basis for committee decisions. If neither the member nor alternate for the particular committee position is present at a meeting the members present should be empowered to designate one of the other alternates from the same district who is present to sit in the place of the absent member. The voting requirement of nine affirmative votes is desirable so that at least two districts must concur on any action in view of the importance of the regulatory actions and responsibilities of the committee.

In order to facilitate the transaction of routine business by the committee without entailing the expense of attending assembled meetings, provisions should be made for the committee to vote by mail, telephone, telegraph, or other means of communication upon due notice to all members and upon the proposition being explained accurately, fully, and identically to all of them. It is possible that a member and his alternate may not be available at the time the vote is solicited. However, committee management should make every effort to contact all of the voters. If any such proposition is sufficiently controversial to cause a dissenting vote or if ten concurring

votes cannot be obtained, consideration of the issues should be presented at an assembled meeting. In obtaining a vote by one of these methods, a time limit should be announced to members and alternates acting as members to return their votes. Since this method of voting should be used for noncontroversial questions, a time limit is desirable to expedite the committee's business.

The enabling act provides in section 8c(7)(C) for the selection by the Secretary of an agency and defining its powers and duties which include only specified powers. These powers should be included in the order and thus would serve to notify the committee and other interested persons as to the extent of the powers of the committee.

In administering a program such as is herein set forth, the administrative committee would have many duties. To assist the committee in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the committee should select from among its members such officers as it deems necessary and it should also adopt such bylaws or rules of procedure for the conduct of its meetings as it deems necessary. It is intended that the committee should serve as a "board of directors" and that most of the operational functions of the committee be carried out by employees. It should therefore be one of the duties of the committee to appoint such employees as it deems necessary and to determine the compensation and the duties to be performed by each.

The functions of the committee should be improved and expedited through the use of subcommittees to consider matters such as personnel, finance, qualification of a producer to fill deficiencies in his annual allotment, or assembling data necessary to establish original allotment bases. Both permanent and ad hoc subcommittees may be appropriate. It is not desirable that subcommittee members be made up of persons outside the committee since their actions would be less subject to the control of either the committee or the Secretary. This would not preclude the use of consultants by the committee or any subcommittee.

The committee would have the power to collect assessments on handlers for administrative expenses and to require various reports and records. With this responsibility the committee should also have the obligation to the hop industry and the Secretary to keep adequate minutes, books, and records to reflect program operations, prepare regular financial statements for the information of producers and handlers, and have its books audited by a certified public accountant at least once each year. Audits may be desirable in connection with changes of management or for other reasons and should be made whenever the committee deems necessary or when requested by the Secretary. Copies of all audit reports should be made available to the Secretary and, with confidential information deleted, be available to producers and handlers at the committee office.

It should be a duty of the committee to act as intermediary between the Secretary and producers and handlers. Since the committee is the administrative agency for the proposed program, it is in a position to handle most problems connected with program administration and producers or handlers should not need to go to the Secretary on questions that can be handled by the committee. This is not intended to preclude any persons going directly to the Secretary should he so desire.

To meet its marketing policy responsibilities and its surplus pool management responsibilities, it will be necessary for the committee to have data on crop and marketing conditions on which to make its decisions. It should, therefore, be a duty of the committee to investigate and assemble such information.

In its operation, the committee would necessarily be a primary source of information on the hop industry and it should provide the Secretary on request any available information.

Because of the importance of committee actions to both the producers and the handlers, all meetings of the committee to consider regulatory actions should be made known to them. All handlers should be given individual notice of such meetings and notice should be made available to producers through press releases or other methods considered appropriate by the committee. Producers and handlers should be advised of regulatory actions taken.

Since the Secretary has responsibility for the order, he should be given the same notice of committee and subcommittee meetings as is given the members. Notice of committee meetings should also be regularly mailed to any person who requests such notification.

One of the primary duties of the committee should relate to compliance. In this connection, the committee should make every effort to keep producers and handlers informed of their responsibilities under the program and should assist those involved in areas of compliance to bring their activities in complete conformity with program requirements. Committee employees authorized access to confidential information should make regular periodic audits of handlers' operations to the extent necessary to reasonably assure the committee that they are in compliance with the program's requirements.

(c) At the hearing considerable attention was directed to how the Hop Administrative Committee should be constituted and the role of handlers in administering the proposed marketing order program. The record shows that the program could be operated with some handlers (i.e., hop dealers) on the committee or with a grower committee assisted by an advisory board of such handlers. Also, that grower-dealers and grower-brewers should be permitted to be members of the committee in their capacity as growers. Thus, some hop dealers may have employees, concerned with production or working with producers, who are committee members. Since a major portion of the committee responsibilities will be concerned with producer allotments, it is not deemed essential that persons, in their capacity as dealers or brewers, be members of the committee. However, where matters of trade demand and marketing policy are concerned, the committee should have the advice of dealers and extractors, the persons concerned with buying and selling hops or hop products.

Hence, there should be established a Hop Marketing Advisory Board made up of 5 members and their alternates. It should include representatives of the important segments of the hop distribution business. It should, therefore, include 3 positions for each of the 3 largest hop dealers (as they handle the major portion of each crop), 1 position for all other hop dealers and 1 position for hop extractors. The committee should obtain a nominee for each position on the board from the persons represented by that position and forward such nominees to the Secretary for consideration and selection.

Duties of the board should include selection of officers and establishment of such bylaws as it deems necessary, and providing information and advice to the committee on marketing policy and other matters considered pertinent by it or requested by the committee. Since operation of the proposed program would affect handlers, the committee should make extensive use of the board and both groups should be free to convene separately or jointly as circumstances warrant.

(d) Provisions should be included for selection by the Secretary of qualified persons for each position on the committee and the board. Selection should normally be from nominees submitted by the committee but in the event nominees are not submitted or those submitted are not considered qualified by the Secretary, provisions should be included for the Secretary to select committee and board members from among other eligible persons. In order to verify their willingness to serve, persons selected should qualify by filing a written acceptance with the Secretary prior to assuming the duties of their respective positions.

To maintain continuity of experienced membership on the committee, provisions should be made for two-year terms, with the terms of those occupying odd numbered positions ending on December 31 of odd numbered years and those holding even numbered positions ending on December 31 of even numbered years. Handler composition of the board would not be likely to change very often and continuity would not be a problem. Therefore, there is no need to stagger the terms of board members and they should serve for two year terms ending on December 31 of even numbered years. The December 31 expiration date for each term of office is appropriate in view of the proposed marketing policy considerations of the committee and the board which would begin in February and would continue through final recommendations as to marketing policy in July and details of administering the program during and immediately after harvest of hops in the fall. Also in the

interest of continuity, the committee and board members should serve for the term for which they are selected and until their respective successors are selected and have qualified.

Provisions should be included for alternate members to serve in place of committee or board members when the member is absent from a meeting or unable to participate in a vote on a matter for which a meeting is not convened. Alternates may also be needed to serve in places of members whose positions have been vacated for such reasons as death, resignation, removal or disqualification.

Vacancies occasioned by death, removal, resignation, or disqualification of committee and board members can be expected from time to time. Provisions should be made, in such cases, for the committee to certify to the Secretary a successor for the unexpired term depending upon the remaining length of the term and other aspects of the situation at the time. Vacancies should not be required to be filled but should be filled at the discretion of the Secretary. In this connection, where a vacancy occurring near the end of the term when little or no further business by the committee or board is contemplated, filling such a vacancy would serve no useful purpose.

Evidence was presented at the hearing that committee and board members should be willing to serve without compensation. However, they will incur certain expenses in connection with their committee and board duties and provisions should be included in the order for payment by the committee of necessary expenses incurred by committee and board members, including members of subcommittees, in performance of their authorized duties.

(e) Provisions should be included for the committee to engage in marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of hops. Such projects should be financed through regular assessment funds, except that, to the extent that they involve reserve hops, the cost of such projects should be allocated as an expense to the reserve pool. While the hearing record shows a strong interest in hop production research, projects are presently limited by the act to the area of marketing research and cannot include research on hop culture. No commitments or expenditures for any appropriate project should be made until the project is approved by the Secretary. This safeguard is important to ensure that projects will be within the scope of the authorized area of activity and will not duplicate other projects being undertaken by members of the industry or other agencies.

Hop dealers have done a great deal of effective promotional work in foreign markets and the U.S. Brewer's Association has done considerable work on hop quality. The State universities and hop commissions of the various States also have engaged in various marketing research projects. Marketing research and development projects undertaken by the committee could be done in cooperation with such persons and should not involve duplication.

While the committee may not engage in cultural research, it should facilitate projects to contribute to more efficient production and thereby improve returns to producers. For instance, to encourage the growing of hops for experimental purposes, provision should be included in the order for exemption from part or all of the regulations, of hops grown or used for research purposes.

(f) Provisions should be included in the order for the Secretary based on the committee recommendation or other information to establish minimum standards of quality for hops. Some poor quality hops are likely to be produced and, under conditions of limited supply, they would tend to be sold in normal markets to the detriment of the long run demand for hops of U.S. production. The committee should, therefore, have authority to recommend minimum standards on hops setting forth a maximum tolerance for leaf and stem content and such other minimum quality standards as may be found necessary to protect the demand for hops in the domestic and foreign markets. Upon recommendation by the committee, the Secretary should establish such minimum standards as would tend to effectuate the objectives of the part and the declared policy of the act. Hops not meeting such standards should be designated "substandard hops" and should not be handled.

There was also testimony at the hearing on the merits of exploring the development of U.S. standards for hops which would permit classification of hops into various qualities and grades. It is now normal industry practice to have all hops inspected by the Federal-State inspection services for leaf and stem and seed content. These quality factors are generally used as a basis for determining the value of the hops and the price paid to the producer. Also, a significant part of the crop is inspected by buyers for other factors of quality including laboratory tests for brewing value. Both the opponents of a marketing order and those advocating it agreed that quality maintenance was essential to growth of the market for hops.

It is recognized that it is not generally practical to sort or regrade hops after they have been placed in the bale. It is also recognized that the emphasis different brewers, both in the United States and in foreign countries, place on certain quality factors varies considerably. However, any industry, whether or not operating under a marketing order may contact the applicable Commodity Division of Consumer and Marketing Service, USDA, for assistance in developing U.S. standards for voluntary use. The proponents of a marketing order testified that they felt appropriate representatives of the various segments of U.S. hop industry should begin as soon as possible to explore the possibilities of developing a set of U.S. standards for hops.

If such U.S. standards are issued they would prove useful as a basis of reference in recommending and establishing minimum standards under the order. Any price premiums that may develop in the market place for hops meeting the higher classifications in any grade standards would depend over a period of time on the importance buyers placed on the value of hops meeting the higher grade classification.

At the hearing, the United States Brewers Association recommended establishment of a separate quality control board, consisting of four brewers and two handlers, to establish quality standards and administer all aspects of their operation. Incidental to its other administrative functions, the committee and staff would have all necessary facilities for recommending and administering a quality control program. It is therefore not essential that a separate agency be established for this purpose. However, the committee may need the technical advice of brewers and dealers and they should be consulted whenever the technical aspects of quality are under consideration by the committee.

The order should require positive identification of all hops as to which are salable, i.e., may be handled by dealers and brewers, and which are other hops. Inspection of hops to determine their value is now required under producer contracts with dealers and the inspection for leaf, stem and seed content should be mandatory under the order so that values on those hops entering the reserve pool, may be established by the committee. Also, the committee will need inspection to obtain data on producer deliveries as a guide to industry-wide production capability in the establishment of minimum standards of quality. When minimum standards are prescribed under the order inspection and certification should be mandatory to assure the handling of hops which conform with such standards. While inspection and identification of hops are separate requirements under the order, they should be handled together. The inspection agencies should be the Federal-State inspection services (those with inspectors licensed by the U.S. Department of Agriculture) and the committee should use the inspection services, who will be on the premises and have inspected the hops, to assist with any identification requirements under the order. Identification is necessary for compliance purposes, hence no hop identification should be altered or removed by any handler while hops are under his control.

Most hops are delivered to dealers by November 1. In keeping with this normal practice and in order to facilitate delivery of reserve hops to the committee, the inspection and identification requirements for all hops should be completed prior to November 15 or such other date as may be established for those hops to be delivered to the reserve pool. This is necessary to avoid compliance problems, to minimize the cost of program administration and to permit the committee to plan disposition of reserve hops. The cost of the inspection should be borne by the person who requests it.

(g) The order should not apply to hops harvested and baled prior to its effective date. The evidence of record is that no regulation should be applied to hops of the 1964 or earlier crops nor to any 1965 crop hops that have been harvested and baled prior to the effective date of the

order. However, so that hops held by producers may be exempt from regulation, they should be identified as free hops and application should be made to the committee by the producers for such exemption within 30 days after the effective date of the order. Such identification should be performed by the committee at no expense to the producer. Also, hops held by handlers on the effective date of the order should be exempt from its provisions but such hops need not be identified as they are already past the basic point of regulation, the point of acquisition by the handler. The overall effect of these exemptions would be to free from regulation all hops harvested and baled prior to the effective date of the order and assure reasonable equity of treatment of producers and handlers.

(h) Producers begin to incur production costs shortly after March 1 and it is therefore desirable to provide them with tentative guides as to the quantity of hops that will be salable so that they can adjust their production plans accordingly. Therefore, the committee should meet prior to March 1 each year and make its preliminary estimates of the market requirements for hops from the ensuing crop. Operating experience may indicate a need for an earlier or later date and provisions should be included for the committee, with the approval of the Secretary, to establish a different date. In making its estimates, the committee should consider the prospective carryin of producers, handlers, and brewers, the desirable carryout, prospective imports and other factors affecting market conditions. Based on these factors, the committee should adopt a preliminary salable quantity and allotment percentage to be applied to the ensuing crop. As previously discussed, the committee should consider information and recommendations of the board in reaching marketing policy decisions.

The committee should meet again prior to August 1 of each year to review its preliminary marketing policy and after considering the same market factors should, if warranted, recommend establishment of a salable quantity and allotment percentage for the ensuing crop.

Such salable quantity may be larger or smaller than the preliminary salable quantity, but any changes should be based on substantive changes in market conditions that have taken place in the interim. If a worldwide or domestic shortage of hops is apparent and the committee determines that no salable restriction should be placed on hops produced from the ensuing crop, the committee should announce that no controls are recommended for that crop. Notice of both the preliminary marketing policy recommendation and any later revisions should be made known promptly to the Secretary and also to producers and handlers. This is necessary so that all concerned will be aware of the recommendations of the committee and can plan their production and purchases accordingly.

Whenever the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops that may be freely marketed from a given crop would tend to effectuate the declared policy of the act, he should determine the total salable quantity of hops that may be acquired by handlers to meet normal market requirements and establish an annual allotment percentage for the purpose of releasing the desired total salable quantity. If market conditions warrant release of supplies in excess of the total producer allotment base, an annual allotment percentage of over 100 percent should be established. The Secretary's action should normally be based on the committee's recommendation but should also take into consideration other information. Other information might include such items as changes in crop or market conditions after the committee has made its recommendation or the legal limitation when hop prices exceed parity. The salable quantity should be pro rated among producers on the basis of their individual allotment bases which are hereinafter described. Once the salable quantity has been established for a crop, it should not be changed. A reduction would throw undue burdens on producers and handlers who had entered into a sales transaction on the basis of the established salable quantity. Increasing the salable quantity to provide for unforeseen demands would be unnecessary because any excess supplies that were available would be in the reserve pool and would be available for sale out of the pool to meet such increased demand. The order should provide that, in years when regulations are in effect, handlers are prohibited from handling other than salable hops. The salable hops should have been determined and identified pursuant to the provisions of the part. The prohibition should not apply to handling in the form of preparation of hops for market or of delivery of hops to the committee for pooling as such hops would be otherwise subject to control.

Due to the general practice of forward contracting by all segments of the hops industry, most of the 1965 crop of hops is already committed to dealers and large parts of the 1966 and 1967 crop are also committed. So that the order will cause a minimum of interference with existing contract commitments, any salable quantity should be set no lower than 100 percent of the producer allotment base on 1965 crop and 95 percent of the allotment base on 1966 and 1967 crops. Since any volume regulation that may be established should apply to the entire 1965 crop, no volume regulation on this crop should be established after August 15, 1965. This limitation is necessary to recognize the early harvest in California where some hops are ready for market by August 15 and hence a regulation after such date would not control the entire crop.

(i) Operation of the order would involve allocating the total quantity of hops that may be marketed among each of the hop producers. Quantities of hops sold by producers during the 1964–65 marketing year resulted from above average yields in all States except Idaho. Hence 1964–65 is appropriate as the representative period for computing the allotment base for most producers. However, the yield in 1964, for such producers, is about 7 percent in excess of the 1961–63 average and hop yields show no particular trend since 1945. Therefore, all base allotments resting on 1964 sales should be set at 93 percent of such sales so the total industry allotment base is representative of average conditions. For purposes of allotment base determination, hops produced by brewers and used in brewing should be treated the same as hops sold by other producers. Sales in the base period should be adjusted by deleting sales of other than 1964 crop hops and including any unsold 1964 crop hops held by a producer for later sale at the close of the 1964–65 marketing year. This is necessary to avoid inequities as between producers who sold only 1964 crop hops during the representative period and those who included hops of other crops or who failed to complete sales of the 1964 hops in the period. Each year some growers carry over all or part of one year's crop which may then be sold in the subsequent marketing year, along with the current crop produced in such year. Also adjustments may be necessary to accord equitable treatment of producers due to such factors as adverse weather, disease or pesticide residues in 1964–65, and the committee, with the approval of the Secretary, should adjust such producer's allotment bases by recognizing their sales under average yield conditions in the most recent preceding years. This should be done by using either 93 percent of the highest average amount of hops per acre available for sale from either his 1962 or 1963 crops times his 1964 acreage or 100 percent of the average amount per acre available for sale in the three years 1962, 1963, and 1964, times his 1964 acreage. Again, the highest yield should be reduced to 93 percent to offset the possible inflationary effect that would otherwise result from above average yields. However, 100 percent of the average of the three years is appropriate because the basis of the adjustment is that 1964 is a below normal yield and thus will have reduced the average.

It is normal practice for hops from both existing and planned acreage to be sold on futures contracts, one or more years in advance of actual production. Under such futures contracts, producers incur various costs as well as obligations to deliver. It is also normal for handlers when entering into such contracts with producers to contract for delivery to brewers. With respect to new acreage where no hops were produced in 1964, it would be inequitable to both producers and handlers to deny allotment bases to producers who had made advance contract commitments prior to December 14, 1964. On the other hand, as hereinafter discussed, it would not be equitable to provide allotment bases to producers who entered into advance commitments after December 14, 1964. Such commitments would inflate the total allotment base and thereby penalize all those producers and handlers who in good faith discontinued making commitments. Use of a later date would benefit the few who increased their com-

mitments in anticipation of successfully obtaining a revision in such date.

On such date the Four State Hop Study Group by resolution at a meeting in Portland, Oreg., which was attended by a representative group of growers from all four producing districts as well as by representatives of the two major handlers which handle the substantial majority of U.S. hops, recommended that December 14, 1964, be used as the cutoff date for the purpose of permitting allotments for commitments of new or additional acreage. The meeting and the decisions were well publicized following the December 14, 1964, meeting. The date of December 14, 1964, was contained in the drafts and summaries of the proposed order discussed and distributed to producers by the Four State Hop Study Group in the development of the order and was contained in the notice of hearing.

Commitments made by producers prior to December 14, 1964, to grow or sell hops, from new or additional acreage, should qualify for inclusion in the allotment base and the allotment base for such acreage should be computed by applying to it the average yield of the producer's other 1964 acreage in the same State. This would be the most likely yield from such acreage. However, so that the producer does not receive excessive allotments, annual allotments referable to such allotment base, should not be issued until the first year when hops are produced and baled from such acreages. Determinations as to such commitments should be made by the committee, and approved by the Secretary, and should be based on such things as planting hops, constructing trellis, or entering into bona fide sales contracts.

The Brewers Gold and Bullion type of hops are normally planted one year, and are not put up on trellis and harvested until the second year because of the very low yield normally obtained if they are harvested the same year in which they are planted. In a few cases in 1964, these two varieties were planted and, because of strong demand, harvested the same year even though relatively low yields were obtained. However, yields would not result in an appropriate allotment base. For these reasons, such acreage should be treated the same as new or additional acreage committed prior to December 14, 1964, on which no hops were produced in 1964.

Where the necessary sales or yield data are not available because the producer has no applicable sales history in the State or records are inadequate or yield data are not applicable because of a shift of variety, the 1964 State average yield of the like variety should be applied to such producer's acreage. Generally, hops are produced in a single region of a State and on land permitting yields similar to those of other producers. All allotment bases and adjustments should be based on information obtained by the the committee from handlers and producers, and should be established by the committee and should be subject to approval by the Secretary. The foregoing procedures are necessary to insure careful consideration of each producer's history and establishment of an allotment base for each producer that will result in as equitable an apportionment of the salable quantity as is feasible. The producer's right to retain an allotment base should be based on his continued capability to produce hops. The committee should, with the approval of the Secretary, establish rules and regulations setting forth the conditions under which a producer's allotment base will be revoked.

The order would allot to each individual producer his equitable share of the quantity of hops released for market. It is possible that the demand for hops will increase in the future and when it appears that the long-run level of sales will exceed 100 percent of the total producer allotment base or whenever the Secretary determines that the maintenance of orderly marketing conditions will permit, the committee should be authorized, with the approval of the Secretary, to issue additional allotment bases to either existing or new producers. However, the issuance of such bases should be pursuant to rules and regulations setting forth the basis of issuance and have the approval of the Secretary.

To permit sound administration of the program, it is necessary for each producer to annually advise the committee of the location(s) where he intends to produce his annual allotment, that he recognizes his obligation to report his production to the committee and abide by reserve pooling requirements and other provisions of the part. This should be facilitated by each producer filing a production data form with the committee each year confirming his recognition of obligations incidental to various provisions of the order, prior to the issuance to him of his annual allotment. The committee should then qualify and issue to each producer, his appropriate annual allotment.

Producers have entered into various long-term contracts obligating them to deliver hops in future years, some of these running through the calendar year 1972. It was proposed that these contracts be exempt from quantity limitations if they were so worded as to constitute a legal obligation, after the order was in effect, to deliver a specific quantity of hops from specified acreage, and the contract was effective as of December 14, 1964. However, the delivery was not to exceed 100 percent of the allotment base of the producer. Objections were made, not to the principle of granting the exemption, but rather to the restrictions proposed which would preclude some long-term contracts from being eligible for the exemption. The producers were held to be subject to suit by dealers or brewers demanding full delivery on contracts whether or not permitted by the order. This was proposed to be corrected by permitting a producer with any written contract, with a handler or brewer, to deliver hops if the contract were valid in the absence of the order. The total number of these contracts is not known, nor the poundage of hops thereunder, but the evidence is that the volume of hops under contract decreases sharply beyond 1967. In operation, the proposal would not cause any increase of burden on producers who do not have a contract beyond 1967. Such producers would continue to have their annual allotment determined by the application of the allotment percentage to the individual producer's allotment base. This percentage would be determined, without regard to the long-term contracts, by dividing the total salable quantity by the total producer allotment base. Since substantial interference with contract obligations is not essential to achievement of the objectives of the order and to recognize that producers with long-term contracts generally at fixed prices, or prices determined by formula, will not share in the possible increase in returns on salable hops received by producers without such contracts, a provision to grant the exemption for all contracts on a specific quantity from a specified acreage, which would be valid except for the part, i.e., in the absence of an order, is deemed appropriate and consistent with providing equity of treatment to the producers affected by the order. However, the delivery limitation of 100 percent of the producer's allotment base should be retained to avoid permitting deliveries in excess of the producer's production level (as determined by his allotment base) and to restrict the delivery of indefinite volumes as "overages" when permitted by the contracts.

Provisions should be included in the order for a producer who, despite a bona fide effort, produces less than his annual allotment of hops as a result of conditions reasonably beyond his control, to obtain hops at time of harvest from another producer who has grown supplies in excess of his allotment. The order should not permit a grower to intentionally not produce all or part of his annual allotment and still be qualified to acquire hops from another producer, that would otherwise be reserve hops, as this would permit a windfall to the nonproducer and thereby create a situation objectionable to producers generally. Once a salable quantity has been established for a crop, every effort should be made to place that quantity on the market. In situations such as this, the most expeditious way of doing so would be to provide for free transfers of hops from producers with an excess to producers with deficits in production. Whether a producer has made a reasonable effort to produce his annual allotment should depend on such things as whether he has sufficient hops under trellis to produce his allotment (considering his previous yields), when the hops were planted, and whether he has followed normal commercial practices in growing and harvesting the hops. By time of harvest, the committee members and the manager should have knowledge of where deficits are likely to occur. Also, annual salable allotments would have been made and each producer informed as to the poundage he was entitled to have identified as salable. The exchanges and identification should occur prior to the time excess hops become reserve hops so as to make unnecessary any changes of identification of hops and to freely permit the fulfillment of the salable allotment. However, the committee should be permitted to obtain names, the quantity, and such other information as

it may need in order to administer the provision and the release of any of such information shall only be as permitted by the act. Experience may indicate the desirability of changing these requirements and they should, therefore, be subject to modification by the committee with the approval of the Secretary.

If a producer producing less than his annual allotment does not qualify to fill his deficiency with hops from another producer or fails to exercise his option to fill all of his allotment by the date excess hops become reserve hops, he should thereupon be ineligible to acquire hops from another producer. This is necessary to cause valid transactions to be completed prior to the time the reserve pool is established and to preclude producers from using allotments on which they failed to make a bona fide effort to produce the hops. Administration of this provision should be covered by rules and regulations to be prescribed by the committee with the approval of the Secretary.

The committee should set up means to act as a clearing house of information so that it may assist producers and handlers in locating and identifying any excess hops and in obtaining, insofar as practical, the total release of salable hops.

(j) Despite the guides to production created by the order, fluctuating yields and other factors can result in some hops being produced in excess of the salable quantity each year. Provisions should be made for such hops to be placed by producers in a reserve pool managed by the committee and available to it to maintain and expand the demand for hops. Moreover, to minimize the possibility of excess hops entering normal channels of trade, all hops which have been prepared for market and are in excess of a producer's annual allotment should become reserve hops subject to committee control on November 1, and should be delivered to the committee no later than November 15, or such other dates as the committee may prescribe. Contracts with dealers generally require delivery to the dealer by November 1, and hence hops held by producers, in their capacity of handlers of such hops, on and after that date would, in many cases, be reserve hops only. Harvesting and baling operations are completed before this date. Hence, November 1 is a suitable date by which hops in excess of salable will be known and can be placed in the reserve pool. Delivery, storage, and disposition decisions by the committee may differ from year to year and the committee should, therefore, be authorized to establish different dates if necessary. Handlers not wishing to deliver hops to the reserve pool should have the option, prior to the date hops in excess of a producer's allotment become reserve hops, of disposing of such hops in noncompetitive outlets. If a handler decides to so dispose of hops that have already been baled and identified, such disposition and the removal of identification should, for purposes of control, be done at the direction of the committee.

So that due accounting may be made to equity holders, the committee should pool reserve hops in a manner to accurately account for the receipt, storage, and disposition of all hops placed in the pool. Also, to permit disposition of old, deteriorated hops, a separate pool should be used for each crop but, to permit earnings on reserve hops to pay committee pooling expenses, hops of different varieties or having different qualities should all be placed in a common pool of one year. To assure an equitable settlement of pool accounts in terms of the relative values of each lot of hops placed in the pool, the committee should operate the pool in terms of quality categories for each variety and a schedule of relative values. The quality categories should reflect the determinations shown on inspection certificates and any disagreement, other than an error of recording, should be resolved by using the normal appeal procedures of the inspection service.

Since hops deteriorate with age and the order should avoid a further buildup of stocks, each pool should be disposed of by the end of a 12-month period from the date of establishment. However, the committee, with approval of the Secretary, should have the authority to either limit the pooling period to less than 12 months or extend it beyond 12 months depending upon such factors as the overall conditions of supply and demand. Hops in the reserve pool should be disposed of by selling them (1) for use in normal market outlets to meet trade demand requirements not satisfied by salable hops, (2) by release by the committee for use in market development projects, (3) by disposal in nonnormal outlets to the extent that there is clearly no need to hold them in the pool until the expiration of the 12-month or other pool period, or (4) by giving growers an opportunity to exchange salable hops of a quality or variety they hold for an equal quantity of hops from the reserve pool. No such exchange should be authorized until the committee has announced its intentions to close the pool and, so that the exchange may be consummated, such announcement should be not less than 30 days prior to the time the pool is closed. Following completion of any exchange, any remaining hops in the pool should promptly be disposed of in nonnormal outlets.

To enable it to dispose of reserve hops in the best interest of the hop industry and to meet trade demand not satisfied by salable hops, the committee should be authorized to offer to sell hops to handlers from the reserve pool, but each offer should be subject to the disapproval of the Secretary. To permit this to occur, five days should be allowed after he has been notified of the terms of the offer by the committee. This will permit the Secretary time to review the information on which the committee acted and to determine whether the proposal is sound and consistent with the objectives of the order. Provision should be included for the Secretary to indicate approval of such offers in less than five days in order to accommodate situations where prompt reserve releases are in the best interest to the hop industry. For the reasons stated any changes in the terms of an offer should also be subject to the review of the Secretary.

It is possible, that hops which would otherwise go to salvage outlets could be used to some extent by the committee or the handlers in market development. With the committee providing hops from the reserve pool at reduced costs, handlers may be able to carry on their market development efforts on an expanded scale and increase the trade demand for U.S. hops. Therefore, such releases should be authorized either as market development projects of the committee, approved by the Secretary or as offers, for such restricted use, to handlers. When offered to handlers, the same procedure should be used, to permit review and concurrence by the Secretary, as on an offer to supplement salable supplies.

It should be provided that before the disposition of any pool in nonnormal outlets, producers be given an opportunity to exchange the hops they hold for an equal quantity of hops from the reserve pool. Such exchanges would be for the purpose of removing damaged or unsuitable hops from delivery as salable and should be subject to such terms and conditions as the committee, with the approval of the Secretary, establishes to protect the equity holders of the hops in the pool. Such exchanges should not be made until such time as it is apparent that normal sales from the pool had been completed and the remainder of the hops would need to be disposed of as mulch or such other nonnormal outlets.

To minimize pooling expenses, the committee should be authorized, with the approval of the Secretary, to divert excess reserve hops to mulch, fertilizer or other nonnormal outlets soon after delivery of reserve hops to the pool has been completed. Hops of low quality or determined to be in excess of foreseeable needs should not be held to accrue storage and administrative expenses. Moreover, hops remaining at the end of a pooling period should so be disposed of to liquidate the pool and avoid a buildup of holdings of reserve hops.

Proceeds from the distribution of reserve hops in each year's pool, after deduction of committee expenses of pooling, should be paid on a pro rata basis to all producers or equity holders taking into consideration the quality, variety and the relative value the hops credited to each. In the case of a cooperative marketing association of producers, committee expenses may be minimized by paying such pool proceeds to the association for inclusion in its returns to individual producers and such should be done. Operation of the pool, including receiving, handling, storage and disposition will entail a certain amount of expense for which the committee must be reimbursed. Since the committee is prohibited by the act from using administrative assessments to finance pooling costs, the only source of funds to cover such expenses are those derived from sale of hops from the pool or from the participants in the pool. To pay expenses which exceed pool receipts, the committee should have a method of ob-

taining funds to cover such expenses. Therefore, provisions should be included in the order for the committee to require advances by equity holders to cover anticipated pool expenses. Persons not wishing to participate in the pool and make such advances are provided the option, under the order, of disposing of their hops, under the direction of the committee, on the farm or other nonnormal outlets.

(k) Achievement of the function of the order of limiting the supply of hops for handling by allotting it to producers, requires knowledge of each production location and its output capability. However, a producer should be free to change the location(s) where he grows hops to other land which he owns or leases, whether to shift to a different variety, utilize more efficient land or other reason. The evidence of record indicates that program administration is most practical on hops by binding the allotment to the producer and his continued capability of producing rather than with a particular farm or land. For this reason, the annual allotment should not be used by another person except where the allotment base has been transferred to such producer pursuant to § 991.46. The committee should keep abreast of all changes of location of hop production by such means as are provided in § 991.38(c).

Transfer of allotment bases, in whole or in part, to other producers should be provided for in order to facilitate efficient use of hop production resources and to provide for a continued use of allotment bases when producers retire or otherwise discontinue the production of hops. However, since the committee and the Secretary will have assigned such bases to individual producers, only by an action on their part can a base be transferred to a different producer. Moreover, to be consistent with other order requirements, such transfers of allotment bases should be made only upon the person relinquishing the base so indicating in writing and the applicant for the allotment base assuring the committee and the Secretary that he is capable of producing sufficient hops to use the base.

(l) Operation of the order would involve certain administrative and other expenses. Therefore, the committee should be authorized to incur such expenses as the Secretary finds appropriate under the act. In order for these determinations to be made, the committee should submit a budget for each marketing year to the Secretary along with sufficient explanation of the budgeted items to enable the Secretary to make his determinations. The committee should also recommend an appropriate rate of assessment to obtain the necessary funds on the basis of the estimated salable quantity of the hops to be handled in such year.

The act requires that such expenses be borne by the handlers who are regulated under the program. Each handler should be required to pay to the committee, on demand, his pro rata share of the authorized expenses for each marketing year. Such pro rata share should be the rate of assessment fixed by the Secretary times the number of pounds of salable hops which each handler handles. Assessments should be levied on only the total salable quantity each year, as reserve hops "handled", by virtue of being prepared for market, should not be assessed as they would either go to reserve pool or be disposed in nonnormal outlets. Assessments should be levied on the handler of record acquiring hops of his own production or from the original producer. If funds to operate the program are not available due to an unanticipated reduction in the salable amount, provisions should be included for the Secretary to increase the assessment rate to cover authorized expenses. To cause equitable sharing of expenses, irrespective of the proportion of his needs a handler has acquired, increased rates should apply retroactively to all hops handled during that particular marketing year. There may be years when a short crop or excessively high prices make operation of the regulatory provisions of the proposed program unwarranted, but certain administrative costs would continue and provisions should be made in the order for payment of such expenses as may be necessary to maintain continuity of the committee and administrative functions.

An operating reserve fund, not to exceed approximately one marketing year's operational expenses should be authorized to provide funds for operation during the early months of the marketing year prior to the availability of assessment income from that year's crop and to provide an optional source of funds in marketing years when the assessable quantity is insufficient. The operating reserve should be accumulated by retaining residual funds remaining at the end of each marketing year. When it approaches the maximum authorized amount, or such lower limit as the committee, with the approval of the Secretary, may establish, subsequent assessment rates should be reduced to draw the reserve fund down to the desired level or, where circumstances dictate, the excess assessment money should be refunded to handlers on a pro rata basis, by returning sums which each paid in excess of his share of actual expenses and of the year's addition, if any, to the operating reserve. Only by permitting a refund of excess assessment money can the committee set a target sum in the operating reserve and definitely not exceed it at the end of a season.

Provision should be made, consistent with the concept of pro rata sharing of expenses, for disposition of any unexpended funds on termination of the program to be in such manner as the Secretary may direct but, to the extent practical on a pro rata basis to the persons from whom collected.

(m) The committee would be expected to meet in February and in July to make its preliminary and final marketing policy recommendations for the ensuing marketing year. In considering its marketing policy, the committee will need various statistical information, an important item in setting annual allotments being the quantity of hops held by handlers. Each handler should, therefore, be required to provide the committee with such information as it may request on hops held by him on January 1 and June 1 of each year. Under unusual marketing conditions, the committee may want to consider its marketing policy at other times and provisions should be included for the committee to get such inventory information on other dates if it becomes necessary.

For purposes of marketing policy compliance and as a basis for collection of administrative assessments, the committee should have regular reports from handlers on their receipts of hops from producers. Provisions should be included in the order for each handler to report to the committee on such dates as the committee may designate, identifying marks, variety, weight, place of production, and other necessary information for each lot of hops received. In addition, handlers should file with the committee, upon request, information on the weight and variety of hops acquired from each producer to assist the committee in establishing producer allotment bases.

In addition to these basic reports, the committee should be authorized, with the approval of the Secretary, to obtain other reports from handlers when necessary to enable it to exercise its powers and perform its duties.

For compliance purposes and due opportunity to investigate and audit, records relating to the handling of hops and necessary to substantiate the required reports should be held by all handlers for at least 2 years after the end of the marketing year to which they apply.

Also provision should be made to permit conduct of the audits by the Secretary or committee management of each handler's pertinent records and to examine the hops he receives and has on hand. Such audits would be necessary and should be made to resolve questions of program compliance. All such investigations should be carried out during normal business hours and should be limited to matters relating to administration of the order and regulations issued thereunder.

To protect each handler against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that all reports and records furnished or submitted by handlers to, or obtained by, employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose the information to no person other than the Secretary. Committee and Department employees are precluded from disclosing such information by Department regulations and the act. Information on individual handler operations is not needed for marketing policy considerations by members of the committee and the information that is needed should be prepared by committee employees in

consolidated form in such a way as not to reveal the position of individual handlers. Since the Secretary's responsibility includes disposition of individual cases of alleged violations of the order, it is necessary that he have access to confidential information relating to individual handlers.

(n) Except for § 991.78(b), the provisions of §§ 991.70 through 991.80, as hereinafter set forth are common to marketing agreements and orders now operating. The provisions of §§ 991.81 and 991.82 as hereinafter set forth are applicable only to marketing agreements and are also generally common to the marketing agreements now operating. These provisions of the marketing agreement and order set forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to and not inconsistent with section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions in the order.

As required by the act, provisions should be included in § 991.78(b) requiring the Secretary to terminate provisions of the order at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the hops so produced. Such determination should be made on the basis of referendum conducted by the Secretary to determine whether the requisite number of producers favor termination of the program. So that due notice is given and producers and handlers may prepare for termination, the referendum should be held not later than October 15 of a marketing year and if termination is favored it should be effective as of the subsequent August 1.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than May 7, 1965, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. Briefs were filed by the United States Brewers Association, Washington State Hop Producers, Inc., S. S. Steiner, Inc., John I. Haas, Inc., L. Oppenheimer and Co., Inc., J. Sonnenschein Hop Co., Inc., Hans Hinrichs Co., Inc., John Barth, Inc., George Segal Co., Inc., F. Bing, Inc., M. Weilheimer, Inc., Keller Hops Co., Inc., Hops Extract Corporation of America, The Free Enterprise Hop Committee (a group of hop growers), Yakima Chief Ranches, Newhouse Farms, Clover Meadows Ranch, and Jack Miller (a group of hop growers), Carl Weathers, Donald Weathers, Annen Bros., and John Coleman (a group of hop growers), and the proponent hop growers.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of hops grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of hops grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of hops grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 991.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 991.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 991.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 991.4 Hops.

"Hops" means, except as otherwise specifically indicated in this subpart, the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and includes residue from processing, either in the form of whole hops or portions thereof, which can be used for a purpose for which hops are used.

§ 991.5 Production area.

"Production area" means all States with commercial production of hops and shall be divided into:

(1) District 1—Washington.
(2) District 2—Oregon.
(3) District 3—Idaho.
(4) District 4—California.

§ 991.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of hops, including "cooperative" producers who are members of a cooperative hop marketing association and "independent" producers who are not.

§ 991.7 Handler.

"Handler" means any person who handles hops.

§ 991.8 Handle.

"Handle" means to acquire hops, use hops commercially of own production, or sell, transport (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce, including preparation for market of hops, except that the preparation for market of hops other than reserve hops or substandard hops or the sale or delivery of such other hops to a handler of record shall not be construed as handling.

§ 991.9 Marketing year.

"Marketing year" means the 12 months from August 1 to the following July 31, inclusive.

§ 991.10 Part and subpart.

"Part" means the order regulating the handling of hops grown in the production area and all rules, regulations and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

HOP ADMINISTRATIVE COMMITTEE

§ 991.15 Establishment and membership.

A Hop Administrative Committee (hereinafter referred to as "committee") consisting of 13 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part. Positions 1 and 2 shall be for cooperative producers in District No. 1, positions 3 through 7 shall be for independent producers in District 1. Positions 8 and 9 shall be for District 2 producers, 10 and 11 for District 3 producers, and 12 and 13 for District 4 producers.

§ 991.16 Eligibility.

Each member and alternate of the committee shall be at the time of his selection and during his term of office, a producer, or an officer or employee of a producer, in the district for which se-

[1] Sections 991.81 and 991.82 apply only to the proposed marketing agreement and not to the proposed order.

lected and shall not be a full time employee of a cooperative hop marketing association.

§ 991.17 Nominations.

(a) *General.* Growers in each district shall nominate persons for each committee member and each alternate position in their respective districts as prescribed in § 991.15. Nominations shall be certified by the committee and submitted to the Secretary by December 1 of each year, together with information deemed by the committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination.

(b) *Committee members.* Nominations shall be submitted to the Secretary on the basis of ballots mailed by the committee to producers in each district and the committee shall give reasonable publicity to the balloting period. Names of producer candidates to be included on the ballot for each district shall include names submitted to the committee by the principal grower organization in each district, and shall also include names submitted by petition signed by 10 producers in each such district, except that nominees for positions 1 and 2 shall be submitted directly to the committee for certification to the Secretary by the cooperative associations. Ballots containing the names of the candidates and a blank space for write-in candidates for each position, together with voting instructions, shall be mailed to all growers of record except cooperative growers in District 1. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position. Only producers eligible to serve on the committee from the district in which the nominations are being conducted shall be eligible to vote, and each producer shall have one vote for each position to be filled. No producer shall participate in the election of nominees in more than one district. If the Secretary concludes, on the basis of a recommendation of the committee, that this procedure is unsatisfactory, or should be changed for any reason, he may change this procedure through formulation and issuance of superseding regulations.

§ 991.18 Procedure.

At an assembled meeting, all votes shall be cast in person and 10 members of the committee shall constitute a quorum. Decisions of the committee shall require the concurring vote of at least 9 members. If both a committee member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place. The committee may vote by mail, telephone, telegraph, or other means of communications: *Provided*, That each proposition is explained accurately, fully and identically to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirmation. Ten concurring votes and no dissenting vote shall be required for approval of a committee action by such method.

§ 991.19 Powers.

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

§ 991.20 Duties.

The committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(f) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to hops;

(i) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members; and

(l) To investigate compliance and use means available to prevent violations of the provisions of this part.

HOP MARKETING ADVISORY BOARD

§ 991.22 Establishment and membership.

A Hop Marketing Advisory Board (hereinafter referred to as "board") consisting of 5 members, each of whom shall have an alternate, is hereby established to advise and assist the committee. Positions 1, 2, and 3 shall be for the 3 handlers who handled the largest quantity of hops during the preceding fiscal year. Position 4 shall be for all other handlers, other than extractors. Position 5 shall be for extractors of hops.

§ 991.23 Nomination.

Nominations for the respective positions shall be made by the handler or handlers involved and shall be submitted to the committee for transmission to the Secretary, together with information deemed by the committee to be pertinent or requested by the Secretary.

§ 991.24 Duties.

The duties of the board shall consist of selecting from its members such officers, establishing such bylaws as it deems necessary for performing its functions, making recommendations with respect to marketing policies, and the consideration of such other matters as it may deem advisable or the committee may request.

COMMITTEE AND BOARD

§ 991.25 Selection and term of office.

(a) *Selection.* Committee and board members shall be selected by the Secretary from nominees submitted by the committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The terms of office of committee members shall be for a period of 2 calendar years except that the term of office of committee members holding odd numbered positions shall, commencing with the 1967 calendar year, end on December 31 of odd numbered years, and committee members holding even numbered positions as set forth in § 991.15 shall end on December 31 of even numbered years. The term of office of board members shall be 2 calendar years ending on December 31 of even numbered years. Committee and board members shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 991.26 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 991.27 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee or board member, shall be recognized by the committee certifying to the Secretary a successor for the unexpired term, unless selection is deemed unnecessary by the Secretary.

§ 991.28 Expenses.

Members of the committee, board, and their subcommittees shall serve without compensation but shall receive such allowances for necessary expenses in-

curred in connection with their duties as may be approved by the committee.

RESEARCH

§ 991.30 Marketing research and development projects.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of hops. The expense of such projects shall be paid from funds collected pursuant to § 991.56, but the expenses of any projects involving reserve hops shall be allocated, if appropriate, in whole or in part, to funds obtained from the disposition of such reserve hops. Hops grown or used for research purposes may be exempted from regulation.

QUALITY REGULATION, INSPECTION AND IDENTIFICATION

§ 991.31 Quality regulation.

Upon recommendation of the committee, the Secretary shall establish such minimum standards of quality for hops in terms of their leaf and stem content and other quality factors as will tend to effectuate the objectives of this part and the declared policy of the act and no handler shall handle hops which fail to meet such standards. Hops failing to meet such standards shall be considered "substandard" hops and, except for disposition within a producer's farming operations, shall not be disposed of to persons other than the committee or its designees.

§ 991.32 Inspection and identification.

No handler shall handle, nor the committee receive for reserve pooling, hops which have not been inspected for leaf, stem and seed content, identified as prescribed by the committee, and when minimum quality requirements are issued pursuant to § 991.31, inspected and certified as meeting such requirements. Inspection and certification shall be by a Federal-State inspection service and the cost borne by the applicant. Inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39. Such identification shall not be altered or removed by any handler while in his control.

§ 991.33 Hops baled prior to effective date of this subpart.

Any producer having hops baled prior to the effective date of this subpart is entitled, upon application to the committee within 30 days after such date, to have such hops identified as free of regulation under this subpart, at no expense to himself, and any handler may then handle such hops. Hops held by handlers on the effective date of this subpart are also exempt from regulation under this subpart.

VOLUME LIMITATIONS

§ 991.36 Marketing policy.

As soon in the calendar year as practicable, but no later than March 1, or such other date as the committee with the approval of the Secretary may establish, the committee shall meet and adopt its preliminary marketing policy for the ensuing marketing year. At such meeting, the committee shall consider the recommendations of the Board, the quantity of hops that should be made available for marketing to meet market requirements and establish orderly marketing conditions, the prospective carryin of producers, handlers, and brewers, the desirable carryout, the prospective imports, and other factors affecting marketing conditions. If these considerations indicate a need for limiting the quantity of hops marketed, the committee shall adopt a preliminary salable quantity and allotment percentage for the ensuing crop. Prior to August 1 of each year, the committee shall review its preliminary marketing policy and, if conditions warrant, recommend establishment of a salable quantity and allotment percentage for the ensuing crop. Notice of the preliminary marketing policy for a marketing year and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

§ 991.37 Establishment.

(a) *Action by the Secretary.* Whenever the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops available for handling from the production of a calendar year would tend to effectuate the declared policy of the act, he shall determine the salable quantity for such crop which handlers may handle. The salable quantity shall be pro rated among producers by applying an allotment percentage to each producer's allotment base established pursuant to § 991.38. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total producer allotment base. No handler may handle hops other than salable hops determined and identified pursuant to the provisions of this part except that a producer-handler may prepare hops for market.

(b) *Limitations on allotment percentage.* The allotment percentage applicable to the 1965 crop shall be not less than 100 percent. However, unless such is established prior to August 15, 1965, there shall be no allotment percentage applicable to the 1965 crop. No allotment percentage applicable to the 1966 or 1967 crop shall be less than 95 percent.

§ 991.38 Allotment of salable quantity.

(a) *Allotment bases.* Each producer's allotment base shall be 93 percent of the amount of hops sold (which for purpose of this section shall include hops used commercially of own production) by such producer during the 1964–65 marketing year. However, in order to equitably apportion among producers the total quantity of hops which handlers may acquire from them, hops sold by the producer during the 1964–65 marketing year of other than his 1964 production shall not be included in his allotment base and hops from his 1964 production remaining for sale at the end of the 1964–65 marketing year shall be included in his allotment base. Where such adjustments fail to result in equitable apportionment due to such factors as adverse weather, disease or pesticide residues in 1964–65, the committee, with the approval of the Secretary, shall increase such base to the higher of (1) 93 percent of the highest average amount per acre available for sale from either his 1962 or 1963 harvested acreage as applied to his 1964 acreage, or (2) 100 percent of the average amount per acre available for sale from his 1962, 1963, and 1964 harvested acreage as applied to his 1964 acreage. In the case of producers with new or additional acreage, on which no hops were produced in 1964, that was committed prior to December 14, 1964, to the growing and marketing of hops by such things as planting hops, constructing trellis, or entering into a bona fide contract to market hops from new or additional acreage, an allotment base for such acreage shall be computed by applying to it the average yield referable to the allotment base on the producer's other 1964 acreage in the same State: *Except,* That no annual allotment on that portion of an allotment base derived from such acreage shall be issued until the year when hops are first produced and baled from such acreage. Acreage of Bullion or Brewers Gold variety hops planted and harvested in 1964, shall be treated the same as committed acreage having no production. Where the necessary yield data are not available because the producer has no applicable sales history in the State or records are inadequate, or yield data are not applicable because of a shift in variety, the 1964 State average yield of the like variety shall be applied. All allotment bases and adjustments shall be based on reports from handlers, producer certifications, and other information available to the committee and the Secretary at the time when bases are established. It shall be the responsibility of the committee to establish, with the approval of the Secretary, each eligible producer's allotment base. The right of each producer, based on a continuing capability to produce hops, to retain his allotment base shall be subject to such rules and regulations as the committee, with the approval of the Secretary, prescribes.

(b) *Additional allotment bases.* Whenever it appears that over the long-run the salable quantity will be at a level exceeding the total producer allotment base or whenever the Secretary determines that it will not interfere with the maintenance of orderly marketing conditions, the committee may issue additional allotment bases pursuant to this subpart and such rules and regulations as are prescribed with the approval of the Secretary.

(c) *Issuance of annual allotments to producers.* As early as practicable, in each year, the committee shall furnish each producer a qualification form. Such form shall contain space for the producer to show changes in the locations, if any, where he intends to produce his annual allotment, an agreement by the producer to report his production to the committee, to abide by reserve pooling requirements and such other requirements as are nec-

essary to carry out the provisions of this part. Such form shall be used by the committee to qualify and issue to each producer his appropriate annual allotment which shall be the allotment percentage times his allotment base: *Provided*, That a producer who, except for this part, is legally obligated to deliver a specific quantity of hops from specified acreage of his own production pursuant to the terms of a written contract entered into prior to, and effective as of December 14, 1964, and calling for delivery of crops produced no later than 1972 shall be permitted to deliver such hops to fulfill such contract terms up to, but not in excess of, 100 percent of the allotment base established for him.

(d) *Filling deficiencies in salable quantity.* (1) A producer who produced less than his annual allotment under conditions where he had sufficient hops under trellis to produce his allotment, taking into consideration his previous average yield and the year in which the hops were planted, and who according to normal commercial practice, makes a bona fide effort to grow and harvest the hops from such acreage, may prior to the date excess hops become reserve hops pursuant to § 991.39, fill any deficit in his allotment, by acquiring hops from another producer that are in excess of such other producer's annual allotment and the committee may require a full report of the transaction including the names of both parties, the quantity and such other information as will enable the committee to administer this provision. These requirements may be modified by the committee, with the approval of the Secretary .

(2) A producer producing less than his annual allotment and who meets the above qualifications but does not exercise his option to fill the deficit in his allotment by the date excess hops become reserve hops pursuant to § 991.39 or who fails to meet all of the above qualifications shall be ineligible to acquire excess hops. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(e) *Information.* As a service to growers and handlers, the committee may act as a clearing house of information on production and the availability of hops in excess of salable. Such information shall be available at the committee office to any producer or handler upon request.

Reserve Pool

§ 991.39 Reserve hops.

Hops baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment and are held by any producer, in his capacity as a handler of such hops, on November 1, shall be reserve hops. No such handler shall ship or deliver reserve hops to other than the committee or its designees and such shall occur not later than November 15, or such other date as the committee may prescribe. However, any such handler, may arrange to dispose of such hops, under the direction of the committee, in nonnormal outlets.

§ 991.40 Reserve pool requirements.

(a) *General.* The committee shall pool reserve hops in a manner to accurately account for their receipt, storage, and disposition. The committee may establish categories for various qualities or varieties of pooled hops and a schedule of relative values for settlement of pool accounts. Reserve hops from each crop shall be pooled separately.

(b) *Disposition.* The committee shall endeavor to dispose of each reserve pool during the 12-month period following the date established in § 991.39 for delivery of reserve hops to the committee or its designees or such other period as the committee, with the approval of the Secretary, may establish to recognize such factors as supply and demand conditions. Such hops may be disposed of as follows:

(1) *Normal market outlets.* The committee may offer reserve hops for purchase by handlers and use in normal market outlets when necessary to meet trade demand requirements not satisfied by salable hops. No such offer to sell reserve hops to handlers shall be made by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms of such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the 5-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offers, the committee may withdraw an offer to sell reserve hops to handlers or may extend the offer period.

(2) *Market development.* Reserve hops may be released by the committee for use in a market development project approved by the Secretary or offered to handlers for such restricted use in the same manner as in subparagraph (1) of this paragraph.

(3) *Exchange.* Prior to disposing of any pool in nonnormal outlets, salable hops held by growers which are damaged or otherwise unsuitable may be exchanged for reserve hops in the pool. All such exchanges shall be subject to such terms and conditions as the committee, with the approval of the Secretary, may establish.

(4) *Nonnormal outlets.* The committee may at any time, with the approval of the Secretary, dispose of reserve hops, determined to be in excess of foreseeable needs, in mulch, fertilizer, or other nonnormal outlets and shall so dispose of reserve hops on which the pooling period has terminated.

(c) *Distribution of pool proceeds.* The proceeds from the disposition of reserve hops from each pool after deduction of any expense incurred by the committee in receiving, handling, holding, or disposition thereof, shall be distributed to the respective equity holders or their successors in interest on the basis of the quality, variety and the number of pounds credited to each account in the pool, except that distribution of the proceeds to members of cooperative hop marketing associations shall be made to such association. The committee may require advances by equity holders of anticipated expenses at the time hops are pooled.

Transfers

§ 991.45 Transferring of locations.

A producer may change the location(s) where he produces his annual allotment to other land which he owns or leases but such shall not be recognized as extending to the land of another person except in conjunction with the transfer of an allotment base pursuant to § 991.46. The committee shall, by such means as are provided in § 991.38(c), obtain information as to the location(s) where each producer intends to produce each allotment.

§ 991.46 Transfer of producer allotment bases.

The committee, with the approval of the Secretary, may transfer, upon request, part or all of an allotment base from one producer to another and such will be done only upon the person relinquishing the base so indicating in writing and the person desiring the allotment base furnishing such information as the committee and the Secretary deems necessary to assure that he is capable of producing sufficient hops to use such base.

Expenses and Assessments

§ 991.55 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee, shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 991.56 Assessments.

(a) *Requirements for payment.* Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound fixed by the Secretary times the quantity of salable hops which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

(b) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Sec-

retary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 991.55. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) *Accounting of funds upon termination of order.* Any money collected as assessments hereunder and remaining unexpended in the possession of the committee or a succeeding board of trustees after termination of this part shall be distributed in such manner as the Secretary may direct, provided that to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REPORTS AND RECORDS

§ 991.60 Reports.

(a) *Inventory.* Each handler shall file with the committee a certified report, showing such information as the committee may specify with respect to any hops which were held by him on January 1, and June 1, and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall file with the committee a certified report showing for each lot of hops received, the identifying marks, variety, weight, place of production, and the producer's name and address on such dates as the committee may designate. For the purpose of establishing allotments pursuant to § 991.38, each handler shall file with the committee, upon request, information as to the weight and variety of hops which he acquired from each producer.

(c) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 991.61 Records.

Each handler shall maintain such records pertaining to the handling of hops as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the end of the marketing year to which they apply.

§ 991.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the committee through its duly authorized employees, shall have access to any premises where applicable records are maintained, or where hops are received or held, and at any time during reasonable business hours shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 991.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 991.70 Compliance.

No person shall handle hops except in conformity with the provisions of this part.

§ 991.71 Rights of the Secretary.

Members of the committee and the board, and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 991.72 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 991.73 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 991.74 Personal liability.

No member or alternate member of the committee or board and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 991.75 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 991.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 991.77 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 991.78.

§ 991.78 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the volume of hops so produced: *Provided*, That any referendum by the Secretary to determine whether producers favor termination of this part shall be held during the first 15 days of October, and if termination is favored, it shall be effective as of the subsequent August 1.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 991.79 Proceedings after termination.

Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustee, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustee pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 991.80 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise

in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 991.81 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 991.82 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

Dated: June 14, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-6381; Filed, June 16, 1965; 8:50 a.m.]

[7 CFR Part 1002]

[Docket No. AO-71-A46]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held with sessions at the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., local time, on July 19, 1965, and with further sessions to begin at 10 a.m., local time, on July 26, 1965, at the Persian Terrace, Hotel Syracuse, 500 South Warren Street, Syracuse, N.Y., with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

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

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

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 1. Revoke the provisions of §§ 1002.81, 1002.66(b) and the reference to § 1002.81 in other provisions of the order and add a new § 1002.81 to read as follows:

§ 1002.81 Marketing service deduction—nonmembers of an association of producers.

In making payments to producers pursuant to § 1002.70, each handler shall, with respect to all milk delivered by each producer other than himself during each month deduct (insert here amount of the maximum deduction as adduced from the hearing record to be proper) cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the (day to be established from record of hearing) day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

Proposed by Messrs. Willard P. Foster, J. Riker Robinson, Everett Dence, Paul Doran, Howard Makela, Morris Fluker, and Murray Grodman:

Proposal No. 2. (A) Revise § 1002.81 in accordance with proposal No. 1 with a rate of deduction from nonmembers not to exceed 1 cent per hundredweight.

(B) In the alternative, establish a nonprofit cooperative foundation to be named (for example) "Order No. 2 Market Service Association" as follows:

1. The purposes of the Association will be to engage in (1) research activities under Order No. 2; (2) presentation of results at hearings, etc., under the order, and recommendations for amendments; (3) educational activities with respect to the foregoing.

2. The Association will be financed by payments of not to exceed $0.01 per hundredweight out of the producer-settlement fund.

3. Policy will be established by the Board of Directors consisting of three members from each cooperative or federation of over 1,000 in membership; except that if there are only three such associations, one shall be entitled to a fourth member. The association entitled to a fourth member shall change from year to year according to the alphabetical order of such associations. The Board of Directors shall also include members appointed by the Secretary of Agriculture from the staff of land-grant colleges within the milkshed to represent the general public, including (a) cooperatives or federations of not more than 1,000 in membership, unaffiliated with any other federation, and (b) producers not affiliated with any cooperative association: *Provided, however,* That directors so appointed shall constitute one-fifth of the entire number of directors.

4. Economic and Legal: Each cooperative or federation of over 1,000 shall be entitled to be represented on the Economist Committee by one economist. Similarly, the Legal Committee. Each representative shall draw 50 percent of his salary from the group which he represents and 50 percent from the new Association. The office staff shall be persons employed and paid for exclusively by the Association, not affiliated with any single cooperative.

5. Education and Information: This work shall be conducted by persons employed exclusively by the Association and not affiliated with any single cooperative, and paid for entirely by the Association.

6. No other activities shall be engaged in.

Proposed by Milk Dealers' Association of Metropolitan New York, Inc.; Sealtest Foods, Metropolitan Division of National Dairy Products Corp.; and New York State Milk Distributors, Inc. (except the Dairymen's League):

Proposal No. 3. Revoke § 1002.81 *Cooperative payments for marketwide services,* §1002.66(b), and other references to § 1002.81.

Add a new § 1002.73 to read as follows:

§ 1002.73 Marketing service deductions.

(a) In making the payments required under §§ 1002.70, 1002.71, and 1002.72 to producers, other than himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in this section, each handler shall deduct (the number of cents to be based on evidence presented at the hearing) cents per hundredweight, or such lesser rate as the Secretary shall determine to be sufficient for marketing services. The handlers shall pay the amount deducted to the market administrator on or before the 18th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing for market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association or an agency of the State in which the nonmember producer resides for the furnishing of the whole or any part of these services.

Proposed by Inter-State Milk Producers' Cooperative:

Proposal No. 4. Revoke the provisions of § 1002.81, *Cooperative payments for marketwide services,* and add a new § 1002.81, *Marketing services,* as follows:

§ 1002.81 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk other than milk of his own production, shall deduct $0.05 per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator, on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples, and tests of milk of producers who are not receiv-

ing such services from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers as are authorized by agreement between such producers and the cooperative rendering such services, on or before the 18th day after the end of each month, and pay such deductions to such cooperative.

Make such other changes in order 2 as are necessary to coordinate all other provisions in connection with the addition of proposed § 1002.81.

Proposed by New England Milk Producers' Association:

Proposal No. 5. Eliminate from Federal milk order No. 2 the provisions concerning cooperative payments for marketing services and substitute therefor provisions for a marketing service program by the market administrator for producers who are not members of cooperative associations which the Secretary determines are providing market information to and verifying weights, samples, and tests for their members, the cost of providing these services to nonmember producers to be borne by a deduction of 3 cents a hundredweight on milk received from these producers or such lesser rate as the Secretary determines to be sufficient, such sums to be paid to the market administrator as compensation for such services to nonmember producers.

Proposed by The Dairy Farmers of America, Inc.:

Proposal No. 6. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Sunnydale Farms, Inc.:

Proposal No. 7. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Lehigh Valley Cooperative Farmers:

Proposal No. 8. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Northeast Dairy Cooperative Federation, Inc.:

Proposal No. 9. Revise subparagraph (6) of § 1002.81(e) as follows:

(6) In the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of the section, operating marketing facilities which perform standby and balancing service to accommodate the daily, weekly, monthly, and seasonal variations in Class I milk sales and reserve requirements of the marketing area and the seasonal and cyclical variations in milk deliveries from producers therefor, and having within its membership (etc.) * * *

Proposal No. 10. Revise the rate of payment in subparagraphs (4) and (5) of § 1002.81(f) from 1 cent to 2 cents per hundredweight.

Proposal No. 11. Amend § 1002.66(e) by changing the figure "8" and "9" to "8½" and "9½" and add after the word "handler" the words "or failure of producers delivering to handlers to receive the payments provided in § 1002.70".

Proposal No. 12. Amend § 1002.23 by adding the following:

§ 1002.23 Duties.

* * * * *

(k) To pay any producer who has failed to receive payment from any handler as provided by § 1002.70, 80 percent of the amount of such payment upon such producer assigning to him his claim for such payment.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 13. Revise § 1002.81(e) (4) to read as follows:

(4) Participating in meetings to be called from time to time upon a regularly scheduled basis by and under the chairmanship of the market administrator, or his representative, for the purpose of establishing and planning a coordinated program of marketwide services to be undertaken by such qualified cooperatives or federations, singly or through joint action, and in such other meetings as may be called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter;

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York, N.Y., 10017, or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on June 11, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-6353; Filed, June 16, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Miles City, Mont., terminal area.

The following airspace is presently designated in the Miles City terminal area:

(1) The Miles City, Mont., control zone is designated as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40'' N., longitude 105°53'10'' W.); within 2 miles each side of the 251° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Miles City VORTAC 226° radial, extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

(2) The Miles City, Mont., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40'' N., longitude 105°53'10'' W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Miles City VORTAC extending clockwise from the Miles City VORTAC 241° to the 156° radials and within a 30 mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 156° to the 241° radials.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Miles City, Mont., terminal area, as a result of the recent cancellation of the jet penetration procedures and the development of arc approach procedures for the Miles City Airport, proposes the following airspace action:

(1) Alter the Miles City, Mont. control zone by redesignating it as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40'' N., longitude 105°53'10'' W.); and within 2 miles each side of the 252° bearing from the Miles City RBN extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Miles City VORTAC 226° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

(2) Alter the Miles City, Mont. transition area by redesignating it as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Miles City Airport (latitude 46°25'40'' N., longitude 105°53'10'' W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Miles City VORTAC south of V–120 and within a 22-mile radius of the Miles City VORTAC north of the south edge of V–120.

The proposed control zone modification reduces the extension based on the VORTAC from 12 to 8 miles southwest of the VORTAC because cancellation of the jet penetration procedure eliminates the requirement for the longer extension.

The 8-mile radius transition area with a 700-foot floor would provide controlled airspace protection for aircraft executing prescribed instrument approach procedures during descent from 1,500 to 1,000 feet above the surface and for aircraft making random departures during climb from 700 to 1,200 feet above the surface.

It is proposed to reduce the overall size of the 1,200-foot floor transition area as a result of the cancellation of the jet penetration procedure. The proposed configuration would provide controlled airspace protection for aircraft execut-

ing prescribed instrument approach procedures during the portions of their approaches executed at and above 1,500 feet above the surface. It would also provide controlled airspace protection for aircraft holding at the Miles City VORTAC and radio beacon.

Certain minor revisions to the prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on June 7, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6304; Filed, June 16, 1965; 8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF TENNESSEE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Tennessee for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Tennessee and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Tennessee regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, United States Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

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

Dated at Washington, D.C., this 28th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF TENNESSEE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

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

Whereas, the Governor of the State of Tennessee is authorized under section 53–3103 of the Tennessee Code Annotated to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Tennessee certified on May 1, 1965, that the State of Tennessee (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- 1965, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

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

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

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

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

ARTICLE I

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

A. Byproduct materials;

B. Source materials; and

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

ARTICLE II

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

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

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

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

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

ARTICLE III

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

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

This Agreement shall become effective on September 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

POLICIES AND PROCEDURES FOR THE LICENSING AND REGULATION OF RADIOACTIVE MATERIALS

FOREWORD

These documents present a brief description of the practices, capabilities, and proposed activities of the Radiological Health Service, Tennessee Department of Public

Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a State, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials, in quantities not sufficient to form a critical mass, to a State. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the State is made when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Tennessee Act of 1957 entitled Atomic Energy and Nuclear Materials, as amended in 1961, authorizes the Governor of Tennessee to enter an agreement with the Atomic Energy Commission relating to the regulation of byproduct, source, and special nuclear material and to appoint a radiation advisory group. The Radiological Health Service Act of 1959 and as amended in 1961 and in 1963 designates the Tennessee Department of Public Health as the department responsible for the control of ionizing radiation; makes mandatory the registration of all sources of radiation except those which are licensed or exempted under the rules and regulations of the Tennessee Department of Public Health. Further the Radiological Health Service Act authorizes the department to formulate rules and regulations necessary for the control of ionizing radiation.

To this narrative are attached the Radiological Health Service Act, the Atomic Energy and Nuclear Materials Act, and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Radiological Health Service, Tennessee Department of Public Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Tennessee.

History. The first attention given to problems created by ionizing radiation in Tennessee came in 1945 with the passage of the State Industrial Hygiene Service Act. Consideration was then given to industrial radiation exposures along with other problems of occupational health. This included problems of radiation exposures in the work areas from radiographic testing and exposures from X-ray machines as used in industrial clinics.

The next year, the U.S. Atomic Energy Act of 1946 was passed and with it came the civilian use of radioactive byproduct material. From the time the U.S. Atomic Energy Commission began to inspect the users of these materials, the State was interested, and when the Commission began to invite State officials along on inspection tours, State health personnel took advantage of the opportunity to see these installations and the uses to which radioisotopes were being applied.

To keep abreast of this newly developing field, members of the Industrial Hygiene Service attended various radiation courses offered by the U.S. Public Health Service. These courses varied from basic training in radiological health to more advanced courses in management of nuclear emergencies.

In 1951, a regulation was adopted to control the use of shoe fitting fluoroscopes. As a result, many users voluntarily chose to discontinue their use when advised of the potential hazard of excessive radiation exposure presented by these devices. By close surveillance, those remaining in service were brought into compliance wtih the regulation. This means of controlling the use of shoe fluoroscopes was considered appropriate at the time.

Recently, however, the Health Department was successful in having a law enacted making the display or use of these machines illegal.

As time progressed, various attempts were made by the State Health Department to draft legislative bills which would provide specifically for control of all radiation sources.

A bill was passed by the General Assembly in 1957, but it did not provide for regulatory activities essential to a comprehensive State radiation control program.

This Act of 1957 was important in other ways, as it was primarily a declaration of State policy in support of peaceful uses of atomic energy. It provided for an advisory committee on atomic energy which would keep the Governor of the State informed on and encourage activity in, the various associated fields such as workmen's compensation, insurance, nuclear industry, nuclear education and health and safety. This Act was amended in 1961 to authorize the Governor to enter, at his discretion, an agreement with the U.S. Atomic Energy Commission.

At the next meeting of the General Assembly, 2 years later, the Health Department presented a bill which would provide for a comprehensive radiation control program. It would create within the Tennessee Department of Public Health, the Radiological Health Service. This bill was passed and contained, among others, the following provisions:

1. Created an agency whose sole function was radiation control activities.

2. Gave the Commissioner of Public Health authority to adopt rules and regulations which would have the effect of law and provided for inspection.

3. Required the registration of all owners and possessors of radiation sources.

4. As later amended, authorized the adoption of rules and regulations which would provide for licensing of radioactive materials and exempted them from registration.

Since enactment of this legislation, the Radiological Health Service has registered all known sources of radiation in the State, has inspected most of the radiation producing machines registered and made recommendations for correction where necessary. Follow-up programs were also conducted to determine compliance.

The scope of these activities can be illustrated by a consideration of the accelerated dental and medical X-ray survey programs which were followed during the summer months of 1961 through 1963. During that period, 1,100 dental X-ray units and approximately 1,500 medical X-ray units were inspected.

The Radiological Health Service has a well equipped radiological laboratory and is presently establishing calibration for the various instruments and will as soon as possible institute the various monitoring programs which are necessary to keep abreast of radiation in the environment.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Radiological Health Service, Tennessee Department of Public Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Department. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the U.S. Atomic Energy Commission. In addition, regulations provide that the Department will require radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental X-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the U.S. Atomic Energy Commission, and will cover post-licensing inspections. Prelicensing evaluations will be made when necessary. With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. The Tennessee Department of Public Health, Radiological Health Service, proposes to conduct future inspectional activities to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency in this field of work has been developed through joint participation of State health personnel with Atomic Energy Commission inspectors. It is estimated that the Tennessee Department of Public Health has been represented in 75 percent of all Atomic Energy Commission inspections made in Tennessee during the last 5 years.

The following frequency for the inspection of Tennessee licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers—once each 6 months.

Operations involving waste disposal—once each 6 months.

Industrial, Special Licenses—once each 6 months.

Industrial, Broad Licenses—once each 12 months.

Academic—once each 24 months.

Medical and Hospital—once each 24 months.

Others—Based on hazards associated with the program.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Radiological Health Service relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Radiological Health Service.

Licensees will be informed of the results of all inspections, orally at the time of inspection or by letter or notice from the department.

It is expected that most licensed activities will be inspected at least once in each 2 years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Compliance. If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing to correct at the time of the inspection, no further action will be taken by the department, except that corrective action will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the department based upon the degree of hazard involved. The licensee will be required to inform the department in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The department will then conduct a follow-up inspection or the matter will be reviewed during the next reg-

ular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Radiological Health Service are cited within the Tennessee Code Annotated.

Enforcement. When in the judgment of the Radiological Health Service a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the department, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Radiological Health Service determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Tennessee Act on Radiological Health or any rules and regulations issued thereunder. In the case of violation, section 53-3312 of the Tennessee Code Annotated provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Of special importance is the provision under section 53-3307, Tennessee Code Annotated, which empowers the Commissioner of Public Health or his duly authorized representatives to enter upon any premises in the line of duty.

Staffing. The Radiological Health Service Act of 1959 gives the Commissioner of Public Health the responsibility for administering the Act.

Curtis P. McCammon, M.D., has been appointed by the Commissioner as Director of Radiological Health and Industrial Hygiene Services. Functionally the Service Director has been named by the Commissioner of Public Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Cecil B. Tucker, M.D., Director of the Division of Preventable Diseases.

Mr. J. A. Bill Graham, Assistant Director of Radiological Health and a Radiological Physicist, has technical and administrative supervision of the broad Radiation Control Program. Mr. Graham also is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Charles P. West, Radiological Physicist, with the assistance of Mr. Graham will conduct inspections and generally administer on site aspects of the licensing and regulatory program.

Assisting with the inspection of industrial licensees and registrants will be Industrial Hygiene Engineers of the Industrial Hygiene Service, their chief function being the inspection of specifically licensed industrial gauges.

As new radiological physicists are employed, they will assume duties in licensee inspection after receiving training in the broad aspects of the Radiation Control Program. Present plans provide for the hiring of two additional radiological physicists and one radiological chemist. The chemist will be engaged not only in sample preparation and counting, but also in the collection of environmental samples.

When replacement of present personnel is necessary or new personnel are employed, these will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel.

Reciprocity. Regulations of the department provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Section 53-3306 of the Radiological Health Service Act provides for public participation, where appropriate, in the issuance of rules or regulations. Section 53-3307 of the Act provides that a recipient of a notice of violation of the Act or rules and regulations under the Act may request and receive a hearing by the Commissioner of Health.

Section 53-3307 further authorizes the issuance of an order which shall be effective immediately in those instances where the Radiological Health Service finds that immediate action is necessary to protect persons or property from radiation hazards. Emergency orders shall be complied with immediately upon receipt thereof; but the person affected may within 30 days after service of such an emergency order request and receive a hearing.

Any person aggrieved by an order issued under this section, after hearing, is entitled to judicial review thereof by a writ of certiorari as provided for by Tennessee law.

In any action by the department in granting, suspending or revoking a license, the Commissioner of Health will provide an opportunity for a hearing to any person whose interest may be affected.

[F.R. Doc. 65-5790; Filed, June 2, 1965; 8:49 a.m.]

[Docket No. 50-214]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES

Order Modifying Hearing and Providing for Interim Conference

On June 8, 1965, the Atomic Safety and Licensing Board transmitted a telegram to the participants inquiring as to the progress of investigatory work undertaken since April 1, 1965. The telegram requested data concerning the reports, if any, of the investigatory work, date of completion of such reports and the readiness of the participants to cross-examine other reports so that the proceeding could proceed expeditiously to conclusion. By order issued on May 14, the hearing in this proceeding was scheduled to reconvene on June 21.

The Applicant, Department of Water and Power of the city of Los Angeles, replied that it did not contemplate the preparation of any further reports and indicated a readiness for hearing. The Staff replied that a report was being prepared for its submission and that the report would be ready approximately July 12 and cross-examination of the reports possibly submitted by others could be undertaken a few days after receipt. The intervenors replied that their report would be ready by June 18. By a second telegram transmitted June 11, the intervenors stated that they needed the Staff report for their preparation and cross-examination and, therefore, requested that the hearing be continued and that an interim conference be convened on June 21, 1965.

It appears advisable to the Board that a definite hearing schedule for the remainder of this proceeding can best be accomplished by providing for an interim conference on June 21, 1965, so that the precise programs respecting the preparation of reports, the exchange, and the analyses thereof can be definitely ascertained. For these reasons, the order for the hearing for the presentation of evidence on June 21, 1965, should be modified. This information that can be presented at a prehearing conference will enable the Board to designate another schedule for submission of prepared in advance evidence, the exchange thereof among the participants and the issuance of an additional order for hearing.

Wherefore, it is ordered, In accordance with §§ 2.718 and 2.752 of the Commission's rules of practice that:

(a) The hearing scheduled to reconvene at 10 a.m. local time, in the Committee Room of the Civic Auditorium, Santa Monica, Calif., is modified, and another date for hearing will be designated at an interim conference to be convened to consider matters of procedure on June 21, 1965, as hereinafter ordered;

(b) An interim conference shall convene at 10 a.m. local time, in the Committee Room of the Civic Auditorium, Santa Monica, Calif., to consider matters of procedure in aid of the expeditious disposition of this proceeding, including the preparation of a schedule of dates for submission and exchange among the participants of any further reports, or prepared in advance evidence, intervals for analyses and the determination of the date when further direct evidence and cross-examination can be undertaken to conclude the hearings in this proceeding.

Issued: June 11, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 65-6422; Filed, June 16, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 391]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JUNE 10, 1965.

1. Plats of surveys of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., July 16, 1965:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 8, inclusive, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 8, 9, and 10;
Sec. 11, lots 1 to 9, inclusive, N½NE¼, NE¼NW¼, W½W½, and S½SE¼;
Sec. 12, lots 1 to 7, inclusive, NE¼, N½NW¼, and S½S½;

Sec. 13;
Sec. 14, lots 1 to 5, inclusive, E½, SE¼NW¼, SW¼SW¼, and E½SW¼;
Sec. 15, lots 1 to 4, inclusive, N½, SW¼, and NW¼SE¼;
Sec. 16;
Sec. 17, lots 1, 2, and 3, N½, NE¼SW¼, and SE¼;
Sec. 18, lots 1 to 9, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 19, lots 2 to 7, inclusive, E½, SE¼NW¼, and E½SW¼;
Sec. 20, lots 1 to 5, inclusive, SW¼NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 21, lots 1 to 8, inclusive, N½N½ and S½;
Sec. 22, lots 1 to 7, inclusive, NE¼NE¼, S½NE¼, NW¼NW¼, and S½;
Sec. 23, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, lot 1, N½, NW¼SW¼, E½SW¼, and SE¼;
Sec. 25, lots 1 to 15, inclusive, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 26, lot 1, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 27 and 28;
Sec. 29, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 to 8, inclusive, W½E½ and E½W½;
Sec. 32, lots 1 to 16, inclusive;
Secs. 33 and 34;
Sec. 35, lot 1, N½NE¼, SW¼NE¼, W½, and SE¼.

The areas described aggregate 11,459.09 acres of public land, and 10,013.82 acres of land withdrawn for the San Carlos Indian Reservation.

The lands described above are rough, broken, mountainous land cut by numerous deep draws, canyons, and washes. The soil is mostly gravel, rock, and exposed rock outcroppings. Undergrowth consists of oak, cactus, mountain laurel, mesquite, native grass, yellow brush, manzanita, thimble berry, bear grass, catclaw, yucca, and century plants.

Grazing of livestock is one of the predominating interests as there is good browsing and native grass with several springs and stock ponds in the township.

2. Except for and subject to valid existing rights, title to the following land passed to the State of Arizona upon the acceptance of the original survey of section 32 on October 24, 1961. The resurvey of section 32 was accepted April 26, 1965, the date of the above-mentioned plats of survey.

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 32, lots 1 to 16, inclusive.

The area described aggregates 636.37 acres.

3. The following described lands are withdrawn by the Secretary's order of September 19, 1934, for the San Carlos Indian Reservation:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.
Sec. 1, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 8, inclusive, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 8, 9, and 10;
Sec. 11, lots 1, 2, 3, 7, and 8, N½NE¼, NE¼NW¼, and W½W½;
Sec. 12, lots 1, 2, and 3, NE¼ and N½NW¼;
Sec. 14, lots 2 and 3;
Sec. 15, lots 1 and 3, N½, SW¼, and NW¼SE¼;
Sec. 16;
Sec. 17, lots 1 and 3, N½, NE¼SW¼, and SE¼;
Sec. 18, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 19, lot 6;
Sec. 20, lots 1 and 2;
Sec. 21, lots 1 to 4, inclusive, and N½N½;
Sec. 22, lots 2, 3, 4, and 6, and NW¼NW¼.

The areas described aggregate 10,013.82 acres.

4. On June 5, 1963, the Arizona State Director ordered the following lands opened to entry under the Small Tract Act of June 1, 1938 (43 U.S.C. 682a–e), as amended, and the regulations in 43 CFR Part 257.

These lands are opened to application, location, selection, and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 11, lots 4, 5, 6, and 9, and S½SE¼;
Sec. 12, lots 4 to 7, inclusive, and S½S½;
Sec. 13;
Sec. 14, lots 1, 4, and 5, E½, SE¼NW¼, SW¼SW¼, and E½SW¼;
Sec. 15, lots 2 and 4;
Sec. 17, lot 2;
Sec. 18, lots 8 and 9;
Sec. 19, lots 2, 3, 4, 5, and 7, E½, SE¼NW¼, and E½SW¼;
Sec. 20, lots 3, 4, and 5, SW¼NE¼, SE¼NW¼, W½NW¼, and S½;
Sec. 21, lots 5 to 8, inclusive, and S½;
Sec. 22, lots 1, 5, and 7, NE¼NE¼, S½NE¼, and S½;
Sec. 23, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, lot 1, N½, NW¼SW¼, E½SW¼, and SE¼;
Sec. 25, lots 1 to 15, inclusive, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 26, lot 1, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 27 and 28;
Sec. 29, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 to 8, inclusive, W½E½ and E½W½;
Secs. 33 and 34;
Sec. 35, lot 1, N½NE¼, SW¼NE¼, W½, and SE¼.

The areas described aggregate 11,459.09 acres.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing of petitions, applications, and selections in accordance with the following:

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

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

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on July 15, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

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

GLADYS I. WRIGHT,
Acting Manager.

[F.R. Doc. 65-6346; Filed, June 16, 1965; 8:47 a.m.]

[Colorado 0125422]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1965.

The Colorado State Office, Bureau of Land Management, Department of the Interior, has filed an application, Serial No. Colorado 0125422, for protective withdrawal from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws, certain public lands described below.

The Bureau of Land Management desires the lands for public recreation sites and protection of valuable archeological ruins.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Officer Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo., 80202.

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

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

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 18 W.,
80 acres within Sec. 14 or 23.
T. 36 N., R. 19 W.,
Sec. 29: W½SW¼.
T. 37 N., R. 19 W.,
Sec. 25: S½SW¼;
Sec. 36: N½NE¼NW¼.
T. 37 N., R. 20 W.,
Sec. 11: NE¼SE¼, SE¼NE¼.
T. 38 N., R. 19 W.,
Sec. 2: W½NW¼.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 N., R. 77 W.,
Sec. 26: NW¼NW¼;
Sec. 27: N½NE¼.
T. 4 and 5 S., R. 85 and 86 W.,
That portion of Tract 50A lying S of the S right-of-way boundary of U.S. Highway 6-24, as shown on sheet 2 of 2 of Colorado Highway Department right-of-way permit C-018828 in sec. 31, T. 4 S., R. 85 W.; sec. 6, T. 5 S., R. 85 W.; sec. 36, T. 4 S., R. 86 W.; and sec. 1, T. 5 S., R. 86 W.; and that portion of lot 8 and SW¼NW¼ of sec. 1, and lot 13 of sec. 2, T. 5 S., R. 86 W.; and all of lots 5, 6, 7, and SE¼NW¼, of sec. 1 and lots 11 and 12 of sec. 2, in T. 5 S., R. 86 W.
T. 18 S., R. 72 W.,
Sec. 30: Lots 2 and 3.

Lands proposed to be withdrawn in the above designated area aggregate approximately 900 acres.

W. F. MEEK,
Land Office Manager.

[F.R. Doc. 65-6347; Filed, June 16, 1965; 8:47 a.m.]

[New Mexico 0556981]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In Notice of Proposed Withdrawal and Reservation of Lands published in the FEDERAL REGISTER of May 25, 1965, F.R. Doc. 65-5435, 30 F.R. 7017, in Sec. 4, T. 11 S., R. 19 W., the land description for Whitewater Forest Camp is corrected to read as follows:

Sec. 4, Lots 19, 20, SW¼, NW¼SE¼, S½SE¼ less 3.518 acres in Mineral Patent No. 616423;

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-6348; Filed, June 16, 1965; 8:47 a.m.]

[Idaho 013412]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1965.

The Forest Service, Department of Agriculture has canceled its proposed withdrawal application Idaho 013412, which involved the land described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., on June 24, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

ATLANTA TOWNSITE

T. 5 N., R. 11 E.,
Sec. 3, that portion of lot 5 which lies S of the Middle Fork, Boise River and S of Monarch M.S. and Daley M.S. Patent Nos. 12152 and 12208 respectively, lots 7 and 10 and SE¼NW¼.

The area described aggregates 139 acres, more or less.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-6355; Filed, June 16, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE WAGES AND PRICES IN LOUISIANA

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Houma, La., in the District Courtroom, Terrebonne Parish Courthouse, on July 15, 1965, beginning at 10 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 5, 1964 (29 F.R. 13637), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices for the 1965 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Wages.* Changes in worker classifications and wage rate differentials.

II. *Prices.* (a) Periods to be used to determine the seasons' average prices of raw sugar and blackstrap molasses.

(b) Use of average quoted market prices of raw sugar or average prices of raw sugar received by processors as the basis of payments for sugarcane.

(c) Equity of pricing factor per ton standard cane as related to alternative raw sugar price bases in item (b) above.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, D. E. McGarry, W. S. Stevenson, and C. F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on June 11, 1965.

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

[FR. Doc. 65-6376; Filed, June 16, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAIN PROCESSING CORP.

Notice of Withdrawal of Petition for Food Additive Manganese Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Grain Processing Corp., Post Office Box 341, Muscatine, Iowa, 52761, has withdrawn its petition (FAP 4C1413), published in the FEDERAL REGISTER of February 19, 1965 (30 F.R. 2288), proposing the issuance of a regulation to provide for the safe use of 50–100 grams of manganese bacitracin per ton of starter ration feed for chicks and for 50–100 grams of a combination of manganese bacitracin and procaine penicillin per ton of feed for chicks, for the prevention of early mortality due to organisms susceptible to these antibiotics.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6361; Filed, June 16, 1965; 8:47 a.m.]

HOFFMANN-LA ROCHE INC.

Notice of Filing of Petition for Food Additive Sulfadimethoxine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1652) has been filed by Hoffmann-La Roche Inc., Nutley 10, New Jersey, proposing the issuance of a regulation to provide for the safe use of sulfadimethoxine boluses for the treatment of foot rot, pneumonia, shipping fever in cattle, and calf diphtheria.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6362; Filed, June 16, 1965; 8:47 a.m.]

NATIONAL DAIRY PRODUCTS CORP.

Notice of Withdrawal of Petition for Food Additives Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), National Dairy Products Corp., 801 Waukegan Road, Glenview, Ill., has withdrawn its petition (FAP 5A1618), published in the FEDERAL REGISTER of December 12, 1964, proposing the issuance of an amendment to § 121.1070(d)(1) to provide for the addition of "emulsifier" to the listed functions of fatty acids used in food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6363; Filed, June 16, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

SKY COURIER, INC., ET AL.

Notice of Proposed Approval

Application of Sky Courier, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 16106.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 14, 1965.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Petition of Sky Courier, Inc., Cross Armored Carrier Corp., Arthur DeBevoise, Alexander C. Allen, Merritt T. Kennedy, John Kevin Murphy, Docket 12093; for amendment of order approving control and interlocking relationships.

Application of Sky Courier, Inc., et al., Docket 16106; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

The Board, by Order E-17376 adopted August 29, 1961, in Docket 12093, approved under section 408 of the Federal Aviation Act of 1958, as amended (the Act), the control by Arthur DeBevoise of (1) Cross Armored Carrier Corp. (Cross), an intrastate motor carrier which in turn controlled Sky Courier, Inc. (Sky), an air freight forwarder, and (2) various other motor carriers, including Armored Carrier Corp. (Armored). Such order also approved under section 409 of the Act interlocking relationships resulting from the positions of certain individuals with these companies.

On April 28, 1965, an application was filed for approval of Mr. DeBevoise's acquisition through Armored of 100 percent of the stock of Pony Express, Inc. (Pony), while he continues to hold the interests approved by Order E-17376.[1] The application also requested approval of interlocking relationships resulting from the holding by such individuals of the following positions:

Individual	Sky	Pony
Arthur DeBevoise.	President and director.	President and director.
John Kevin Murphy.	Executive vice president and director.	Executive vice president and director.
Alexander C. Allen.	Secretary-treasurer and director.	Vice president and director.

The application states that Pony is a motor carrier operating only within the State of Florida, and that it is engaged solely in a local parcel delivery business in an area north of Miami under a certificate issued by the Florida Railroad and Public Utilities Commission.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Pony is a common carrier within the meaning of section 408 of the Act, and that the control of Pony by Mr. DeBevoise, while he continues to control Sky, is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition or jeopardize another air carrier not a party to the acquisition of control. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[2]

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Messrs. DeBevoise, Allen, and Murphy of the positions described herein. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, that the interlocking relationships should be approved under section 409, and that the above-mentioned petition filed in Docket 12093 should be dismissed.

Accordingly, it is ordered:

1. That the control by Mr. DeBevoise of Sky and Pony be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. DeBevoise, Allen, and Murphy of the positions described herein be and they hereby are approved;

3. That, subject to the provisions of Part 251 of the Board's Economic Regulations, the individual applicants are authorized to hold, generally, in addition to the positions specifically requested, directorships or offices within the same group of affiliated companies[3] to which they may be hereafter elected or appointed; and

4. That the petition, filed March 24, 1965, in Docket 12093 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6368; Filed, June 16, 1965; 8:48 a.m.]

[Docket No. 15353; Order E-22299]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other car-

[1] This application supersedes a petition for similar relief filed Mar. 24, 1965, in Docket 12093. Such petition will be dismissed in view of the instant action.

[2] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[3] Pony Express, Inc., and the companies named in Order E-17250.

riers, embodied in the resolutions of Joint Conference 3–1, of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Report No. 21, names a rate under a new specific commodity description as set forth below. The effect of this change would be to reduce the rates applicable to the commodities involved by approximately 60.6 percent.

Item 1701—Essential Oils and Aromatics, 151 cents per kg., minimum weight 45 kgs., Sydney to West Coast.

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

Accordingly, it is ordered, That:

Agreement CAB 18169, R–15, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–6369; Filed, June 16, 1965; 8:48 a.m.]

[Docket No. 15353; Order No. E–22308]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of June 1965.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement[1] between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned CAB Agreement number 18362, was adopted at meetings of the Venice Cargo Conference May 5 through May 27, 1965, and carries an early effectiveness date of June 15, 1965.

The agreement relates to the specific commodity rates to be applicable within the Western Hemisphere. Insofar as United States points are concerned, the agreement, as set forth in the attachment, adds rates to new points under existing commodity descriptions and names rates under new commodity descriptions. The effect of these changes would be to reduce the rates applicable to the commodities involved. Such reductions range from approximately 7.7 percent to 53.3 percent.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement, promulgated in IATA Memorandum TC1/Resolution 557, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered That:

Agreement CAB 18362 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–6370; Filed, June 16, 1965; 8:48 a.m.]

[1] Agreement filed as part of original document.

DELAWARE RIVER BASIN COMMISSION

WATER RESOURCES PROJECTS

Notice of Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 23, 1965. The hearing will be on the proposal to amend the Comprehensive Plan by the addition thereto of the five water resources projects described below.

1. *City of Bridgeton, N.J.* A proposal by the city of Bridgeton to withdraw subsurface water from a well located within the city limits. The well would extend 115 feet deep to the Cohansey Formation and is expected to yield an average of 520 gpm. To be used for water supply purposes in the city's system, the water would be discharged to the Cohansey River after secondary treatment and chlorination.

2. *Borough of Sellersville, Pa.* A proposal by the borough of Sellersville to construct a new well required to supplement existing municipal water supply. To be known as Well No. 4, the project is expected to yield about 500 gpm. After passing through the municipal system water will discharge to the East Branch of Perkiomen Creek after treatment.

3. *Borough of Palmyra, N.J.* A proposal by the borough of Palmyra, Burlington County, to make additions and alterations to an existing sewage treatment plant. The capacity of the plant would be increased from 0.3 to 0.7 mgd. Discharge is to the Delaware River a short distance upstream from the Tacony-Palmyra Bridge.

4. *Borough of South Coatesville, Pa.* A proposal by the borough of South Coatesville, Chester County, to combine the wastes from four sewerage districts now serving the borough into a single system for discharge into a new secondary sewage treatment plant. The proposed new treatment plant will discharge to the West Branch of the Brandywine Creek. The plant is designed to remove at least 90 percent of the BOD.

5. *Borough of Morrisville, Pa.* A proposal by the borough of Morrisville, Bucks County, to enlarge an existing sewage treatment plant in order to treat sewage from the borough of Yardley and parts of Lower Makefield Township. Capacity of the plant would be increased from 1.78 mgd to 2.50 mgd. After treatment, sewage discharges to the Delaware River at river mile 133.

More detailed information about the above projects may be examined at the office of the Commission.

The hearing will take place in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone, 609–883–9500.

W. BRINTON WHITALL,
Secretary.

JUNE 10, 1965.

[F.R. Doc. 65–6310; Filed, June 16, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65–14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; First Supplemental Order

The Commission, by order served May 12, 1965, instituted an investigation, upon its own motion, of free time and demurrage regulations and practices on import cargo at New York Harbor.

The terminal operators, carriers, and terminal conference named in Appendix A were not named as respondents in the original order.

It is ordered, That the parties named in Appendix A below be made parties respondent in this proceeding, that notice of this order be published in the FEDERAL REGISTER and that a copy thereof

and other notices in this proceeding be served upon all respondents.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

Alcoa Steamship Co., 17 Battery Place, New York, N.Y., 10004.
American Asia Lines, Inc., 150 Broadway, New York, N.Y., 10038.
American Independence Line, Inc., Atlas Maritime Agencies, agent, 17 Battery Place, New York, N.Y., 10004.
American Union Transport, Inc., 17 Battery Place, New York, N.Y.
Blue Funnel Line, Funch, Edye & Co., agents, 25 Broadway, New York, N.Y., 10004.
Booth Line, Booth American Shipping Corp., agent, 17 Battery Place, New York, N.Y., 10004.
Clipper Steamship Corp., 17 Battery Place, New York, N.Y., 10004.
Coldemar Line, 17 Battery Place, New York, N.Y., 10004.
Columbus Line, Inc., 26 Broadway, New York, N.Y., 10004.
Constellation Line, Constellation Navigation Inc., agent, 85 Broad Street, New York, N.Y.
Crescent Line, Ltd., 85 Broad Street, New York, N.Y., 10004.
Daido Line, A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y., 10005.
Davie Transport Co., Inc., 39 Broadway, New York, N.Y., 10006.
Dominican Steamship Line, T. J. Stevenson & Co., Inc., agent, 80 Broad Street, New York, N.Y., 10004.
Flomerca Caribbean Line, American Hemisphere Marine Agencies, Inc., agent, 26 Broadway, New York, N.Y., 10004.
Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y., 10004.
Iceland Steamship Co., Ltd., A. L. Burbank & Co., Ltd., agent, 120 Wall Street, New York, N.Y., 10005.
Iino Lines, Kerr Steamship Co., Inc., agent, 51 Broad Street, New York, N.Y., 10004.
Incres Line, Incres Line Agency, Inc., agent, 39 Broadway, New York, N.Y., 10006.
Japan Line, Ltd., A. L. Burbank & Co., Ltd., agent, 120 Wall Street, New York, N.Y., 10005.
Manz Line, Norton, Lilly & Co., Inc., agent, 26 Beaver Street, New York, N.Y., 10004.
Mexican Line, Smith & Johnson, agents, 11 Broadway, New York, N.Y., 10004.
Monroe Stevedoring Corp., 17 State Street, New York, N.Y.
Motorships, Inc., 17 Battery Place, New York, N.Y., 10004.
National Hellenic American Line, Cosmopolitan Shipping Co., Inc., agent, 85 Broad Street, New York, N.Y., 10004.
New York Terminal Conference, 17 Battery Place, New York, N.Y., 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
Seasons Navigation Corp., 17 Battery Place, New York, N.Y., 10004.
Seatrain Lines, Inc., 595 River Road, Edgewater, N.J., 07020.
Spanish Line, Garcia & Diaz, Inc., agent, 25 Broadway, New York, N.Y., 10004.
Standard Fruit & Steamship Co., Pier 13, East River, New York, N.Y., 10005.
T. J. Stevenson & Co., Inc., 80 Broad Street, New York, N.Y., 10004.
Thai Lines, Ltd., Motorships, Inc., agent, 17 Battery Place, New York, N.Y., 10004.
United Fruit Co., Pier 3, North River, New York, N.Y., 10006.
Wallenius Line, Motorships, Inc., agent, 17 Battery Place, New York, N.Y., 10004.
West Coast Line, Inc., 60 Broad Street, New York, N.Y., 10004.
Weyerhaeuser Line, 21 State Street, New York, N.Y., 10004.

[F.R. Doc. 65-6364; Filed, June 16, 1965; 8:48 a.m.]

COMMISSION OF PUBLIC DOCKS, PORTLAND, OREG., AND MATSON NAVIGATION CO.

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

Notice of agreement filed for approval by:

Portland Public Docks, 3070 Northwest Front Avenue, Portland, Oreg., 97210.

Agreement No. T-1806, between the Commission of Public Docks, Portland, Oreg. (Commission) and Matson Navigation Co. (Matson) provides for a 10-year lease of certain terminal properties to Matson at Pier 2, Terminal 4, Portland. The Commission agrees to make certain improvements and installations of equipment. Matson will receive the exclusive assignment and use of a container storage and parking area; the first right or privilege to use the truck yard scale and a livestock container wash rack and adjacent area; a right of common usage of Berth 1 with the first right or privilege to use one of the cranes thereon; and the first right or privilege to the use of Berth 2. Matson agrees to vacate Berth 1 and adjacent area upon the Commission's request if its vessels are not actually engaged in loading or unloading and the Commission shall similarly clear the area and adjacent berth to permit loading and unloading of Matson's container vessels. All of Matson's cargo moving over the premises shall be subject to the Commission's effective terminal tariff, with the exception of the services and facilities charge. Matson guarantees to the Commission (1) an animal basic minimum payment of $100,000; (2) $40,000 annually for use of a Matson-type gantry crane; (3) an additional payment of $30 for each loaded outbound container in excess of 3,500 per contract year subject to a maximum payment of $40,000 per contract year; and (4) payment for all labor and other costs of operation of the Matson-type gantry crane. Matson will perform all terminal service or services required in the movement of cargo in or over the premises moving to or from vessels operated or controlled by Matson.

Agreement No. T-1806 will supersede and cancel Agreement No. 8965 between the same parties.

Dated: June 14, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6365; Filed, June 16, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP65-49]

ATLANTIC SEABOARD CORP.

Notice of Extension of Time

JUNE 9, 1965.

Upon consideration of the motion for extension of time for service of prepared testimony and exhibits filed on May 27, 1965, by counsel for Atlantic Seaboard Corp. in the above-designated proceeding, and the answers thereto filed by Washington Gas Light Co. and Baltimore Gas & Electric Co. on June 3, 1965, and June 8, 1965, respectively;

Notice is hereby given that the times set forth in ordering Paragraph (H) of order issued May 13, 1965, in this proceeding are extended as follows: Atlantic Seaboard Corp. shall serve the prepared testimony and exhibits constituting its case-in-chief, together with statements A through M, and O and P in accordance with § 154.63(b)(3) of the Commission's regulations under the Natural Gas Act, upon all parties on or before June 25, 1965, in accordance with the schedule contained in the motion filed herein on May 27, 1965, excepting only that it shall serve all such prepared testimony on or before July 12, 1965; Staff shall serve its prepared testimony and exhibits on or before September 24, 1965; and intervenors proposing to present evidence shall serve their prepared testimony and exhibits on or before October 5, 1965.

Further, notice is hereby given that the prehearing conference in the proceeding presently scheduled for September 27, 1965, is hereby postponed to be held on October 12, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6311; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-390]

DELTA NATURAL GAS CO., INC.

Notice of Application

JUNE 10, 1965.

Take notice that on June 7, 1965, Delta Natural Gas Co., Inc. (Applicant), 120 South Main Street, Winchester, Ky., filed in Docket No. CP65-390 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Co. (Tennessee) to establish physical connection with Applicant's proposed facilities and to sell and deliver natural gas to Applicant for resale and distribution in the unincorpo-

rated town of Jeffersonville, Montgomery County, Ky., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system within the town of Jeffersonville at an estimated cost of $35,887.17 and requests an order directing Tennessee to provide up to 2,000 Mcf of natural gas per day through the proposed connection.

The total volumes of natural gas for Applicant's estimated annual and peak day requirements is as follows:

	First year	Second year	Third year
Annual (Mcf)	15,770	17,330	19,020
Peak day (Mcf)	184	203	223

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 July 8, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6312; Filed, June 16, 1965; 8:46 a.m.]

[Docket Nos. E-7099, E-7193]

GEORGIA POWER CO.

Order Returning Settlement Proposal To Presiding Examiner

JUNE 9, 1965.

Counsel for Georgia Power Co. (Georgia Power), joined by counsel for the intervenor Power Section of the Georgia Municipal Association (Power Section), during the course of hearings in these proceedings on May 21, 1965, offered on the record a proposal for the settlement of all issues in this proceeding. On May 26, 1965, the Presiding Examiner certified the proposal to the Commission for consideration.

Georgia Power has approved the terms of the settlement proposal, but the record indicates that only 2 of the 50 municipalities have accepted the settlement proposal. There is nothing in the record to indicate the views of the other 48 municipalities. Furthermore, the record indicates that Georgia Power's offer of settlement is contingent upon its unconditional acceptance by all 50 municipalities who are members of the Power Section. Therefore, consideration of the proposal by the Commission at this time would be premature and the settlement proposal should be returned to the Presiding Examiner.

The Commission orders: The Settlement proposal of Georgia Power and the Power Section, certified to the Commission by the Presiding Examiner on May 26, 1965, is hereby returned to the Presiding Examiner.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6313; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-391]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 10, 1965.

Take notice that on June 7, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65-391 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale of natural gas to Louisiana Plywood Corp. (Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Louisiana is constructing a plywood plant near Wyatt, Winn Parish, La., and estimates that it will require 336,600 Mcf of natural gas during the third year of operations.

Applicant requests authorization to construct and operate approximately 1.9 miles of 2-inch pipeline, a positive meter station and appurtenances, beginning on Applicant's 30-inch Refugio-Sterlington main line in Jackson Parish, La., and extending in a generally southerly direction to terminate at the delivery station in Winn Parish.

The estimated cost of the proposed facilities is $41,581, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6314; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-387]

ZENITH GAS SYSTEM, INC.[1]

Notice of Application

JUNE 10, 1965.

Take notice that on June 2, 1965, Zenith Gas System, Inc. (Applicant), Alva, Okla., filed in Docket No. CP65-387 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a field sale of natural gas to Cities Service Gas Co. (Cities), from the Blanche Sterling Gas Unit in the Hardtner Field, Barber County, Kans., and the facilities used to provide such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The sales were made pursuant to a 20-year contract between Applicant and Cities dated January 10, 1957. The application states that the well from which the sale was made has long since been depleted and has been plugged and abandoned since the last production from the well in 1962. By letter agreement dated May 15, 1963, Applicant and Cities agreed to terminate and cancel their contract for the sale of gas from the well.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6315; Filed, June 16, 1965; 8:46 a.m.]

[1] Now Zenith Natural Gas Co.

FEDERAL RESERVE SYSTEM

BOSTON STOCK EXCHANGE AND PHILADELPHIA - BALTIMORE-WASHINGTON STOCK EXCHANGE

Order Approving Unlisted Trading Privileges

In the matter of the applications of the Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in the capital stock of The Chase Manhattan Bank.

There has come before the Board of Governors, pursuant to section 12(f) of the Securities Exchange Act of 1934 (15

U.S.C. 78l), applications by the Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in the capital stock, $12.50 par value, of The Chase Manhattan Bank, which security is listed and registered on the New York Stock Exchange.

Appropriate notice of receipt of the applications and opportunity for a hearing has been given by the Board and no request for a hearing with respect to the applications has been received.

Upon consideration of all the circumstances, the Board finds that the extension of unlisted trading privileges to this security on these exchanges is appropriate in the public interest and for the protection of investors.

It is hereby ordered, That the said applications for unlisted trading privileges in the aforesaid security be and hereby are approved.

Dated at Washington, D.C., this 9th day of June 1965.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-6293; Filed, June 16, 1965; 8:45 a.m.]

FIRST NATIONAL CORP.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of First National Corp., Appleton, Wis., for prior approval of acquisition of voting shares of First National Bank of Appleton, and Valley National Bank, a proposed new bank, both of Appleton, Wis.

Whereas, by order dated February 25, 1965, the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), approved an application on behalf of First National Corp., a proposed Wisconsin corporation, pursuant to which it would become a bank holding company through the acquisition of 80 percent or more of the voting shares of First National Bank of Appleton and Valley National Bank, a proposed new bank, both of Appleton, Wis.; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated * * * (b) later than 3 months after said date (of order)", and "that Valley National Bank be opened for business within 6 months (of the date of the Board's order)"; and

Whereas, First National Corp. has applied to the Board for an extension of the time within which the approved acquisition may be consummated and within which Valley National Bank is to be opened for business; and it appearing to the Board that reasonable cause has been shown for the extensions of time requested, and that such extensions would not be inconsistent with the public interest;

It is hereby ordered, That the Board's order of February 25, 1965, as published in the FEDERAL REGISTER on March 4, 1965 (30 F.R. 2833), be, and it hereby is, amended so that the proviso relating to the dates by which the acquisition approved shall be consummated, and Valley National Bank opened for business, shall read: "(b) later than October 1, 1965, and provided, further, that Valley National Bank shall be opened for business no later than December 31, 1965."

Dated at Washington, D.C., this 10th day of June 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-6294; Filed, June 16, 1965; 8:45 a.m.]

[1] Voting for this action: Governors Robertson, Shepardson, Daane, and Maisel. Absent and not voting: Chairman Martin and Governors Balderston and Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[812-1775]

CONSTITUTION MUTUAL FUND, INC.

Notice of Filing of Application for Exemption

JUNE 11, 1965.

Notice is hereby given that Constitution Mutual Fund, Inc. ("Fund"), 3156 Wilshire Boulevard, Los Angeles, Calif., 90005, a registered open-end diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from the provisions of sections 15(a), 16(a), and 32(a) of the Act. Fund seeks to be exempted from these provisions to the extent that they require approval by the Fund's stockholders of an investment advisory contract between the Fund and Constitution Investment Management Co., election by the Fund's stockholders of the Fund's initial board of directors, and ratification by the Fund's stockholders of the selection of independent public accountants. The exemptive order would be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held on December 13, 1965. All interested persons are referred to the application which is on file with the Commisison for a statement of the representations therein, which are summarized below.

The Fund was organized under the laws of the State of California on September 21, 1964, and on October 16, 1964, the Fund registered under the Investment Company Act and filed with the Commission a registration statement under the Securities Act of 1933 (File No. 2-22851) with respect to the proposed public offering of 400,000 shares of its common stock. The Fund has not yet commenced operations and will not have any stockholders until it sells it shares after the registration statement becomes effective.

On September 28, 1964, the Fund entered into a management contract with the firm of Constitution Investment Management Co. The management contract as amended was approved at a meeting of the Fund's board of directors on April 6, 1965. The Fund's Initial Subscription Application, which will be signed by all persons who subscribe to the Fund's initial net worth of $100,000 and who will constitute the initial stockholders of the Fund, provides for the approval of the amended management contract by these subscribers. In addition, the investment advisory contract will be submitted to stockholders for ratification or rejection at the first annual meeting of stockholders.

Similarly, the present directors of the Fund have not been elected by the Fund's stockholders as required by section 16(a) of the Act and such election, which is not possible prior to the proposed issuance of common stock of the Fund, will be held at the first annual meeting of stockholders.

On September 28, 1964, the board of directors of the Fund appointed the firm of William C. Harker, CPA, 510 South Spring Street, Los Angeles, Calif. as independent public accountant for the Fund. The continued employment of William C. Harker, CPA, will be subject to ratification or rejection by the Fund's stockholders at the first annual meeting of stockholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 29, 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, if any, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund 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 O-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon said proposal 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. 65-6305; Filed, June 16, 1965; 8:46 a.m.]

[File No. 7-2442]

FLYING TIGER LINE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 11, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: The Flying Tiger Line, Inc., File 7-2442.

Upon receipt of a request, on or before June 28, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-6306; Filed, June 16, 1965; 8:46 a.m.]

[812-1767]

IMPERIAL FUND, INC., ET AL.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

JUNE 9, 1965.

In the matter of Imperial Fund, Inc., Imperial Equity Corp., Imperial Financial Services, Inc.; 10709 Wayzata Boulevard, Minnetonka, Minn. (812-1767).

Notice is hereby given that Imperial Fund, Inc. ("Fund"), a Minnesota corporation and a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 22(d) of the Act a proposed offer of its shares at net asset value to shareholders of Imperial Equity Corp. ("Equity"), a registered closed-end investment company. Equity and Imperial Financial Services, Inc., the principal underwriter for Fund, have joined in the application. Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

In March 1963, Fund caused Equity to be organized and transferred to it certain of Fund's assets including all of Fund's investments which were nonmarketable. In return for the assets transferred, Equity issued to the shareholders of Fund one share of its common stock for each share of Fund held.

In September 1964, shareholders of Equity approved a resolution to sell its assets and distribute the proceeds to shareholders. A plan of complete liquidation of Equity will be submitted to its shareholders at a meeting scheduled to be held in the future. If the plan is adopted, Equity proposes to make cash distributions. Fund proposes to offer Equity shareholders the opportunity to invest their cash distributions in shares of Fund at net asset value. The offer will be made to essentially the same group of shareholders who originally received Equity shares. Fund offers its shares to the public at net asset value plus a sales charge.

Notice is further given that any person may, not later than June 28, 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 O-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 showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 65-6307; Filed, June 16, 1965; 8:46 a.m.]

[812-1728]

IMPERIAL EQUITY CORP. AND IMPERIAL LAND CO.

Notice of Filing of Application for Order Exempting Transactions

JUNE 9, 1965.

Notice is hereby given that Imperial Equity Corporation ("Imperial Equity"), 10709 Wayzata Boulevard, Minnetonka, Minn., registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified management company, and Imperial Land Co. ("Imperial Land"), a real estate holding company all of the outstanding voting stock of which is owned by Imperial Equity (collectively hereinafter called "Applicants"), have filed an application for an order pursuant to sections 6(c) and 17(b) of the Act. Applicants seek to exempt from the provisions of section 17(a) of the Act certain transactions incident to an Agreement, dated August 17, 1964, between Imperial Equity, Imperial Land and two companies registered under the Act as open-end diversified investment companies, Imperial Capital Fund ("Imperial Capital") and Imperial Fund, Inc. ("Imperial Fund"). The Agreement is designed to settle certain claims of the parties to it arising out of transactions discussed below. All interested persons are referred to the application on file with the Commission for a full statement of Applicants' representations, which are summarized below.

Transactions leading to the agreement. Imperial Land and Imperial Fund became affiliated persons of each other on June 1, 1961, as a result of the acquisition by Imperial Fund of 250 shares of capital stock of Imperial Land. Subsequently, during the continuance of such affiliation, Imperial Land issued to Imperial Fund (a) $575,000 principal amount of its convertible debentures (increasing Imperial Fund's holdings thereof to $700,000 principal amount) and (b) 1,750 shares of its capital stock, which, with a subsequent acquisition from another source, increased Imperial Fund's holdings to 2,240 shares. During the period March through July 1962 Imperial Capital purchased from Imperial Land convertible debentures in the aggregate amount of $350,000. During July and November 1962, Imperial Fund converted the debentures into 7,000 shares, increasing its holdings of Imperial Land's capital stock to 9,240 shares. If effect were given to the conversion of Imperial Fund's holdings of Imperial Land debentures into Imperial Land common stock, the only outstanding debentures of Imperial Land would have been the $350,000 principal amount of debentures held by Imperial Capital.

Thereafter, Imperial Fund organized Imperial Equity and, on March 25, 1963, it transferred to Imperial Equity all of its nonmarketable securities, a small amount of cash and some marketable securities in exchange for all of the stock of Imperial Equity. Imperial Fund then distributed all of the stock of Imperial Equity to its stockholders on a pro rata basis. The 9,240 shares of capital stock of Imperial Land were included in the assets transferred, and, as a result, Im-

perial Land and Imperial Equity became, and continue to be, affiliated persons of each other.

Subsequently, Imperial Equity asserted that the conversion by Imperial Fund in 1962 of the $700,000 principal amount of the convertible debentures into common stock of Imperial Land violated the Act, and that Imperial Equity was entitled to rescind the conversion and resume its status as a convertible debenture holder. Over the objections of Imperial Capital, Imperial Equity surrendered 7,000 shares of Imperial Land's common stock in exchange for $700,000 principal amount of the convertible debentures.

At the time Imperial Equity resumed its position as the holder of $700,000 of the convertible debentures, Imperial Capital was the holder of $350,000 principal amount of such debentures, with $50,000 principal amount having been purchased from Imperial Land during July 1962, the month in which Imperial Fund elected to convert $200,000 of the convertible debentures.

The conflicting claims. After Imperial Equity resumed its position as holder of convertible debentures of Imperial Land and prior to the settlement agreement of August 17, 1964, Imperial Equity claimed that it was entitled to be the holder of $700,000 principal amount, 6 percent convertible debentures issued by Imperial Land and that such holdings ranked pari passu with the $350,000 principal amount of the convertible debentures held by Imperial Capital. Imperial Capital claimed that Imperial Equity was not entitled to be considered the holder of any of the convertible debentures, and that its holdings were the only outstanding convertible debentures.

Settlement of the claims. Insofar as the Agreement concerns Imperial Equity and Imperial Land, it includes terms which, in effect, provide that new convertible debentures are to be exchanged for the convertible debentures presently claimed by Imperial Equity. Imperial Equity will waive a portion of the interest accrued on the debentures, and interest will be paid on certain portions of advances made by Imperial Equity.

By virtue of the ownership by Imperial Equity of all of the outstanding stock of Imperial Land, Imperial Land is an affiliated person of Imperial Equity under section 2(a)(3)(B) of the Act. Section 17 of the Act prohibits, inter alia, an affiliated person (Imperial Land) of a registered investment company (Imperial Equity), acting as principal, from knowingly selling any security or other property to such registered investment company, unless the Commission grants an application for exemption.

Any action previously taken carrying out the terms of the Agreement is to be rescinded if the parties do not obtain appropriate relief from the Commission pursuant to section 6(c) of the Act.

The Agreement of settlement provides in pertinent part as follows:

1. Imperial Equity is recognized as the holder of $700,000 principal amount of the convertible debentures, modified as follows: Imperial Equity (and its predecessor in interest, Imperial Fund) waive interest on $200,000 of the convertible debentures from July, 1962 to November 1, 1963, and on $500,000 of convertible debentures from November, 1962 to November 1, 1963. The $1,050,000 principal amount of convertible debentures outstanding will not bear interest after July 2, 1964; interest on the convertible debentures due Imperial Capital on July 2, 1964, and considered owing to Imperial Equity for the period November 1, 1963, until July 2, 1964, will be payable on the respective interest payment dates following July 2, 1964.

2. Imperial Equity and Imperial Fund waive all claims for interest on advances made to Imperial Land for the period from the date of each advance to August 1, 1964. From and after August 1, 1964, Imperial Equity will be entitled to interest at the rate of 6 percent annually payable semiannually on that portion of the outstanding balance of advances previously or subsequently made which exceeds $330,000. All advances made by Imperial Equity prior to and subsequent to the date of the Agreement shall be senior to, and will be entitled to priority over, the $1,050,000 of convertible debentures in payment of principal and interest (to the extent interest is payable on the advances as described above).

3. Of the $350,000 principal amount of the convertible debentures held by Imperial Capital, $50,000 principal amount are considered entitled to priority as to payment of principal over the other convertible debentures.

Notice is further given that any interested person may, not later than June 28, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the above matters 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address set forth 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.

By the Commission.

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

[F.R. Doc. 65-6308; Filed, June 16, 1965; 8:46 a.m.]

[File No. 7-2436]

NORTHWEST AIRLINES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 11, 1965.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Northwest Airlines, Inc., File 7-2436.

Upon receipt of a request, on or before June 28, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-6309; Filed, June 16, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 354]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 11, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not oper-

ate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 5), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223, filed May 27, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Gary, Ind., over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to Philadelphia, Pa., thence over access roads to junction New Jersey Turnpike.

Thence over New Jersey Turnpike to junction Interstate Highway 95, near Elizabeth, N.J., thence over Interstate Highway 95 to Newark, N.J., and thence over access roads to Jersey City, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 384 to Niagara Falls, N.Y.; (2) from Cleveland, Ohio, over U.S. Highway 422 to junction Ohio Highway 8, and thence over Ohio Highway 8 to Canton, Ohio; (3) from Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22).

Thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, and thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J.; (4) from Canton, Ohio, to Harrisburg as specified above, thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to junction Business Route U.S. Highway 30 (formerly U.S. Highway 30), thence over Business Route U.S. Highway 30 to Downingtown, Pa., and thence over U.S. Highway 322 to junction U.S. Highway 1 near Chadds Ford, Pa., and (5) from Boston "* * * over U.S. Highway 1 via Philadelphia, Pa., to Washington, D.C. (also from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and thence over U.S. Highway 1 to Washington, D.C.), and return over the same routes.

No. MC 15737 (Deviation No. 6), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md., filed May 27, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Richmond, Va., over Interstate Highway 95, to junction U.S. Highway 350, (2) from junction U.S. Highway 350 and Interstate Highway 495, over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 50 and (3) from junction U.S. Highway 350 and Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

No. MC 19778 (Deviation No. 4), THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, Suite 508, Union Station, 516 West Jackson Boulevard, Chicago 6, Ill., filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Madison, Wis., over Interstate Highway 90 to Tomah, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Portage, Wis., over U.S. Highway 16 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 151, thence over U.S. Highway 151 to Madison, Wis., and (2) from Milwaukee, Wis., over U.S. Highway 41 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, and return over the same routes.

No. MC 30073 (Deviation No. 10), JOHNSON FREIGHT LINES CO., INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn., and Louisville, Ky., over Interstate Highway 65 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky. (also from Nashville over U.S. 31W), thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, and return over the same route.

No. MC 30073 (Deviation No. 11), JOHNSON FREIGHT LINES CO., INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Nashville, Tenn., and Atlanta, Ga., over U.S. Highway 41.

No. MC 42487 (Deviation No. 38), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed May 24, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction Ohio Highway 4, and thence over Ohio Highway 4 to Cincinnati, Ohio; (2) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 9, thence over Indiana Highway 9 via Anderson, Ind., to junction Indiana Highway 67 and thence over Indiana Highway 67 to Indianapolis, Ind.; (3) between Fort Wayne and Huntington, Ind., over U.S. Highway 24; (4) between Marion and Huntington, Ind., over Indiana Highway 9; (5) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind.,

thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to junction unnumbered highway (formerly portion U.S. Highway 33) and thence over unnumbered highway to Wapakoneta, Ohio; (6) from Muncie, Ind., over unnumbered highway (formerly portion U.S. Highway 35), to Saint Anthony, Ind., thence over U.S. Highway 35 to Jonesboro, Ind., thence over Indiana Highway 15 (formerly Indiana Highway 21), to Marion; (7) between Fort Wayne and Elkhart, Ind., over U.S. Highway 33, and return over the same routes.

No. MC 42614 (Deviation No. 1), CHICAGO & NORTH WESTERN RAILWAY COMPANY, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Eugene D. Anderson, Jr. (same address as applicant's), filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From Galt, Ill., over U.S. Highway 30 to junction Tollway 30 at Sugar Grove, Ill., thence over Tollway 30 to Berkeley, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) Between Galt and Berkeley, Ill., over Alternate U.S. Highway 30, and (2) between St. Charles and Aurora, Ill., over Illinois Highway 31 (also over Illinois Highway 25).

No. MC 114877 (Deviation No. 2), CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass., filed May 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Utica, N.Y., to Rome, N.Y., over New York Highway 49, thence over New York Highway 365 to Verona, N.Y., thence over New York Highway 31 to Jack's Reef, N.Y., thence over Interstate Highway 90 to Montezuma Swamps, thence over New York Highway 5 to Waterloo, N.Y., thence over New York Highway 96 to Pittsford, N.Y., thence over New York Highway 252 to Rochester, N.Y.; also from junction New York Highway 31 and Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., thence over New York Highway 48 to junction New York Highway 31, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rochester, N.Y., to Waterloo, N.Y., over New York Highway 96 (also over New York Highway 5 from Batavia, N.Y., to Waterloo, N.Y.), thence over New York Highway 5 to Albany, N.Y., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 29935 (Deviation No. 1), THE BLUE LINE, INC., 147 Pineywoods Avenue, Springfield, Mass. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103, filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers over a deviation route as follows: From Springfield, Mass., over Interstate Highway 91 to Hartford, Conn., thence over Connecticut Highway 2 to Colchester, Conn., thence over Connecticut Highway 85 to New London, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Springfield, Mass., over Massachusetts Highway 83 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 83 to Somers, Conn., thence over Connecticut Highway 20 to Stafford Springs, Conn., thence over Connecticut Highway 32 to New London, Conn., and return over the same route.

No. MC 29935 (Deviation No. 2), THE BLUE LINE, INC., 147 Pineywoods Avenue., Springfield, Mass. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103, filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, from Springfield, Mass., over Interstate Highway 91 to Hartford, Conn., thence over Connecticut Highway 2 to Yantic, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Springfield, Mass., over Massachusetts Highway 83 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 83 to Somers, Conn., thence over Connecticut Highway 20 to Stafford Springs, Conn., thence over Connecticut Highway 32 to New London, Conn., and return over the same route.

No. MC 109736 (Deviation No. 4), CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C., filed May 19, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 83 to junction Interstate Highway 695, thence over Interstate Highway 695 to junction Baltimore-Washington Expressway, and thence over Baltimore-Washington Expressway to Washington, D.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Harrisburg, Pa., over U.S. Highway 15 to Dillsburg, Pa., thence over Pennsylvania Highway 194 to Hanover, Pa.; (2) between Gettysburg and Dillsburg, Pa., over U.S. Highway 15; (3) from Baltimore, Md., over U.S. Highway 140 (formerly Maryland Highway 30) to Reisterstown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, and thence over Pennsylvania Highway 94 to Hanover, Pa.; (4) between York Springs, and Hanover, Pa., over Pennsylvania Highway 94; and (5) from Gettysburg, Pa., over U.S. Highway 15 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and return over the same routes.

By the Commission.

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

[F.R. Doc. 65-6264; Filed, June 16, 1965; 8:45 a.m.]

[Notice 781]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 11, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 127280 (REPUBLICATION), filed May 19, 1965, published FEDERAL REGISTER issue June 9, 1965, and republished this issue. Applicant: OWASCO VALLEY TRUCKING COMPANY, INC., Moravia, N.Y. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to show hearing information.

HEARING: July 13, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 95876 (Sub-No. 39) (REPUBLICATION), filed January 25, 1965, published FEDERAL REGISTER, issue of February 10, 1965, and republished this issue, after Order of Commission. Applicant: ANDERSON TRUCKING SERVICE, INC., St. Cloud, Minn. By application filed January 25, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of granite, between points in Llano and Gillespie Counties, Tex., on the one hand, and, on the other,

points in Burnet County, Tex. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *granite* from points in Llano and Gillespie Counties, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Michigan, Minnesota, Montana, Nebraska, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, North Dakota, South Carolina, South Dakota, Tennessee, Kentucky, Louisiana, and Wisconsin; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 42), filed January 18, 1965, published FEDERAL REGISTER, issue of February 10, 1965, and republished this issue, after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed January 18, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities, and from, to, or between the points substantially as indicated below, except that applicant requests that the service sought be limited to shippers other than banks and banking institutions and exclude "plant removals". An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *business papers and records*, and *audit and accounting media*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Wayne County, Mich., and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 48), filed February 10, 1965, published FEDERAL REGISTER, issue of March 3, 1965, and republished this issue after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed February 10, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as indicated below. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (a) of *whole human blood* and *blood derivatives*, between Cleveland, Ohio, and Detroit, Mich., and (b) of *business papers, records, used stamp books, stock replenishment orders, and audit and accounting media* (except cash letters), (1) between Skokie, Ill., on the one hand, and, on the other, Davenport, Clinton, Dubuque, and Burlington, Iowa, (2) between Des Moines, Iowa, on the one hand, and, on the other, Waterloo, Iowa, and Omaha, Nebr., (3) between Indianapolis, Ind., and Anderson, Ind., and (4) between Detroit, Mich., and Lansing, Mich., subject to the restrictions that the authority granted in (2), (3), and (4) is restricted to the transportation of traffic (A) having an immediately prior or subsequent movement by air, and (B) moving between Skokie, Ill., on the one hand, and, on the other, Waterloo, Iowa, Omaha, Nebr., Anderson, Ind. and Lansing, Mich., and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and, for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate pleading.

No. MC 112750 (Sub-No. 206) (REPUBLICATION), filed September 4, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue after order. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed September 4, 1964, as amended, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points substantially as indicated below, except that applicant requests the inclusion of the commodities named "of all kinds" and the exclusion of plant removals. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers, records*, and *audit and accounting media* (except cash letters) between Detroit, Mich., on the one hand, and, on the other, points in Ohio (except points in the Cleveland, Ohio, commercial zone, as defined by the Commission); and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 115232 (Sub-No. 3) (REPUBLICATION), filed December 31, 1964, published FEDERAL REGISTER, issue of January 20, 1965, and republished this issue after Order of Commission. Applicant: OVERLAND MOTOR EXPRESS, INC., doing business as BOULDER-DENVER TRUCK LINE, Boulder, Colo. By application filed December 31, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within 5 miles of Boulder, Colo., including Boulder, limited to shipments having a prior or subsequent movement over applicant's authorized regular route between Boulder and Denver, Colo. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Boulder County, Colo., as off-route points in connection with applicant's otherwise authorized regular-route operations between Boulder and Denver, Colo.; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 115841 (Sub-No. 163) (REPUBLICATION), filed January 21, 1964, published FEDERAL REGISTER, issue of February 6, 1964, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed January 21, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common

carrier, by motor vehicle, over irregular routes, of canned and bottled goods, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Louisiana, Tennessee (except Memphis), Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, restricted against the transportation of liquid commodities, in bulk, in tank vehicles. The application was referred to Hearing Examiner Joseph A. Reilly, for hearing and the recommendation of an appropriate order thereon. Hearing was held September 15, 1964, at Little Rock, Ark. A report and order, which became effective January 27, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *canned and bottled goods*, and (2) *canned dog food*, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Louisiana, Tennessee (except Memphis), Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. However, inasmuch as it is possible that interested parties have relied upon the notice of the application as published in the FEDERAL REGISTER, and may be prejudiced by the lack of notice of the addition of the above commodities, the findings herein will be published in the FEDERAL REGISTER, and the issuance of a certificate authorizing the operations contained in the findings will be withheld for 30 days from the date of such publication, during which period any interested party adversely affected may file an appropriate pleading with the Commission.

No. MC 117119 (Sub-No. 139) (REPUBLICATION), filed February 10, 1964, published FEDERAL REGISTER, issues of February 26, and March 4, 1964, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed February 10, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, of foodstuffs, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; restricted (1) Against the transportation of liquid commodities, in bulk, in tank vehicles; and (2) on traffic consisting of canned goods destined to Colorado from points in Arkansas, to the partial unloading of volume or truckload shipments, the balance of which is delivered elsewhere. The application was referred to Hearing Examiner Joseph A. Reilly, for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 15, 1964, at Little Rock, Ark. A report and order, which became effective January 27, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *foodstuffs* and (2) *canned and frozen animal food*, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; restricted in (1) against the transportation of liquid commodities, in bulk, in tank vehicles. However, inasmuch as it is possible that interested parties have relied upon the notice of the application as published in the FEDERAL REGISTER, and may be prejudiced by the lack of notice of the addition of the above commodities, the finding herein will be published in the FEDERAL REGISTER, and the issuance of a certificate authorizing the operations contained in the findings will be withheld for 30 days from the date of such publication, during which period any interested party adversely affected may file an appropriate pleading with the Commission.

No. MC 126906 (REPUBLICATION), filed January 21, 1965, published FEDERAL REGISTER, issue of February 17, 1965, and republished this issue after Order of Commission. Applicant: CLIFFORD A. MILLIKEN, JR., doing business as NORTH COUNTRY DELIVERY SERVICE, Conway, N.H. By application filed January 21, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by retail department stores or mail-order houses, and automotive parts, in retail delivery service, between the points indicated below. An order, by Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *general commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Conway, N.H., on the one hand, and, on the other, Fryeburg, Bridgeton, Brownfield, and Kezar Falls, Maine, in retail delivery service; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a ceritficate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126998 (REPUBLICATION), filed February 18, 1965, published FEDERAL REGISTER, issue of March 10, 1965, and republished this issue after Order of Commission. Applicant: JACK BRAYMAN, doing business at J. B. TRUCKING CO., Jamaica, N.Y. By application filed February 18, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of groceries, from, and to, the points indicated below. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses*, under a continuing contract with Associated Food Stores, Inc., of Jamaica, N.Y., from the warehouse site of Associated Food Stores, Inc., at New York, N.Y., to points in Connecticut, will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in, and would be prejudiced by, the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 30837 (Sub-Nos. 45, 226, and 229) (PETITION FOR MODIFICATION OF EXISTING CERTIFICATES IN ACCORDANCE WITH THE DECISION OF THE COMMISSION IN NO. MC-C-3024, *National Automobile Transporters Association Petition for Declaratory Order*, 91 M.C.C. 395), filed May 14, 1965. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, Kenosha, Wis. Petitioner's attorney: Paul F. Sullivan, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Petitioner states that it holds the following authority (pertinent herein): No. MC-30837, fifth granting paragraph under Part (A): New automobiles, new chassis, new bodies, and parts thereof, in initial movements, in truckaway service, over irregular routes, from places of manufacture and assembly at Kenosha, Wis., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Virginia, West Virginia, Wisconsin, and those in that part of Wyoming north of a line beginning at the Nebraska-Wyoming State line, near Van Tassell, Wyo., and extending along U.S. Highway 20 to Shoshoni, thence along U.S. Highway 320 to Riverton, thence along Wyoming Highway 287 to junction U.S. Highway 287, thence along U.S. Highway 287 to Moran, thence along U.S. Highway 187 to junction Wyoming Highway 22, and thence along Wyoming Highway 22 to the Idaho-Wyoming State line. No. MC-30837, 10th granting paragraph, Part (A): New automobiles, trucks, trailers, chassis, tractors, and parts and equipment thereof, in initial movements, in truckaway service, over irregular routes, from points of manufacture and assembly at Kenosha

and Racine, Wis., to points in Ohio and the Lower Peninsula of Michigan.

No. MC–30837 (Sub-No. 45), new automobiles, new trucks, new tractors, new truck bodies, and new chassis, show equipment and advertising matter used in connection with the distribution and sale of motor vehicles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to the District of Columbia, and to points and places in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah and Vermont, traversing Illinois, Indiana, Iowa, Nebraska, Missouri, Ohio, South Dakota, Virginia, and West Virginia for operating convenience only. No. MC–30837 (Sub-No. 194), automobiles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in California, Nevada, Oregon, and Washington, with no transportation for compensation on return except as otherwise authorized. No. MC–30837 (Sub-No. 226), motor vehicles (not including trailers) in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in that part of Wyoming on and south of a line beginning at the Wyoming-Nebraska State line, near Van Tassell, Wyo., and extending along U.S. Highway 20 to Shoshoni, Wyo., thence along Wyoming Highway 789 to Riverton, Wyo.

Thence along U.S. Highway 287 to Moran, Wyo., thence along U.S. Highway 187 to junction Wyoming Highway 22, and thence along Wyoming Highway 22 to the Wyoming-Idaho State line, with no transportation for compensation on return except as otherwise authorized. No. MC–30837 (Sub-No. 229), automobiles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in Idaho, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the above-referred-to certificates. In order to allow the States concerned to be served in secondary, truckaway movements from various railheads (which fluctuate or change from time to time), it is requested that all of the initial rights set forth above, which pertain to American Motors traffic, be reissued in a new consolidated certificate and that there be added to such new certificate the following: "New automobiles, and parts thereof, in secondary movements, in truckaway service, over irregular routes, between points in Arkansas, California, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and having an immediately prior movement by rail. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 113617 and No. MC 113617 (Sub-No. 12) (PETITION FOR MODIFICATION), filed May 12, 1965. Petitioner: HIGHWAY TRANSPORT COMPANY, INC., Des Moines, Iowa. Petitioner's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Petitioner files this petition for modification and amendment of its existing certificates in accordance with decision of the Commission in No. MC–C–3024, *National Automobile Transporters Association—Petition for Declaratory Order*, 91 M.C.C. 395. Petitioner holds authority (herein pertinent) as follows: No. MC 113617, IRREGULAR ROUTES: *Automobiles*, in initial movements, in truckaway service, and *automobile show equipment, automobile show paraphernalia*, and *advertising matter*, used in connection with the distribution and sale of motor vehicles, from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska, with no transportation for compensation on return except as otherwise authorized. *New automobiles*, and *parts*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Iowa, with no transportation for compensation on return except as otherwise authorized. *Foreign-made automobiles*, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and that part of Iowa bounded by a line beginning at Sidney, Iowa, and extending north along U.S. Highway 275 to Council Bluffs, Iowa, thence along U.S. Highway 75 to Rock Rapids, Iowa, thence east along Iowa Highway 9 to Osage, Iowa, thence south along U.S. Highway 218 to Waterloo, Iowa.

Thence along U.S. Highway 63 to Bloomfield, Iowa, and thence west along Iowa Highway 2 to point of beginning, including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. No. MC 113617 SUB 12, *New automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to Moberly, Mo., Harristown, Ill., and points in that part of Illinois on and south of U.S. Highway 36, that part of Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to Jefferson City, Mo., and thence along U.S. Highway 54 to Preston, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Henderson, Ky., thence along U.S. Highway 60 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to Madisonville, Ky., thence along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., with no transportation for compensation on return except as otherwise authorized. *New foreign-made automobiles*, in secondary movements, in truckaway service, from Kenosha, Wis., to points in Missouri, that part of Illinois on and south of U.S. Highway 36, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., with no transportation for compensation on return except as otherwise authorized; from Kenosha, Wis., to points in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind., points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Todd Counties, Ky., with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The authority granted in the paragraph next above is restricted against the transportation of shipments from Kenosha, Wis., to points in that part of Illinois on and south of U.S. Highway 36, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line; from Kenosha, Wis., to Murfreesboro, Tenn., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted in the paragraph next above is restricted to the transportation of (1) shipments tacked at Murfreesboro, Tenn., with other authority of carrier wherein Murfreesboro is an authorized point of service, for movement beyond that point, and (2) shipments tendered at Murfreesboro, Tenn., to connecting motor carriers for movement beyond that point: *Automobiles, trucks*, and *buses*, in initial movements, in truckaway service, from Kenosha, Wis., to Murfreesboro, Tenn., with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The authority granted in the paragraph next above is restricted to the transportation of (1) shipments tacked in Murfreesboro, Tenn., with other authority of carrier wherein Murfreesboro is an authorized point for service, for movement beyond that point, and (2) shipments tendered at Murfreesboro, Tenn., to connecting motor carriers for movement beyond that point. *Automobiles, trucks, and buses* (except trailers), as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Kenosha, Wis., to points in Missouri, points in Illinois in and south of

Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind., and points in Kentucky in and west of Hancock, Ohio, Muhlenburg, and Todd Counties, Ky., with no transportation for compensation on return except as otherwise authorized. In order that it will be able to continue its participation in the traffic which it has transported, and in order that it may continue to operate and provide service for American Motors in the same territory, it is requested that the initial rights set forth above be issued in a consolidated certificate with the following addition. "*New automobiles*, in secondary movement, in truckaway service, over irregular routes, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, points in Illinois in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind.; points in Kentucky in and west of Hancock, Ohio, Muhlenburg, and Todd Counties, Ky., points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., and Murfreesboro, Tenn., restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and which have had an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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–8635 (SCOBIE'S TRANSPORT LTD.—CONTROL—HOMER WHITE, INC., AND LORNE SCOBIE, SR., AND LORNE SCOBIE, JR.), published in the January 8, 1964, issue of the FEDERAL REGISTER on page 216. By petition to amend filed June 3, 1965, applicant states that since the filing of the instant application, the common and preferred shares of stock of SCOBIE'S TRANSPORT LTD., have been acquired by HUSBAND TRANSPORT LTD., London, Ontario, Canada, and in turn by CANADIAN NATIONAL TRANSPORTATION LTD., and CANADIAN NATIONAL REALTIES, LTD., in trust for CANADIAN NATIONAL RAILWAY COMPANY, which is now affiliated by ownership of shares with CENTRAL VERMONT RAILWAY, INC., GRAND TRUNK WESTERN RAILROAD, and DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY, each of which conduct rail operations in the United States pursuant to authority issued under Part I of the Act.

No. MC–F–9131 (SIGNAL TRUCKING SERVICE, LTD.—CONTROL—PAXTON TRUCKING CO.), published in the June 3, 1963, issue of the FEDERAL REGISTER on page 7361. Application filed June 8, 1965, for temporary authority under section 210a(b). NOTE: F.D. No. 23677 was filed concurrently.

No. MC–F–9144. Authority sought for control and merger by BURTON LINES, INC., 673 South Scales Street, Reidsville, N.C., of the operating rights and property of H.W. MILLER TRUCKING COMPANY, Ellis Road, Durham, N.C., and for acquisition by C. S. BURTON, LINDA R. BURTON, both of 815 South Main Street, Reidsville, N.C., and GEORGE E. MARTIN, JR., 1206 Maiden Lane, Reidsville, N.C., of control of such rights and property through the transaction. Applicants' attorneys: James E. Wilson and Edward G. Villalon, both of 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, South Carolina, Georgia, Delaware, Tennessee, Alabama, New York, Connecticut, Massachusetts, Texas, Maine, Vermont, New Hampshire, Rhode Island, Mississippi, Arkansas, Florida, Kentucky, New Jersey, Michigan, and the District of Columbia, with certain restrictions, serving various intermediate points, as more specifically described in Docket No. MC–110284 and Subnumbers thereunder; and *steel girders*, used in building construction work, not to exceed 12 feet in length and 1,000 pounds in weight as a *contract carrier* over irregular routes, between points in North Carolina, South Carolina, and Virginia. RESTRICTION: The operations authorized herein are limited to be a transportation service to be performed under a continuing contract, or contracts, with Spanall of the Southeast, Inc., of Durham, N.C. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. BURTON LINES, INC., is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Maryland, West Virginia, Florida, Georgia, Kentucky, New Jersey, New York, Ohio, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9145. Authority sought for control and merger by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa., 15201, of the operating rights and property of OHIO SOUTHERN EXPRESS, INC., 1293 Loveless Avenue, Atlanta, Ga., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill., and Jacob P. Billig, 743 Investment Building, Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between the site of The Ford Motor Company Lorain Assembly Plant, located at the intersection of U.S. Highway 6 (Ohio Highway 2) and Baumhardt Road, Brownhelm Township, Lorain County, Ohio, on the one hand, and, on the other, Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia, within 100 miles of Atlanta, Ga.; *general commodities*, with exceptions as stated above, in collection and delivery service, between points in that part of Georgia and Tennessee within 15 miles of Chattanooga, Tenn., including Chattanooga; *general commodities*, except those of unusual value, Class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia within 100 miles of Atlanta, Ga., on the one hand, and, on the other, Parkersburg, and Charleston, W. Va., Akron, Ohio, and points in Ohio within 25 miles of Akron, Ohio; and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, restricted to the transportation of traffic between the above-specified authorized Georgia points, on the one hand, and, on the other, points in West Virginia, and points in that part of Pennsylvania, on and west of U.S. Highway 219, via the gateway of Belpre, Ohio, between Belpre (Washington County), Ohio, on the one hand, and, on the other, points in West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 219. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, West Virginia, Indiana, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9146. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 179, 140 Parkwood Boulevard, Sidney, Ohio, of a portion of the operating rights of M & M Trucking Co., Post Office Box 7037, 1240 Emmitt Road, Akron 6, Ohio, and for acquisition by PAUL B. LONG, 140 Parkwood Boulevard, Sidney, Ohio, of control of such rights through the purchase. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be transferred: A portion of the certificate of registration, in Docket No. MC–85561 Sub-8, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier, under a certificate of

registration, in the State of Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-97841 Sub-11 is a matter directly related. Applicant filed a conversion application, Docket No. MC-97841 Sub-9, prior to this application.

No. MC-F-9147. Authority sought (1) for purchase by GUS VANDERPOL AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue, South, Seattle 4, Wash., of the partnership interest of JOHN VANDERPOL, in the partnership JOHN VANDERPOL, GUS VANDERPOL, AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue, South, Seattle 4, Wash.; and (2) for control by GUS VANDERPOL and HENRY VANDERPOL of PENINSULA TRUCK LINES, INC., 3414 Second Avenue, South, Seattle 4, Wash., through the purchase by the latter of the stock interest in the latter held by JOHN VANDERPOL. Applicants' attorney: Carl A. Jonson, 400 Central Building, Seattle 4, Wash. Operating rights sought to be (1) transferred and (2) controlled: (JOHN VANDERPOL, GUS VANDERPOL, AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES); *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Seattle, Wash., and Oak Harbor, Wash., serving certain intermediate and off-route points, one alternate route for operating convenience only; *general commodities*, with exceptions as stated above (other than heavy machinery), over irregular routes, between Mount Vernon, Wash., and points in that part of Skagit County, Wash., west of U.S. Highway 99, on the one hand, and, on the other, points on Widby Island, Wash.; and *household goods*, as defined by the Commission, between points on Whidbey Island, Wash., and in Skagit County, Wash., on the one hand, and, on the other, points in Island, Skagit, Snohomish, and King Counties, Wash. (PENINSULA TRUCK LINES, INC.); *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Seattle, Wash., and Port Townsend and Port Angeles, Wash.; *general commodities*, between Seattle, Wash., and Port Angeles, Wash., serving all intermediate points between junction unnumbered highway and Washington Highway 9E and Port Angeles and certain off-route points. Application has been filed for temporary authority under section 210a (b).

By the Commission.

BERTHA F. ARMES,
Acting secretary.

[F.R. Doc. 65-6265; Filed June 16, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 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. 39836—*Cement and related articles to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-8732), for interested rail carriers. Rates on cement and related articles, in carloads, from points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, also Calvert, N. Mex., to Cincinnati, Ohio, and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southwestern Freight Bureau, agent, tariff I.C.C. 4582.

FSA No. 39837—*Cement and related articles from Lime Kiln, Md.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2782), for interested rail carriers. Rates on cement and related articles, in carloads, from Lime Kiln, Md., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Ohio, Tennessee, and Virginia.

Grounds for relief—Market competition.

Tariff—Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-521.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6356; Filed, June 16, 1965; 8:47 a.m.]

[Notice 1191]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67200. By order of June 11, 1965, the Transfer Board approved on reconsideration, the transfer to Rite-Way Trucking Co., Inc., Fort Dodge, Iowa, of that portion of the operating rights of Direct Transports, Inc., Kansas City, Kans., in Certificate No. MC-29116, issued November 4, 1964, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Leon, Iowa, and St. Joseph, Mo., between Leon, Iowa, and Des Moines, Iowa, between Eagleville, Mo., and Kansas City, Kans., and between Eagleville, Mo., and St. Joseph, Mo. Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo., attorney for applicants..

No. MC-FC-67489. By order of June 10, 1965, the Transfer Board approved the transfer to T. Arthur O'Day, Corry, Pa., of a portion of certificate in No. MC-109370, issued May 4, 1955, to Paul L. Hunter and Francis C. Hunter, a partnership, doing business as Hunter Moving and Storage, Union City, Pa., authorizing the transportation of: General commodities, with exceptions including household goods and commodities in bulk, between Union City, Pa., on the one hand, and, on the other, points in Pennsylvania and New York within 25 miles of Union City, except Erie, Pa., and, household goods, as defined by the Commission, between Union City, Pa., on the one hand, and, on the other, points in Chautauqua, Cattaraugus, and Erie Counties, N.Y., and those in Ashtabula, Geauga, Cuyahoga, Trumbull, and Mahoning Counties, Ohio. William W. Knox, 23 West 10th Street, Erie, Pa., attorney for applicants.

No. MC-FC-67878. By order of June 9, 1965, the Transfer Board approved the transfer to Nathan T. Flowers, doing business as Nathan T. Flowers Trucking Co., Route No. 3, Smithfield, N.C., of the operating rights issued by the Commission April 27, 1962, under Certificate No. MC-124050, to Nathan T. Flowers and Nelson R. Jones, a partnership, doing business as Flowers & Jones Trucking Co., Route No. 3, Smithfield, N.C., authorizing the transportation, over irregular routes, of fertilizer, in bags or containers, from Norfolk, Va., to points in that part of North Carolina east of U.S. Highway 15 (except Henderson).

No. MC-FC-67915. By order of June 10, 1965, the Transfer Board approved the transfer to Clayton U. Beatty, doing business as Beatty Truck Line, Lyndon, Kans., of Certificate No. MC-6075 issued December 13, 1954, to George Boyd, Lyndon, Kans., authorizing the transportation, over regular routes, of livestock, grain, hay, and straw, between Lyndon, Kans., and Kansas City, Mo., serving intermediate point of Kansas City, Kans., and intermediate and off-route points within 8 miles of Lyndon; and building material, agricultural implements, hardware, household goods, and feed, from Kansas City, Mo., to Lyndon, Kans., serving no intermediate points; and, over irregular routes; fruits, hay, and farm products, from points in Missouri to Lyndon, Kans.; livestock, from Vassar, Kans., and points within 10 miles of Vassar, to Kansas City, Mo., and Kansas City, Kans.; and livestock and feed, from Kansas City, Mo., and Kansas City, Kans., to Vassar, Kans., and points within 10 miles of Vassar. Leonard W. McAnarney, Buffon Building, Lyndon, Kans., representative for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6357; Filed, June 16, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

39 CFR—Continued

Page

22 ... 7391
23 ... 7391
24 ... 7391
25 ... 7391
43 ... 7392
45 ... 7392
46 ... 7394
114 ... 7748
122 ... 7748

41 CFR

5B–2 ... 7436
8–1 ... 7437
8–2 ... 7437, 7599
8–3 ... 7599
8–7 ... 7600
8–14 ... 7600
8–15 ... 7601
8–16 ... 7602
8–75 ... 7602
8–95 ... 7603
9–51 ... 7749
9–53 ... 7819
9–56 ... 7749
9–58 ... 7750
101–18 ... 7820
101–20 ... 7820
101–38 ... 7489

42 CFR

57 ... 7394, 7395

43 CFR

18 ... 7394
2230 ... 7605
3540 ... 7606
4110 ... 7606

PUBLIC LAND ORDERS:

5 (see PLO 3677) ... 7820
993 (revoked in part by PLO 3692) ... 7823
729 (revoked by PLO 3706) ... 7754
1757 (revoked in part by PLO 3673) ... 7752
3565 (correction) ... 7820

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

3598 (corrected by PLO 3675) ... 7753
3646 (corrected by PLO 3680) ... 7821
3661 ... 7521
3662 ... 7606
3663 ... 7750
3664 ... 7750
3665 ... 7750
3666 ... 7751
3667 ... 7751
3668 ... 7751
3669 ... 7751
3670 ... 7751
3671 ... 7752
3672 ... 7752
3673 ... 7752
3674 ... 7752
3675 ... 7753
3676 ... 7753
3677 ... 7820
3678 ... 7821
3679 ... 7821
3680 ... 7821
3681 ... 7821
3682 ... 7821
3683 ... 7821
3684 ... 7821
3685 ... 7822
3686 ... 7822
3687 ... 7822
3688 ... 7753
3689 ... 7822
3690 ... 7823
3691 ... 7823
3692 ... 7823
3693 ... 7824
3694 ... 7824
3706 ... 7754

45 CFR

60 ... 7371

46 CFR

146 ... 7437
221 ... 7490

46 CFR—Continued

Page

309 ... 7697
527 ... 7490

PROPOSED RULES:

248 ... 7291
290 ... 7722
380 ... 7722
533 ... 7574

47 CFR

0 ... 7521, 7755
1 ... 7419
31 ... 7711
33 ... 7711
73 ... 7314, 7711
89 ... 7522
97 ... 7755

PROPOSED RULES:

1 ... 7446
17 ... 7446
73 ... 7446, 7525, 7666, 7671, 7673.

48 CFR

201 ... 7754
211 ... 7754

49 CFR

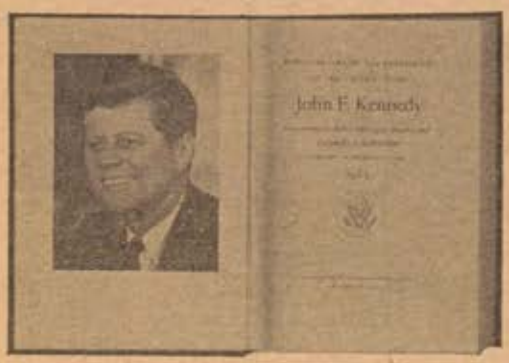
72 ... 7420
73 ... 7420
74 ... 7423
77 ... 7423
78 ... 7423
79 ... 7425
95 ... 7522
192 ... 7491
193 ... 7522

50 CFR

3 ... 7315
10 ... 7571
32 ... 7523
33 ... 7282, 7572, 7824
253 ... 7607
260 ... 7282
262 ... 7444
266 ... 7282

Latest Edition in the series of . . .

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES



John F. Kennedy, 1963

Contains verbatim transcripts of the President's news conferences and speeches and full texts of messages to Congress and other materials released by the White House during the period January 1–November 22, 1963.

Among the 478 items in the book are: special messages to the Congress on education, youth conservation, needs of the Nation's senior citizens, and on improving the Nation's health; radio and television addresses to the American people on civil rights and on the nuclear test ban treaty and the tax reduction bill; joint statements with leaders of foreign governments; and the President's final remarks at the breakfast of the Fort Worth Chamber of Commerce. Also included is the text of two addresses which the President had planned to deliver on the day of his assassination; President Johnson's proclamation designating November 25 a national day of mourning; and remarks at the White House ceremony in which President Kennedy was posthumously awarded the Presidential Medal of Freedom.

A valuable reference source for scholars, reporters of current affairs and the events of history, historians, librarians, and Government officials.

1007 Pages *Price: $9.00*

VOLUMES *of* PUBLIC PAPERS *of the* PRESIDENTS
currently available:

HARRY S. TRUMAN

1945	$5.50	1947	$5.25
1946	$6.00	1948	$9.75
1949	$6.75		

DWIGHT D. EISENHOWER:

1953	$6.75	1957	$6.75
1954	$7.25	1958	$8.25
1955	$6.75	1959	$7.00
1956	$7.25	1960–61	$7.75

JOHN F. KENNEDY:

1961	$9.00	1962	$9.00
1963	$9.00		

Volumes are published annually, soon after the close of each year. Earlier volumes are being issued periodically, beginning with 1945.

Contents:

- Messages to the Congress
- Public speeches
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups
- Public letters

Order from the: Superintendent of Documents
Government Printing Office
Washington, D.C. 20402