FEDERAL REGISTER

VOLUME 30 • NUMBER 146

Friday, July 30, 1965 • Washington, D.C.

Pages 9525–9565

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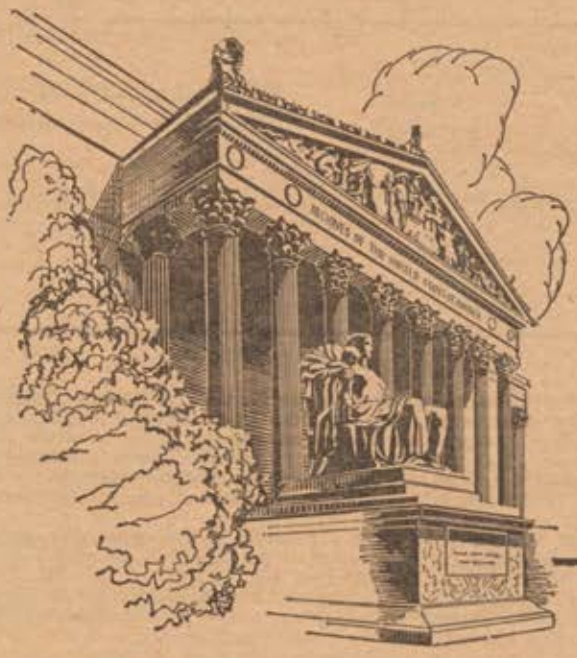

FEDERAL REGISTER

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.

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Aviation Agency

Section 213.3357 is amended to show that the position of Assistant Administrator for General Aviation Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (f) of § 213.3357 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 65-8016; Filed, July 29, 1965; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Federal Aviation Agency

Section 213.3357 is amended to show that the position of Executive Advisor to the Administrator is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3357 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 65-8017; Filed, July 29, 1965; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show the exception under Schedule C of the position of Assistant for Congressional Relations. Effective on publication in the FEDERAL REGISTER, paragraph (dd) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(dd) One Assistant for Congressional Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 65-8018; Filed, July 29, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Subpart E—Cotton Fiber and Processing Tests

REVISIONS IN SCHEDULE OF TESTS AND FEES

Statement of consideration leading to amendment. The purposes of these amendments to the Regulations for Cotton Fiber and Processing Tests are to: (1) Delete several test items which are no longer in demand by users of the service; (2) make minor clarification changes in the wording of some test items; (3) provide for additional test items which are now used in the industry; and (4) make slight adjustments of fees for a few tests.

Pursuant to authority contained in section 3c of the Cotton Statistics and Estimates Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c), § 28.956 of the Regulations for Cotton Fiber and Processing Tests is amended as follows:

1. Item numbers 1 through 10.1 are deleted in their entirety and the following substituted therefor:

Item No., Kind of Test, and Fee per Test	
1. Furnishing USDA calibration cotton in the short, medium, long and extra long staple lengths, including standard values for length by both array and Fibrograph methods, strength by flat bundle method at ⅛-inch gauge, and maturity and fineness by the Causticaire method:	
a. By surface delivery, 1-pound sample	$7.50
b. By air delivery within the United States, 1-pound sample	8.50
c. By air delivery outside the United States, 1-pound sample	9.50
2. Furnishing international calibration cotton standards with standard values for micronaire reading and Pressley fiber strength at zero gauge:	
a. By surface delivery, ½-pound sample	5.00
b. By air delivery within United States, ½-pound sample	5.50
c. By air delivery outside United States, ½-pound sample	6.00
3. Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, the average length and the average length variability as based on 3 specimens from a blended sample:	
a. Ginned cotton lint, per sample	15.50
b. Cotton comber nolls, per sample	21.75
c. Other cotton wastes, per sample	$28.00
3.1. Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 2 specimens from a blended sample:	
a. Ginned cotton lint, per sample	11.25
b. Cotton comber nolls, per sample	17.50
c. Other cotton wastes, per sample	23.75
3.2. Fiber array of cotton samples including purified or absorbent cotton. Reporting the average percentage of fibers ½-inch and longer by weight, the average of fibers shorter than ½-inch by weight, the average length, and the average length variability as based on 3 specimens from each sample, per sample	15.50
4. Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and the average length uniformity as based on 4 specimens from a blended sample, per sample	1.75
Minimum fee unless performed in connection with other tests requiring a blended specimen	3.50
4.1. Fiber length of ginned cotton lint by Fibrograph method. Reporting the length of each sub-sample and the average length and the average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples, per sub-sample	1.00
Minimum fee	4.00
5. Fiber strength of ginned cotton lint by flat bundle method. Reporting the average strength as based on 6 or more specimens from a blended sample, per sample	1.75
Minimum fee unless performed in connection with other tests requiring a blended sample	3.50
5.1. Fiber strength of ginned cotton lint by flat bundle method. Reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples, per sub-sample	1.00
Minimum fee	4.00
6. Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and Micronaire reading as based on 2 specimens from a blended sample, per sample	2.50
Minimum fee	7.50
7. Micronaire readings on ginned cotton lint. Reporting the Micronaire reading as based on 1 specimen from each sample, per sample	.25
Minimum fee	3.00

8. Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample	$2.50
Minimum fee unless performed in connection with other tests requiring a blended specimen	7.50
9. Blending samples of ginned cotton lint, including the blending of a 10-gram sample on the mechanical fiber blender and returning the blended sample to the applicant, per sample	1.25
10. Moisture content of ginned cotton lint, cotton stock at various stages of processing, and cotton lint waste of various types. Reporting the percentage of moisture content by the oven-drying method as based on a 20-gram specimen, per sample	1.00
Minimum fee	4.00

2. Item numbers 18.1, 18.2, 20.2, and 20.3 are deleted in their entirety.

3. Item number 18.3 is renumbered 18.1.

4. Item numbers 22, 22.1, 22.2, 23, 23.1, and 23.2 are deleted in their entirety and the following substituted therefor:

Item No., Kind of Test, and Fee per Test	
22. Color of ginned cotton lint. Reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter Colorimeter on samples which have a uniform surface measuring 5 x 6½ inches and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque, per sample	$0.25
Minimum fee	2.00
23. Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set	30.00
23.1 Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson - Hunter Colorimeters, per box	5.00
23.2 Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box	1.50

5. Item numbers 29, 29.1, and 29.2 are amended to read as follows:

Item No., Kind of Test, and Fee per Test	
29. Combination fiber test:	
a. Test items 4, 5, and 6, per sample	$5.00
Minimum fee	10.00
b. When tested in connection with spinning test numbers 11, 12, 13, 14, and 15, per sample	3.75
29.1. Combination fiber test:	
a. Test items 4, 5, and 7, per sample	3.25
Minimum fee	6.50
b. When tested in connection with spinning test numbers 11, 12, 13, 14, and 15, per sample	1.50
29.2. Combination fiber test, including test items 4.1, 5.1, and 7 (on 3 or more replicate subsamples), per sub-sample	$1.75
Minimum fee	5.25

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c. Interpret or apply sec. 3d, 55 Stat. 131; 7 U.S.C. 473d)

These amendments pertain to deletion of obsolete test items, minor clarifications in wording of some existing test items, addition of new test items, and slight adjustment of fees for a few tests. The revision of fees depends upon facts within the knowledge of the Consumer and Marketing Service. The other changes will not require advance preparation or cause undue hardships on the part of users of the testing service. Moreover, it will be to the advantage of such users to have the new test items available at the earliest possible date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective on August 15, 1965.

Dated: July 26, 1965.

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

[F.R. Doc. 65-8037; Filed, July 29, 1965; 8:45 a.m.]

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and U.S. Classes, Standards, and Grades with Respect Thereto (7 CFR, Part 70) as set forth below.

Statement of considerations. The present standards contain certain tolerances that apply to a group of poultry which includes birds that vary appreciably in size. For example, the same tolerances for cuts, tears, missing skin, and discolorations apply to a 1-pound Rock Cornish Game Hen and a 4-pound stewing chicken because they are the same kind of bird. There is, however, an obvious difference in the area of skin covering these birds. The present amendments correct this situation by establishing tolerances specifically based upon the size rather than the class of the poultry.

The amendments establish tolerances in four different categories in lieu of the two categories now in use. The two categories presently used are (1) chickens, ducks, guineas and pigeons; and (2) turkeys and geese. The new categories are all classes of poultry in the following weight ranges: (1) 1½ pounds or less; (2) over 1½ pounds and not more than 6 pounds; (3) over 6 pounds and not more than 16 pounds; (4) more than 16 pounds. In order to be compatible with the changes in categories under which tolerances for exposed flesh and discolorations are listed, tolerances for freezing defects in A Quality due to drying of the inner skin are shown in the same manner.

The amendments also include standards for raw A Quality, ready-to-cook poultry roasts, and A, B, and C Quality poultry backs. The increasing importance of further processed poultry products to the industry emphasizes the need for quality standards for these items. This is particularly true because there is a vast range in the quality of product bearing the same name. Proposed standards for poultry roasts were published in the FEDERAL REGISTER on November 9, 1963 (28 F.R. 12063). The Department announced in the FEDERAL REGISTER on June 20, 1964 (29 F.R. 7857), that the publication of any such standards would be delayed since the comments received showed an interest and need for such standards but indicated a diversity of opinion regarding the appropriate factors to consider in quality evaluation. Subsequent information made it possible to republish proposed standards for A Quality poultry roasts in the FEDERAL REGISTER on May 7, 1965 (30 F.R. 6396).

There were some comments in opposition to the establishment of standards for A Quality poultry roasts. However, in view of strong recommendations to adopt such proposed standards from those using similar quality standards and reports of excellent consumer acceptance of this product, the standards for A Quality poultry roasts are promulgated practically as proposed.

Changing procurement and marketing practices have made some poultry grades obsolete. The amendments delete the live poultry grades and the wholesale poultry grades. The individual quality standards for live poultry are retained with amendments, to provide criteria to determine when flocks are ready for market.

The suggested weight specifications for dressed poultry and ready-to-cook poultry are deleted. Dressed poultry is of little import in modern marketing. Because of the rapid rate of growth and versatility of young ready-to-cook poultry, weight as an indication of method of cooking is misleading. For example, young chickens weighing 4 pounds could be suitable for either frying or roasting.

Minor changes are made in the class descriptions of poultry to have them correspond with the descriptions used in Part 81 of this chapter. Other minor

changes are made in other sections for the sake of clarity.

The amendments are essentially the same as those proposed in the FEDERAL REGISTER of May 7, 1965, except for the following changes:

After due consideration of comments received and other information available to the Department, the tolerance for exposed flesh, other than on the breast and legs of A Quality poultry weighing over 16 pounds, remains unchanged from the present standards, as does the usual age of Rock Cornish Game Hens.

Section 70.80 which concerns other applicable regulations is deleted because it is unnecessary and could cause confusion. Section 70.141(a)(13) concerning charges for voluntary inspection service is changed so as to better describe the system of reimbursement to other divisions, agencies, or departments which perform inspection service for the Consumer and Marketing Service. Section 70.142(b) on reassignment of graders when application is in effect during season of no operation is changed so as to allow 45 days notice for reassignment of a grader instead of 20 days. This does not preclude reassignment earlier when graders are available.

These changes, which were not published as proposed rule making, are primarily of an administrative nature and will not require any substantial change in the operations of the affected industry. The facts upon which the determinations are made with respect to these changes are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional data and facts on these matters. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure with respect to the aforementioned changes are impracticable and unnecessary.

The amendments are as follows:

§ 70.80 [Deleted]

1. The heading "Other Applicable Regulations" preceding § 70.80, and § 70.80 are hereby deleted.

2. Section 70.141(a)(13) is hereby amended to read:

§ 70.141 Inspection performed on a resident inspection basis.

(a) *Charges* * * *

(13) A charge equal to the actual amounts reimbursed to other divisions of C&MS and other Federal agencies plus 25 percent of such amounts to cover administrative overhead, when inspectors of such divisions or agencies are assigned to the designated plant for inspection of canning or processing of poultry food products. The charges provided for in this subparagraph are in lieu of the charges specified is subparagraphs (3) through (9) and (11) of this paragraph.

* * * * *

3. Section 70.142(b) is hereby amended to read:

§ 70.142 Charges and other provisions where application is in effect during season of no operation.

* * * * *

(b) *Other provisions.* In making a request, the applicant shall agree not to process or label any product until a grader is reassigned and not to use or ship any packaging or labeling material bearing the official mark without prior approval of a Federal-State Supervisor. Reassignment of graders will be subject to the availability of qualified graders and applicants shall request reassignment of a grader 45 days prior to the date that operations will be resumed.

* * * * *

4. Section 70.181 is hereby amended to read:

§ 70.181 Live poultry.

Grading service performed with respect to any quantity of live poultry shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such gradings may be recorded on an official poultry grading certificate and will be applicable only to the individual birds graded.

5. Sections 70.301 (e), (f), and (g) are hereby amended to read:

§ 70.301 Chickens.

* * * * *

(e) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or rooster.

(f) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and nonflexible breastbone tip.

(g) *Cock or rooster.* A cock or rooster is a mature male chicken and coarse skin, toughened and darkened meat, and hardened breastbone tip.

6. Section 70.305 (a) and (b) are hereby amended to read:

§ 70.305 Guineas.

* * * * *

(a) *Young guinea.* A young guinea may be of either sex, is tender-meated and has a flexible breastbone cartilage.

(b) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh and a hardened breastbone.

7. Section 70.325 (b) and (c) are hereby amended to read:

§ 70.325 A Quality or No. 1 Quality.

* * * * *

(b) Is well feathered, with feathers quite thoroughly covering all parts of the body; and may have a slight scattering of pinfeathers.

(c) Is of normal physical conformation. (Slight deformities which do not affect the normal distribution of the flesh and do not detract from the appearance of the carcass are permitted.)

* * * * *

8. Section 70.326(c) is hereby amended to read:

§ 70.326 B Quality or No. 2 Quality.

* * * * *

(c) May have moderate deformities in conformation such as a dented, curved or crooked breast, crooked back, or misshapen legs or wings which do not seriously affect the distribution of the flesh or the appearance of the carcass.

* * * * *

§ 70.330 [Deleted]

9. The heading "United States Grades for Live Poultry" preceding § 70.330, and § 70.330 are hereby deleted.

§§ 70.335, 70.336, 70.337 and 70.338 [Deleted]

10. The heading "Grades" preceding § 70.335, and §§ 70.335, 70.336, 70.337, and 70.338 are hereby deleted.

§ 70.350 [Amended]

11. Sections 70.350 (a) and (b) are hereby amended by changing "70.355" in the first sentences to read "70.356."

12. Sections 70.350 (c) and (e)(8) are hereby amended to read:

§ 70.350 General.

* * * * *

(c) In interpreting the respective requirements specified in §§ 70.350 to 70.356 for A Quality, B Quality, and C Quality, the intensity, aggregate area involved and locations of (1) discolorations (whether or not caused by dressing operations); (2) bruises; (3) exposed flesh (resulting from cuts, tears and missing skin); (4) pinfeathers; and (5) freezing defects, as such defects individually, or in combination, detract from the general appearance, shall be considered in determining the particular quality of an individual carcass or part.

* * * * *

(e) * * *

(8) "Backs" that are officially identified shall meet the applicable provisions of §§ 70.353, 70.354, and 70.355.

* * * * *

13. Section 70.353 (e), (g) and (h)(2) are hereby amended and new paragraph (i) added to read as follows:

§ 70.353 A Quality.

* * * * *

(e) *Exposed flesh.* Parts are free of exposed flesh resulting from cuts, tears, and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere the carcass may have exposed flesh due to slight cuts, tears, and areas of missing skin provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound, 8 ounces.	1 inch	2 inches.
Over 1 pound, 8 ounces.	6 pounds	2 inches	3 inches.
Over 6 pounds	16 pounds.	2½ inches	4 inches.
Over 16 pounds	None	3 inches	5 inches.

(g) *Discolorations of the skin and flesh.* The carcass or part is practically free of such defects. Discolorations due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin such as "blue back" are not permitted on the breast or legs of the carcass or on these individual parts, and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises and discolorations such as "blue back," singly or in any combination, shall not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed that of a circle ¼ inch in diameter for poultry weighing up to 6 pounds and ½ inch in diameter for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound, 8 ounces.	½ inch	1 inch.
Over 1 pound, 8 ounces.	6 pounds	1 inch	2 inches.
Over 6 pounds	16 pounds.	1½ inches	2½ inches.
Over 16 pounds	None	2 inches	3 inches.

* * * * *

(h) *Freezing defects.* * * *

(2) Occasional pockmarks due to drying of the inner layer of skin (derma) (however, none may exceed the area of a circle ⅛ inch in diameter for poultry weighing 6 pounds or less, and ¼ inch in diameter for poultry weighing over 6 pounds);

* * * * *

(i) *Backs.* A Quality backs shall meet all applicable provisions of this section pertaining to parts and shall include the meat contained on the ilium (oyster), pelvic meat and skin and vertebral ribs and scapula with meat and skin.

14. Sections 70.354 (a), (e), and (g) are hereby amended to read as follows, and a new paragraph (i) is added to read as follows:

§ 70.354 B Quality.

(a) *Conformation.* The carcass or part may have moderate deformities, such as a dented, curved, or crooked breast, crooked back or misshapen legs or wings which do not materially affect the distribution of flesh or the appearance of the carcass or part.

* * * * *

(e) *Exposed flesh.* Parts may have exposed flesh resulting from cuts, tears and missing skin, provided that not more than a moderate amount of the flesh normally covered by skin is exposed. The carcass may have exposed flesh resulting from cuts, tears and missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound, 8 ounces.	¾ inch	1½ inches.
Over 1 pound, 8 ounces.	6 pounds	1½ inches	3 inches.
Over 6 pounds	16 pounds.	2 inches	4 inches.
Over 16 pounds	None	3 inches	5 inches.

Notwithstanding the foregoing, a carcass meeting the requirements of A Quality for fleshing may be trimmed to remove skin and flesh defects, provided that no more than one-third of the flesh is exposed on any part and the meat yield of any part is not appreciably affected.

* * * * *

(g) *Discolorations of the skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin such as "blue back" are permitted, but the total areas affected by such discolorations, singly or in any combination, may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed the area of a circle having a diameter of ½ inch for poultry weighing up to 1 pound, 8 ounces; 1 inch for poultry weighing over 1 pound, 8 ounces but not more than 6 pounds; and 1½ inches for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed the area of a circle of the diameter as specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound, 8 ounces.	None	¾ inch.
Over 1 pound, 8 ounces.	6 pounds	None	1½ inches.
Over 6 pounds	16 pounds.	None	2 inches.
Over 16 pounds	None	None	3 inches.

* * * * *

(i) *Backs.* B Quality backs shall meet all applicable provisions of this section pertaining to parts and shall include either the meat contained on the ilium (oyster) and meat and skin from the pelvic bones or the vertebral ribs and scapula with meat and skin.

15. A new paragraph (c) is hereby added to § 70.355 to read:

§ 70.355 C Quality.

* * * * *

(c) C Quality backs shall include the meat and skin from the pelvic bones except that the meat contained on the ilium (oyster) may be removed. The vertebral ribs and scapula with meat and skin may also be removed, but the remaining portion must have the skin substantially intact.

16. A new § 70.356 following the heading "Standards for Quality of Specified Poultry Food Products" is hereby added to read:

§ 70.356 Poultry roast—A Quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with Part 81 of this chapter as ready-to-cook "Rolls," "Roasts," "Bars," or "Logs," or with words of similar import.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry of A Quality with respect to fleshing and fat covering.

(b) All tendons, cartilage, large blood vessels, blood clots, and discolorations shall be trimmed from the meat.

(c) All pinfeathers, bruises, hair, discolorations and blemishes shall be removed from the skin, and where necessary, excess fat shall be removed from the skin covering the crop area or other areas.

(d) Seventy-five percent or more of the outer surface of the product shall be covered with skin, whether attached to the meat or used as a wrap. The skin shall not appreciably overlap at any point. Product packaged in an oven-ready container need have only the entire exposed surface of the roast covered with skin. The combined weight of the skin and fat used to cover the outer surface and that used as a binder shall not exceed 15 percent of the total net weight of the product.

(e) The product shall be fabricated in such a manner that each slice remains substantially intact (does not separate into more than three parts) when sliced warm after cooking. This may be accomplished by use of large pieces of poultry or by use of approved binders.

(f) Seasoning or flavor enhancers, if used, shall be uniformly distributed.

(g) Product shall be fabricated or tied in such a manner that it will retain its shape after defrosting and cooking.

(h) Packaging shall be neat and attractive.

(i) Product shall be practically free of weepage after packaging and/or freezing, and, if frozen, shall have a bright, desirable color.

17. Section 70.360(a) is hereby amended by changing "§ 70.355" to read "§ 70.356" and paragraph (b) is hereby amended to read as follows and paragraph (d) is deleted:

§ 70.360 General.

* * * * *

(b) The U.S. Grades for Dressed Poultry, Ready-to-Cook Poultry and Specified Poultry Food Products are applicable to poultry of the kinds and classes set forth in § 70.300 through § 70.306 when the carcasses or parts, including those used in the fabrication of poultry food products, have been graded in accordance with § 70.30 on an individual basis or on the basis of each carcass in a representative sample, whichever is applicable in accordance with paragraph (c) or (e) of this section, and when fabrication of the poultry food products has been done under the supervision of a grader.

* * * * *

§§ 70.364, 70.365, 70.366 [Deleted]

22. The headings "United States Wholesale Grades for Dressed Poultry and Ready-To-Cook Poultry" and "Grades" preceding § 70.364, and §§ 70.364, 70.365, and 70.366 are hereby deleted.

§ 70.370 [Deleted]

23. The heading "Weight Specifications" preceding § 70.370, and § 70.370 are hereby deleted.

(Secs. 203 and 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, 30 F.R. 1260, as amended; 30 F.R. 2160)

Done at Washington, D.C., this 26th day of July 1965, to become effective September 1, 1965.

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

[F.R. Doc. 65-8070; Filed, July 29, 1965; 8:50 a.m.]

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

[958.310]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter established, limiting the grade, size, and quality of such onions will tend to effectuate the declared policy of the act and will maintain orderly marketing conditions and increase returns to producers of such onions.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1965 crop onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to growers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under this marketing order program since 1957, so special preparation on the part of handlers is not required, and (4) information regarding the Committee's recommendation containing the same requirements and effective period as herein has been disseminated to producers and handlers in the production area.

§ 958.310 Limitation of shipments.

During the period from August 2 through June 15, 1966, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragraph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 20, 1965, no person may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade.* U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(ii) *Size.* 2 inches in diameter.

(2) *White varieties*—(i) *Grade.* (*a*) U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(*b*) U.S. No. 2, or better, grade if the minimum and maximum diameters of the onions in the lot are not less than 1 inch nor more than 2 inches.

(ii) *Size.* Except as otherwise provided in paragraph (a)(2)(i)(*b*), 1½ inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the Committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the Committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the Committee office, and two copies to the processor for signing and returning one copy to the Committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the Committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the Committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Onions (§§ 51.2830-51.2850 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated: July 27, 1965, to become effective August 2, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-8071; Filed, July 29, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Statement with respect to the tobacco price support loan program formulated by Commodity Credit Corporation and Agricultural Stabilization and Conservation Service (hereinafter referred to respectively as "CCC" and "ASCS"). Due to certain operational changes in the tobacco loan program, this part is hereby revised and reissued.

Sec.
1464.1705 Administration.
1464.1706 Availability of price support.
1464.1707 Level of price support.
1464.1708 Deductions from advances.
1464.1709 Interest rate and general provisions.
1464.1710 Adjustment of interest and disposition of overplus.
1464.1711 Maturity date.
1464.1712 Eligible producer.
1464.1713 Eligible tobacco.
1464.1714 Auction warehouse certification of flue-cured tobacco.

AUTHORITY: The provisions of this Part 1464 issued under sec. 4, 62 Stat. 1070, as

amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

§ 1464.1705 Administration.

(a) This program will be administered by the Producer Associations Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Producer Associations Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 1464.1708. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 1464.1706 Availability of price support.

(a) Subject to the provisions of paragraph (c), price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee fire-cured tobacco, types 22 and 23.
Virginia fire-cured tobacco, type 21.
Virginia sun-cured tobacco, type 37.
Dark air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) No price support will be available on flue-cured tobacco which exceeds 110 percent of the applicable farm marketing quota.

(d) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Auction market area.* (i) In the areas where tobacco is marketed through auction markets, price support will be extended through auction warehouses which have contracted with the association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association contract with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. For flue-cured tobacco the association contract with auction warehouses will also require the auction warehouse to mark any warehouse bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will in turn be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and Subpart A of 7 CFR Part 29. These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(iv) In the case of flue-cured tobacco, price support will be available through auction warehouses in the States of Georgia and Florida only if such tobacco is in untied form. During the first seven sales days on each flue-cured tobacco market, other than the Georgia and Florida markets, price support will be available on eligible tobacco of all grades of tied tobacco and only on lugs, primings, and nondescript grades thereof, of untied tobacco. Beginning with the eighth day of sale, price support will be available only on eligible tobacco offered for sale in tied form.

(2) *Non-Auction market area.* Eligible producers in non-auction market areas will deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided.

§ 1464.1707 Level of price support.

(a) The level of price support to eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (1) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (2) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 12½ cents, for comparable grades of acceptable varieties.

(b) Maryland tobacco classified as type 32b will be supported at 75 percent, rounded to the nearest dollar, of the support rate for comparable grades of regular type 32 tobacco.

§ 1464.1708 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 25 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which they will collect such charges and remit to the associations. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price

support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (7 CFR 724) will bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

§ 1464.1709 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop year and will be non-recourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the loan agreement. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and all proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full.

§ 1464.1710 Adjustment of interest and disposition of overplus.

The loan agreement for any crop between CCC and any association may include provisions under which CCC will adjust the interest rate as provided in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" under such agreement to the loan indebtedness of the association under other loan agreements. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the arrangement is made.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the tobacco pledged as security for the loan under any loan agreement, after deducting (1) the amount of the loan, plus all handling charges and operating costs, and interest; and (2) any amount due CCC under a barter transfer agreement entered into between CCC and the association.

(b) *Disposition of overplus.* For any association which agrees to apply one-half of the overplus under a loan agreement for any crop to the loan indebtedness of the association under other agreements, the remaining one-half of the overplus shall constitute "net gains", and for any association which does not agree to so apply one-half of the overplus, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by each association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply to the CCC loan indebtedness under loan agreements for other crops one-half of the overplus under a loan agreement for any crop, the interest rate on the loan indebtedness under the latter agreement shall be adjusted annually, as of the beginning of each subsequent marketing year (July 1 for flue-cured tobacco loans and October 1 for loans on other kinds of tobacco) to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided*, That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC borrowings from the Treasury, but not exceeding the rate of interest established by CCC as applicable to the current crop year loans.

§ 1464.1711 Maturity date.

Loans made under the program will mature on demand.

§ 1464.1712 Eligible producer.

All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year, a marketing card has been issued for his farm which, (1) if for flue-cured tobacco, does not bear the words "No Price Support," and (2) if for other than flue-cured tobacco, is designated a "Within Quota" marketing card. (In general, the marketing quota regulations provide for the issuance of marketing cards designated "Within Quota" or not marked "No Price Support" where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for the farm. However, a "Within Quota" marketing card is not issued or a marketing card is marked "No Price Support" where (1) the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of excess acreage is filed promptly, or (2) tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

§ 1464.1713 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a type or crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from (1) a Within Quota Marketing Card, if other than flue-cured tobacco, or (2) a Marketing Card which does not bear the words "No Price Support", if flue-cured tobacco; (c) if flue-cured tobacco, is offered for marketing on a warehouse bill not marked "No Price Support", for a number of pounds which, when added to the pounds of flue-cured tobacco previously marketed, does not exceed 110 percent of the applicable farm marketing quota, or the number of pounds as shown on the front cover of the marketing card, if smaller; (d) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (f) is in sound and merchantable condition; (g) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 1464.1714 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the warehouse floor sheet, and shall use certified basket tickets on the tobacco only if the marketing card

presented does not bear the words "Discount Variety". In the case of resale tobacco (tobacco which has previously been sold by the producer), the tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, he may require tobacco which is eligible for full price support to be covered by a Form MQ 79-1, Dealer's Certification-Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director or his representative. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless he has obtained Form MQ 79-1, properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ 79-1 Dealer's Certification-Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a valid memorandum of nonwarehouse sale issued from a marketing card not bearing the words "Discount Variety" or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification-Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

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

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

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

Approved: July 27, 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65-8091; Filed, July 28, 1965; 12:50 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6318; Amdt. 39-111]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Camera and Instrument Corp. Model 5424 ( ) Series Flight Data Recorders

Amendment 39-38 (30 F.R. 2256), AD 65-5-3, as amended by Amendment 39-92 (30 F.R. 8155), requires the incorporation of certain modifications on Fairchild Camera and Instrument Corp. Model 5424 ( ) Series flight data recorders. The Agency has been made aware that the compliance paragraph of the AD does not reflect the true intent of the Agency, that is to require compliance within eight calendar months after the effective date of the AD, without regard for hours' time in service. The Agency feels in the interest of safety it is necessary to modify these flight recorders as soon as possible, and eight months were allowed for compliance only because parts would not be available in sufficient time to require earlier compliance.

Since the Agency intended that all operators comply with the AD within eight calendar months after its effective date, and the necessary parts are now available to enable all operators to comply within that time, Amendment 39-38 as amended is further amended by striking out the words "time in service" from the compliance paragraph.

As a situation exists which demands immediate adoption of this regulation, it is found that 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, Amendment 39-38 (30 F.R. 2256), AD 65-5-3, as amended by Amendment 39-92 (30 F.R. 8155), is further amended by striking out the words "time in service" from the compliance paragraph.

This amendment becomes effective July 30, 1965.

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

Issued in Washington, D.C., on July 23, 1965.

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

[F.R. Doc. 65-8019; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. 6107; Amdt. 39-109]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Service Co. Models 109C and 109D Flight Recorders

Amendment 39-17 (29 F.R. 18477), AD 65-1-3, requires the incorporation of certain modifications on Lockheed Aircraft Service Co. Models 109C and 109D flight recorders. The Agency has been made aware that the compliance paragraph of the AD does not reflect the true intent of the Agency, that is, to require compliance within 8 calendar months after the effective date of the AD, without regard for hours' time in service. The Agency feels in the interest of safety it is necessary to modify these flight recorders as soon as possible, and 8 months were allowed for compliance only because parts would not be available in sufficient time to require earlier compliance.

Since the Agency intended that all operators comply with the AD within 8 calendar months after its effective date, and the necessary parts are now available to enable all operators to comply within that time, Amendment 39-17 is amended by striking out the words "time in service" from the compliance paragraph.

As a situation exists which demands immediate adoption of this regulation, it is found that 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, Amendment 39-17 (29 F.R. 18477), AD 65-1-3, is amended by striking out the words "time in service" from the compliance paragraph.

This amendment becomes effective July 30, 1965.

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

Issued in Washington, D.C., on July 23, 1965.

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

[F.R. Doc. 65-8020; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. 6361; Amdt. 39-110]

PART 39—AIRWORTHINESS DIRECTIVES

United Data Control, Inc., Model F-542, Series Flight Data Recorders

Amendment 39-97 (30 F.R. 8263), AD 65-14-6 requires the incorporation of certain modifications on United Data Control, Inc., Model F-542, Series flight data recorders. The Agency has been made aware that the compliance paragraph of the AD does not reflect the true intent of the Agency, that is to require compliance within 8 calendar months after the effective date of the AD, without regard for hours' time in service. The Agency feels in the interest of safety it is necessary to modify these flight recorders as soon as possible, and 8 months were allowed for compliance only because parts would not be available in sufficient time to require earlier compliance.

Since the Agency intended that all operators comply with the AD within 8 calendar months after its effective date, and the necessary parts are now available to enable all operators to comply within that time, Amendment 39-97 is amended by striking out the words "time in service" from the compliance paragraph.

As a situation exists which demands immediate adoption of this regulation, it is found that 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, Amendment 39-97 (30 F.R. 8263), AD 65-14-6 is amended by striking out the words "time in service" from the compliance paragraph.

This amendment becomes effective July 30, 1965.

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

Issued in Washington, D.C., on July 23, 1965.

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

[F.R. Doc. 65-8021; Filed, July 29, 1965; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION FOR IMMIGRANT STATUS AS A HIGHLY SKILLED PERSON OR AS A MINISTER

Petition

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The third sentence of § 204.1 *Petition* is amended to read as follows: "A first preference petitioner may be required, as a matter of discretion, to appear in person before an immigration officer prior to adjudication of the petition and be interrogated under oath concerning the allegations in the petition."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon persons affected thereby.

Dated: July 26, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 65-8038; Filed, July 29, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-6—MISCELLANEOUS REGULATIONS

ADP Sharing Exchanges

The following new Subpart 101-6.3 is a codification of and supersedes FPMR Temporary Regulation No. A-1, Subject: Government-wide Automatic Data Processing Sharing Exchange Program (29 F.R. 15932).

1. The table of contents for Part 101-6 is amended by the addition of the following entries:

Subpart 101-6.3—Government-Wide Automatic Data Processing Sharing Exchange Program

Sec.
101-6.300 Scope of subpart.
101-6.301 Background.
101-6.302 Government-wide practices concerning utilization of ADP resources.
101-6.303 Concept of the program.
101-6.304 Terms of reference.
101-6.305 Responsibilities.
101-6.306 Operational guide.
101-6.307 Information requirements and use.
101-6.308 Guides for concluding sharing arrangements.

Subparts 101-6.4—101-6.48 [Reserved]

Subpart 101-6.49—Forms, Reports, and Instructions

101-6.4900 Scope of subpart.
101-6.4901 Reporting.
101-6.4902 Forms.
101-6.4902-2068 GSA Form 2068, Request for ADP Services.
101-6.4902-2068A GSA Form 2068A, Quarterly Report of ADP Service Provided to Another Agency or Obtained from a Commercial Source.
101-6.4902-2068B GSA Form 2068B, Computer Facilities on Hand (Including Auxiliary Equipment).
101-6.4902-2068C GSA Form 2068C, Punched Card Facilities (Including Other Auxiliary Devices).

AUTHORITY: The provisions of the Subpart 101-6.3 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Part 101-6 is amended by the addition of the following subpart:

Subpart 101-6.3—Government-Wide Automatic Data Processing Sharing Exchange Program

§ 101-6.300 Scope of subpart.

This subpart sets forth the regulations and responsibility of the General Services Administration for establishing a Government-wide Automatic Data Processing (ADP) Sharing Exchange Program.

§ 101-6.301 Background.

(a) Under the provisions of Bureau of the Budget Circular A-27, June 15, 1964, and Bureau of the Budget Circular A-71, March 6, 1965, the General Services Administration is charged with the responsibility for establishing and arranging for the operation of ADP Sharing Exchanges in those areas of the United States (except Washington, D.C.) where there is a concentration of ADP resources to indicate such establishment would provide effective service to Federal agencies. This will include Government-owned, contractor-operated installations (GOCO).

(b) By letter of July 28, 1964, the Bureau of the Budget directed all major using agencies to investigate the following utilization possibilities before proceeding with their determinations to procure additional ADP equipment:

(1) More extensive use of ADP equipment in place in their organizations;

(2) Use of ADP equipment reported as excess under § 101-43.313-5; and

(3) Use of ADP sharing arrangements with other agencies and their GOCO contractors.

§ 101-6.302 Government-wide practices concerning utilization of ADP resources.

In order to make the maximum possible contribution to the President's cost reduction program:

(a) The practice of offering, and using, available ADP resources within and among Federal agencies and their GOCO contractors is to be encouraged; and

(b) Excess or surplus ADP equipment which is already in the Government inventory, whether owned or leased, is to be considered as a primary source of acquisition where technically feasible and economically advantageous to the Government.

§ 101-6.303 Concept of the program.

(a) The GSA ADP Sharing Exchanges will be operated under the concept of a nonregulatory information and referral system designed to provide maximum

assistance to any agency in (1) obtaining initial or additional ADP resource capability or services, and (2) making its determination with respect to new procurement of ADP equipment or contractual services. Under this concept, it is expected that each agency will establish its own management controls and follow-up procedures to assure compliance with the Government-wide policy.

(b) GSA's national ADP equipment availability records are available for agency screening prior to initiation of procurement.

(c) The Government-wide ADP Sharing Exchange Program is intended to generally include all types of data processing equipment. Exceptions: The following ADP equipment may be exempted from the Government-wide ADP Sharing Exchange Program at the option of the user agency:

(1) Equipment used in such a manner as to be an integral part of a weapons system. This exclusion does not include equipment used in support of a weapons system program.

(2) Analog computers classified as special devices (i.e., link trainers, custom built single purpose computing devices, or computing devices manufactured for the Government under a developmental contract).

(3) Equipment classified as "DEDICATED" which means those computers and punched card equipments which are used for a single purpose and, because of the characteristics of the applications, are not subject to handling external applications.

(4) Punched card equipment units which are categorized by an agency as insignificant in size; or are to be phased out as an installation.

§ 101–6.304 Terms of reference.

(a) For the purpose of this program, "ADP resources" is intended to include hardware, software, and personal services; viz: general purpose analog and digital computers, peripheral gear, and auxiliary special devices; punched card equipment; references to a library of applications, systems, or problems to which a computer is applied; packaged programs and systems; operating personnel or staff for consultation; and technical reference libraries in regards to ADP equipment configurations.

(b) ADP sharing is defined as the utilization of any ADP resource to perform work for an organization not an organic part of the organization operating the ADP facility and where the providing organization is not normally responsible for, or funded and staffed, to produce such work. Sharing potentials under this program are:

(1) Between Government agencies;

(2) Between bureaus (or equivalent organizations) within an agency;

(3) Between organizations within a bureau or equivalent organization;

(4) Between a Government entity and Government-owned, contractor-operated installation (GOCO);

(5) Between GOCO's; and

(6) Within a GOCO which operates more than one ADP facility.

(c) All technical terms used in this issuance have the same meaning as those described in the Bureau of the Budget ADP Glossary, December 1962, and in the Bureau of the Budget Circular A–55, Revised, dated November 15, 1963, on the subject "Annual reports on the utilization of automatic data processing (ADP) equipment."

(d) The sharing of ADP equipment, time, personal services, and related resources is clearly permissible under the Government directives and regulations now in force. The Government ADP contracts with suppliers do not prohibit or restrict ADP sharing arrangements.

(e) Sharing arrangements may be made on either a reimbursable or non-reimbursable basis. Until a uniform rate structure for Government-wide application becomes available, the cost of reimbursable services will be a matter of direct negotiation by the agencies concerned. In determining cost, consideration should be given to such factors as operator and supervisory salaries, overhead, cost of supplies, maintenance, machine rental, depreciation, etc. There will be no charge for "informational services" provided by the ADP Sharing Exchanges.

§ 101–6.305 Responsibilities.

(a) The General Services Administration will carry out the following responsibilities:

(1) Arrange for the establishment and operation of ADP Sharing Exchanges.

(2) Acquire and maintain data necessary to record ADP sharing availability and accomplishment on a Government-wide basis; analyze such data for identification of volume, types of actual or potential service available, monetary values of accomplished sharing, trends, and other pertinent information necessary to provide essential reports and to identify deterrents and advantages to sharing.

(3) Conduct, arrange for, and promote activities that will contribute to the furtherance of sharing all ADP resources within and among agencies.

(b) In accordance with Bureau of the Budget Circular A–27 dated June 15, 1964, and Circular A–71 dated March 6, 1965, on the subject "Policies and responsibilities on the sharing of electronic computer time and services in the executive branch," each executive department and agency is responsible for the following:

(1) Establishing policies, directives, and procedures to encourage and facilitate maximum participation in the Government-wide ADP Sharing Exchange Program by their departmental and field establishments, including their Government-owned, contractor-operated installations (GOCO).

(2) Providing pertinent data to the sharing exchange so that ADP resource availability records can be updated whenever the basic facts change.

(3) Designating an agency official to act as liaison officer with the General Services Administration, Data Processing Coordination Staff, OFA, at the department or agency level.

(c) Wherever appropriate, the Federal Executive Boards will be solicited to promote local agency participation and cooperation with GSA in implementing the Government-wide ADP Sharing Exchange Program. This activity may include establishment of local committees to work out mutual arrangements for sharing resources within the FEB's geographical boundaries.

§ 101–6.306 Operational guide.

(a) *Program coordination.* The Government-wide ADP Sharing Exchange Program will be monitored by the General Services Administration, Data Processing Coordination Staff, OFA. The sharing exchange operations are not intended to interfere with existing or future sharing arrangements between agencies. However, actual sharing accomplishments must be reported to the sharing exchange in accordance with § 101–6.4901.

(b) *Organizational arrangements for ADP Sharing Exchanges.* Generally, GSA regional offices will operate the sharing exchanges. However, in certain instances, such as at locations where GSA does not have a regional office, GSA may arrange for and assist in the establishment, organization, and operation of an ADP Sharing Exchange by another agency. Such arrangements will be accomplished at the local level by negotiation between GSA and the appropriate agency officials, subject to clearance with GSA and agency headquarters offices.

(c) *Establishment and maintenance of inventories of ADP resources.*

(1) Inventory phasing. In order to permit orderly establishment and operation of the sharing exchanges, the inventorying of ADP equipment and resources used by the Government agencies and their GOCO installations will be accomplished on a phased basis:

(i) Phase A—Equipment and resources used by Government agencies in the following cities (and locations in reasonable proximity thereto): New York, Boston, Atlanta, Dallas, Chicago, Seattle, San Francisco, Kansas City, Denver, St. Louis, Philadelphia, and Los Angeles.

(ii) Phase B—Equipment in the hands of Government-owned, contractor-operated (GOCO) installations.

(iii) Phase C—Equipment and resources used by Government agencies at locations other than those listed in Phase A and Phase B.

(iv) Phases A, B, and C will be accomplished at the local level and be fully coordinated with Federal Executive Boards, other agency officials, and GSA regional officials. Inventory phase time schedules will be announced by FPMR bulletins. The GSA Data Processing Coordination Staff will work with liaison officers, designated pursuant to § 101–6.305(b)(3), to resolve any problems incident to the inventory process, sharing operations, and other related matters. Agency liaison officers will determine whether to supply resource availability data from central agency headquarters records or from the field establishment level.

(v) Data collection under all phases of the inventorying process will be fully coordinated with the "Government-wide ADP Management Information System"

which will be prescribed by the Director, Bureau of the Budget.

(2) ADP resource availability records. The ADP Sharing Exchange at each location will maintain all essential records relating to the availability of Government ADP resources. ADP Sharing Exchange Managers will also maintain an inventory of local commercial ADP facilities which would be available for Government use on a contract basis.

(3) Inventory listing. Each ADP Sharing Exchange will publish periodically a consolidated listing of known available ADP resources. The format for this listing will be by agency, installation, locality, and commercially available facilities. Copies will be furnished to each reporting agency participating in the sharing program. If significant changes occur, a supplemental change notice will be provided in order to keep listings updated.

§ 101–6.307 Information requirements and use.

(a) Unless initial data which was requested by January 31, 1965, has been furnished to GSA by their headquarters, all Federal agency field offices that have ADP resources on hand will complete one copy each of the GSA forms listed below and return to the GSA regional office (Attention: ADP Sharing Exchange) in their area:

(1) GSA Form 2068B, Computer Facilities on Hand and

(2) GSA Form 2068C, Punched Card Facilities.

(b) Any significant actual or anticipated change in the physical location or in ADP operating resources or capabilities should be reported by Federal agency field offices to the appropriate ADP Sharing Exchange by use of the forms referenced above, as they occur. Such reports should include the following:

(1) Acquisition of new equipment.

(2) Release of existing equipment.

(3) Addition or change in equipment capacity.

(4) Change of types of work performed.

(5) Change in personal services capability.

(c) Federal agencies' field offices that heretofore have not had ADP resources, but may acquire such in the future, are requested to report such acquisition on the above referenced forms at the time equipment has been installed and is in operation.

(d) The ADP Sharing Exchange is authorized to make whatever contacts are required to keep resource availability records current and to identify clearly the types of services offered by any agency or to obtain clarification of agency requests for services.

(e) Each ADP Sharing Exchange will make an analysis of the information acquired to identify resource density and volume; types of services available, and that which can be provided; capabilities being requested; monetary values of both reimbursable and nonreimbursable sharing accomplished; sharing trends, including deterrents and advancements; and other pertinent information needed to provide essential reports. This analysis and evaluation will also serve as the basis for determining where ADP Sharing Exchanges should be established or discontinued.

§ 101–6.308 Guides for concluding sharing arrangements.

(a) *General.* The guides which follow are designed to permit maximum flexibility for concluding sharing arrangements through direct negotiations between agencies or through use of the facilities of the ADP Sharing Exchange. When requests for assistance are made to the ADP Sharing Exchange, every effort will be made to expeditiously satisfy the inquiries received from regional area agencies, or other sources, from the availability records maintained. However, the actual sharing arrangements with respect to time scheduling, cost, staff assistance, etc., must be a matter of mutual agreement between the requesting and performing agencies.

(b) *Requests under preplanned (nonemergency) conditions.*

(1) Preplanned conditions are defined as those instances where there is:

(i) Work of a recurring nature on a regularly scheduled basis and

(ii) Work of a "one-time" nature for which sufficient leadtime is available for orderly scheduling by another agency.

(2) Under these conditions, two alternate methods may be used by the agency requiring the services:

(i) *Alternate 1.* Where specific interagency agreements (formal or informal) for sharing ADP resources have been made, the requesting agency may conclude its sharing arrangements without clearing through the ADP Sharing Exchange. However, the performing agency must report sharing accomplishments on GSA Form 2068A.

(ii) *Alternate 2.* Where interagency agreements have not been made and where the requesting agency desires to seek assistance in locating the ADP resources needed, they may informally contact the ADP Sharing Exchange or submit GSA Form 2068.

(3) The ADP Sharing Exchange will arrange for, and assist in, the negotiation between the parties concerned. In the event that the work is to be accomplished by non-Government facilities, GSA Form 2068A will be completed by the requesting agency upon completion of the work and sent to the sharing exchange.

(c) *Emergency work or work under conditions other than preplanned.*—(1) *Alternate 1.* When the requesting agency has knowledge of available resources, it may contact the potential performing agency direct. In this case, GSA Form 2068 is not required; however, after arrangements have been carried out, the performing agency will complete GSA Form 2068A.

(2) *Alternate 2.* When availability of resources is not known, the agency may telephone its requests direct to the ADP Sharing Exchange, and the exchange will initiate GSA Form 2068. Requests in this category should constitute, generally, a one-time-only requirement as well as a specific deadline for completed work.

Subparts 101–6.4—101–6.48 [Reserved]

Subpart 101–6.49—Forms, Reports, and Instructions

§ 101–6.4900 Scope of subpart.

This subpart prescribes the report, illustrates the forms, and provides instructions relating to the report and forms used in the Government-wide ADP Sharing Exchange Program.

§ 101–6.4901 Reporting.

(a) Each participating agency is required to report to the ADP Sharing Exchange quarterly on GSA Form 2068A the extent of ADP sharing accomplished during the period (negative reports are not required). These reports will be summarized and submitted to the GSA Central Office for preparation of a national consolidated report to be used in measuring the effectiveness of the Government-wide ADP Sharing Exchange Program.

(b) Inquiries concerning this report should be directed to the General Services Administration, Attention: ADP Sharing Exchange at any GSA regional office (other than Region 3, Washington, D.C.), or the General Services Administration, Data Processing Coordination Staff, Office of Finance and Administration, Washington, D.C., 20405.

§ 101–6.4902 Forms.

This section sets forth the GSA forms referred to previously in this subpart. The forms are illustrated to show the text and to provide a ready source of reference and instructions for preparation appear on the face or reverse side. Supplies of these forms will be furnished to all Government ADP installations by the Regional Interagency ADPS Coordinators located at the GSA regional offices. If additional forms are required, they may be obtained from the Regional Interagency ADPS Coordinators.

NOTE: Forms filed as part of original document. Copies may be obtained from Central Office, GSA.

§ 101–6.4902–2068 GSA Form 2068: Request for ADP Services.

§ 101–6.4902–2068A GSA Form 2068A: Quarterly Report of ADP Service Provided to Another Agency or Obtained From a Commercial Source.

§ 101–6.4902–2068B GSA Form 2068B: Computer Facilities on Hand (Including Auxiliary Equipment).

§ 101–6.4902–2068C GSA Form 2068C: Punched Card Facilities (Including Other Auxiliary Devices).

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

Dated: July 27, 1965.

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

[F.R. Doc. 65–8083; Filed, July 29, 1965; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3747]

[Wyoming 0316017]

WYOMING

Partial Revocation of National Forest Administrative Site Withdrawals

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:

Public Land Orders No. 2682 of May 23, 1962, and No. 2978 of March 18, 1963, so far as they withdrew the following described lands from location under the mining laws, are hereby revoked:

SHOSHONE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Worthen Picnic Area

T. 32 N., R. 101 W.,
Sec. 32, E½NE¼SE¼.

Fox Creek Campground and Trailerpark

T. 58 N., R. 107 W. (unsurveyed),
Sec. 7, S½S½NE¼, NW¼SW¼NE¼, NE¼NW¼SE¼, and N½NE¼SE¼.

Wind River Lake Campground

T. 44 N., R. 110 W. (unsurveyed),
Sec. 35, W½SE¼NW¼ and E½SW¼NW¼.

Painted Rock Campground

T. 55 N., R. 106 W.,
Sec. 26, SE¼NE¼SW¼ and SW¼NW¼SE¼.

The areas described aggregate 160 acres in Fremont County.

2. At 10 a.m. on August 31, 1965, the lands shall be open to location under the mining laws of the United States (Chap. 2, Title 30 U.S.C.).

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

JULY 26, 1965.

[F.R. Doc. 65-8045; Filed, July 29, 1965; 8:47 a.m.]

[Public Land Order 3748]

[Utah 0140631]

UTAH

Addition of Lands to Cache and Wasatch National Forests and Extension of Boundaries

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), 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 added to and made a part of the national forests indicated and the boundaries of the said forests are adjusted to the extent necessary:

CACHE NATIONAL FOREST

SALT LAKE MERIDIAN

T. 6 N., R. 1 W.,
Sec. 10, E½, E½W½, NW¼NW¼.
T. 7 N., R. 1 W.,
Sec. 34, lots 3, 4, E½SE¼.
T. 12 N., R. 2 E.,
Sec. 7, E½SW¼.
T. 13 N., R. 2 E.,
Sec. 6, lot 1, SE¼NE¼.
T. 14 N., R. 2 E.,
Sec. 20, E½W½;
Sec. 29, NE¼NW¼, NE¼SW¼.

WASATCH NATIONAL FOREST

SALT LAKE MERIDIAN

T. 5 N., R. 1 E.,
Sec. 30, S½.

The areas described aggregate approximately 1,341.52 acres in Davis, Weber, and Cache Counties. The lands shall hereafter be subject to all laws and regulations applicable to national forest lands.

2. The boundaries of the Cache and Wasatch National Forests are hereby extended to include the following described nonpublic lands, as indicated:

CACHE NATIONAL FOREST

SALT LAKE MERIDIAN

T. 14 N., R. 2 E.,
Sec. 29, SE¼NW¼.

WASATCH NATIONAL FOREST

SALT LAKE MERIDIAN

T. 5 N., R. 1 E.,
Sec. 29, SW¼.

The areas described aggregate 200 acres. They shall become subject to all laws and regulations applicable to national forest lands upon acquisition of title thereto by the United States under applicable law.

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

JULY 26, 1965.

[F.R. Doc. 65-8046; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3749]

[Riverside 06454]

CALIFORNIA

Transferring Lands From Department of the Air Force to National Aeronautics and Space Administration (San Diego Missile Test 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. The following-described lands withdrawn by Executive Orders No. 8790 and 8791 of June 14, 1941 for use of the Department of the Navy, which were transferred to the jurisdiction of the Department of the Air Force by Public Land Order No. 2748 of August 8, 1962, are hereby transferred to the jurisdiction of the National Aeronautics and Space Administration:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 1 W.,
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 33, W½W½.
T. 15 S., R. 1 W.,
Sec. 4, lots 4, 5, and 10;
Sec. 5, lots 1, 2, 3, 5, S½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼, and N½SE¼;
Sec. 6, lots 1 6, 7, E½SW¼, and W½SE¼;
Sec. 7, lot 1, NW¼NE¼, and SE¼NE¼.
T. 15 S., R. 2 W.,
Sec. 11, lot 1;
Sec. 12, N½NE¼ and NE¼NW¼.

The areas described aggregate 1674.86 acres.

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

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

JULY 26, 1965.

[F.R. Doc. 65-8047; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3750]

[846262]

NORTH DAKOTA

Restoring Certain Lands, and the Minerals in Other Lands, to Tribal Ownership; Partly Revoking Certain Departmental Orders; Partly Revoking the Proclamation of June 29, 1911

1. Whereas pursuant to authority contained in section 6 of the Act of June 1, 1910 (36 Stat. 455, 456), the Townsite of Parshall was established in the Fort Berthold Indian Reservation, and;

Whereas there are certain undisposed of lands within the townsite which are desired by the Indians and for which there appears to be no active public demand, and;

Whereas pursuant to authority contained in the Act of June 1, 1910 (36 Stat. 455), all nonmineral, unallotted and unreserved lands within that portion of the Fort Berthold Indian Reservation lying and being east and north of the Missouri River were opened to settlement and entry by Presidential Proclamation of June 29, 1911 (37 Stat. 1693), to be disposed of under the general provisions of the homestead laws and the said Act of Congress, and;

Whereas there are now remaining undisposed of within the opened portion of the reservation, certain lands, the minerals in which upon investigation have been found to be valuable to the Indians of the said reservation, and;

Whereas the Tribal Council and the Commissioner of Indian Affairs have recommended restoration of the townsite lands and the minerals in the opened lands to tribal ownership;

Now, therefore, by virtue of the authority contained in sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463a), I hereby find that the restoration to tribal ownership of the lands hereinafter described in this paragraph and the minerals in certain opened lands will be in the public interest, and the said lands and minerals are hereby restored to tribal ownership of the Three Affiliated Tribes of the Fort Berthold

Indian Reservation, North Dakota, subject to any valid existing rights:

a. PARSHALL TOWNSITE

Block 13, lot 6;
Containing less than 1 acre.

b. The minerals in the following opened lands:

FIFTH PRINCIPAL MERIDIAN

T. 149 N., R. 89 W.,
Sec. 32, SW¼NW¼.
T. 152 N., R. 89 W.,
Sec. 25, NW¼NE¼.
T. 151 N., R. 90 W.,
Sec. 19, lot 3.
T. 152 N., R. 90 W.,
Sec. 8, lots 6, 7, 8, S½SW¼ and SW¼SE¼;
Sec. 17, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 18, E½NE¼ and NE¼SE¼.
T. 152 N., R. 91 W.,
Sec. 7, lots 7, 8, 9, 11, SE¼SW¼ and S½SE¼;
Sec. 11, lots 5 and 6.
T. 152 N., R. 92 W.,
Sec. 12, lot 8 and SE¼SE¼.
T. 151 N., R. 92 W.,
Sec. 28, S½SW¼;
Sec. 33, NE¼NW¼.

Aggregating 1,101.52 acres.

2. The Departmental Order of September 19, 1934, as supplemented by the Departmental Order of November 2, 1934, withdrawing surplus lands of Indian reservations, temporarily, pending determination of the matter of their permanent restoration to tribal ownership, is hereby revoked so far as it affects the lands described in paragraph 1b of this order, and Block 19, lot 14, Parshall Townsite.

3. The Departmental Order of May 15, 1911, reserving land for the Shell Creek Reservoir Site, is hereby revoked so far as it affects the following-described lands:

T. 152 N., R. 90 W.,
Sec. 8, lots 6, 7, 8, S½SW¼ and SW¼SE¼;
Sec. 17, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 18, E½NE¼ and NE¼SE¼.

4. The Proclamation of June 29, 1911 (37 Stat. 1693), opening certain lands in the Fort Berthold Indian Reservation to entry under the homestead laws only, is hereby revoked so far as it affects the lands described in paragraph 1b of this order. The lands described in paragraphs 1b, 2, and 3 of this order, except the minerals in the lands described in paragraph 1b, shall be sold by the Commissioner of Indian Affairs or other officer of that Bureau designated by the Commissioner, at not less than their fair market value, the proceeds to be deposited in the Treasury of the United States to the credit of the Three Affiliated Tribes of the Fort Berthold Reservation, as provided by the Act of June 1, 1910.

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

JULY 26, 1965.

[F.R. Doc. 65-8048; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3751]

[Fairbanks 031562]

ALASKA

Partial Revocation of Airport and Townsite Withdrawals (Nenana Airport)

By virtue of the authority contained in the Act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 303), and section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 3825 of April 14, 1923, withdrawing lands for townsite purposes, Executive Order No. 8596 of November 18, 1940, modifying Executive Order No. 3825; the departmental order of December 13, 1940, establishing Air Navigation Site Withdrawal No. 149, and Public Land Order No. 19 of August 4, 1942, modifying Executive Order No. 3825, and adding lands to Air Navigation Site Withdrawal No. 149, are hereby revoked so far as they affect the following described lands:

U.S. SURVEY 1503

Blocks 86 through 90, and Blocks 95 through 99.

Each comprising 13.03 acres.

Block 103—20.54 acres.
Block 104—20.56 acres.
Block 105—20.58 acres.
Block 106—20.61 acres.

An area containing 212.59 acres.

All the intervening street areas between Blocks Nos. 86 through 99; and Blocks Nos. 103, 104, 105 and 106; and between Blocks Nos. 90 and 91; 91 and 94; 94 and 95; 94 and 107; 106 and 107.

An area containing 28.61 acres; and

FAIRBANKS MERIDIAN

T. 4 S., R. 8 W.,
Sec. 25, W½;
Sec. 26, E½SE¼.

Containing 400 acres.

The areas described total in the aggregate 641.20 acres of nonpublic lands.

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

JULY 26, 1965.

[F.R. Doc. 65-8049; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3752]

[Arizona 031295]

ARIZONA

Withdrawal for Colorado River Storage 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, and the Act of June 28, 1946 (60 Stat. 338), it is ordered as follows:

Subject to valid existing rights, the public lands which are under the jurisdiction of the Secretary of the Interior, in the following described areas, 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 Colorado River Storage Project:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 24 W.,
Sec. 23, lots 5 to 8, inclusive;
Sec. 26, lots 5 to 8, inclusive, and W½;
Sec. 35, lots 2 and 3, W½NE¼, SE¼, and W½;
Sec. 36, lots 6 to 11, inclusive, and W½SE¼.
T. 2 S., R. 24 W.,
Sec. 1, lots 4 to 13, inclusive.

The areas described aggregate 1,752.05 acres of land within the Cibola National Wildlife Refuge.

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

JULY 26, 1965.

[F.R. Doc. 65-8050; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3753]

[BLM 080551]

MICHIGAN

Addition of Lands to Hiawatha National Forest; Partial Revocation of Executive Order of December 9, 1852

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), 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 added to and made a part of the Hiawatha National Forest, and hereafter shall be subject to all laws and regulations applicable to said National Forest.

MICHIGAN MERIDIAN

T. 41 N., R. 1 E.,
Sec. 12, lot 1.
T. 41 N., R. 2 E.,
Sec. 6, lot 5,
Sec. 7, lot 1.
T. 41 N., R. 3 E.,
Sec. 5, NE¼SW¼.
T. 43 N., R. 3 E.,
Sec. 24, lots 1 and 2,
Sec. 25, lots 6, 7 and 8.
T. 43 N., R. 4 E.,
Sec. 30, lots 1 and 2.
T. 47 N., R. 18 W.,
Sec. 6, all fractional.
T. 39 N., R. 19 W.,
Sec. 28, lot 1;
Sec. 33, lot 5.
T. 48 N., R. 19 W.,
Sec. 15, lots 3 and 4.
T. 39 N., R. 20 W.,
Sec. 3, lot 1.
T. 46 N., R. 29 W.,
Sec. 25, SW¼SW¼.

The areas described aggregate 222.08 acres in Mackinac, Chippewa, Alger, Delta, and Marquette Counties.

2. The Executive Order of December 9, 1852, withdrawing lands for lighthouse purposes is hereby revoked so far as it affects any of the lands above described.

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

JULY 26, 1965.

[F.R. Doc. 65-8051; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3754]

[Arizona 034992]

ARIZONA

Modification of Reclamation Withdrawal To Permit Grant of Right-of-Way

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 March 14, 1929, withdrawing lands for the Colorado River Storage Project, is hereby modified to the extent necessary to permit the granting of a right-of-way under sec. 2477, U.S. Revised Statutes (43 U.S.C. 932), to Yuma County, Ariz., over the following described lands, as delineated on a map on file with the Bureau of Land Management, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 22 W.,
Sec. 1, East 33 feet.

Containing approximately 4 acres, in Yuma County.

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

JULY 26, 1965.

[F.R. Doc. 65-8052; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3755]

[Idaho 015791]

IDAHO

Withdrawal for National Forest Recreation Areas

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 are hereby withdrawn from appropriation under the U.S. mining laws (Chap. 2, Title 30, U.S.C.), in aid of programs of the Department of Agriculture:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Bruin Creek Recreation Area

A tract of land within the unsurveyed S½S½ sec. 11, T. 25 N., R. 11 E., more particularly described as:

Beginning at a point where Hot Springs Creek enters the Salmon River thence easterly along the high water mark of the south bank of said river for 1237 feet; thence S. 2° W., 289 feet; thence S. 86° W., 330 feet; thence S. 72° W., 1526 feet; thence N. 20° W., 289 feet, more or less, to the south bank of the Salmon River; thence easterly along high water mark of said river to the mouth of Hot Springs Creek, the place of beginning.

Warren Creek Bar Public Service Site

A tract of land within lot 2, sec. 28, T. 24 N., R. 7 E., more particularly described as:

Beginning at the point where Warren Creek crosses the high water line on the south bank of the main Salmon River thence along said high water line southeasterly 400 feet; thence N. 75° W., 1,120 feet across the point of land to the south bank of the Salmon River; thence easterly along the high water line to the point of beginning.

The areas described aggregate 19.1 acres, in Idaho 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 or vegetative resources other than under the mining laws.

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

JULY 26, 1965.

[F.R. Doc. 65-8053; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3756]

[Riverside 03965]

CALIFORNIA

Powersite Classification No. 451 (Kern River)

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) as amended, and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), subject to existing valid rights, the following-described lands under jurisdiction of the Secretary of Agriculture, are hereby classified as powersites so far as title to such lands and interests therein remain in the United States:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 33 E.,
Sec. 9, W½;
Sec. 16, W½NE¼, W½, and SW¼SE¼;
Sec. 21, E½, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 28, NE¼, E½NW¼, and N½SE¼.
T. 20 S., R. 33 E. (partly unsurveyed),
Sec. 1, lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 11, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 12, NW¼NE¼, NW¼, and W½SW¼;
Sec. 14, N½, NE¼SW¼, S½SW¼, NW¼SE¼ and S½SW¼;
Sec. 23, N½NE¼, SW¼NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 26, W½NE¼, NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 27, NE¼, S½NW¼, and N½S½;
Sec. 28, SE¼;
Sec. 29, W½SW¼;
Sec. 30, E½E½;
Sec. 31, E½;
Sec. 32, S½NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 33, NE¼, S½NW¼, N½SW¼, N½SE¼, and SE¼SE¼.
T. 21 S., R. 33 E.,
Sec. 3, lot 2 of NE¼;
Sec. 4, lots 3 and 4, and S½NW¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, SW¼, and NW¼SE¼;
Sec. 6, lots 1, 2, 3, 10, 11, S½NE¼, and SE¼;
Sec. 8, N½NW¼.

The areas described aggregate 7,563.73 acres in Tulare County.

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.

JULY 26, 1965.

[F.R. Doc. 65-8054; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3757]

[Misc-72175]

MINNESOTA

Powersite Restoration No. 632; Partial Revocation of Powersite Reserve No. 185

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:

The Executive Order of May 16, 1911, creating Powersite Reserve No. 185, is hereby revoked so far as it affects all lands described therein, except the following described tracts:

FOURTH PRINCIPAL MERIDIAN

T. 62 N., R. 21 W.,
Sec. 35, lot 4.
T. 63 N., R. 21 W.,
Sec. 33, lot 2.

The tracts described contain 65.05 acres in St. Louis County.

Except for lot 2, all the lands withdrawn for Powersite Reserve No. 185 have been patented. Lot 4 has been patented subject to the provisions of section 24 of the Federal Power Act.

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

JULY 26, 1965.

[F.R. Doc. 65-8055; Filed, July 29, 1965; 8:48 a.m.]

[Public Land Order 3758]

[Utah 0142168]

UTAH

Withdrawal for Deer Creek Reservoir, Provo River 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:

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 (Chap. 2, Title 30,

U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Deer Creek Reservoir, Provo River Project:

SALT LAKE MERIDIAN

T. 4 S., R. 4 E.,
Sec. 27, S½SW¼.

Containing 80 acres in Wasatch County.

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

JULY 26, 1965.

[F.R. Doc. 65-8056; Filed, July 29, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 125—RAILROAD ACCIDENTS; REPORTS AND CLASSIFICATION

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 19th day of July A.D. 1965.

The matter of rules governing monthly reports of railroad accidents being under consideration, and

It appearing, that to assure compliance with provisions of the Accident Reports Act, 45 U.S.C. 41, request for access to the monthly reports of railroad accidents filed by the railroads with the Commission shall show with full particularity how the information secured will be used and how such use will contribute to the promotion of safety of railroad operation,

And it further appearing, that the rule making procedures under provisions of the Administrative Procedures Act, 5 U.S.C. 1003, are unnecessary and impractical:

It is ordered, That § 125.9 is amended by designating the existing paragraph as (a) and adding a new paragraph (b).

It is further ordered, That any company, firm, organization, or person desiring access to the monthly reports of railroad accidents filed with the Commission shall make request in writing in substantially the form set forth in § 125.9(b) as follows:

§ 125.9 Public examination of reports only after approval.

* * * * *

(b) Requests for access to Monthly Reports of Railroad Accidents filed by the railroads with the Interstate Commerce Commission shall state with full particularity how the information will be used and how such use will contribute to the promotion of safety in railroad operation. Each such request shall be substantially in the following form:

REQUEST TO THE INTERSTATE COMMERCE COMMISSION

WASHINGTON, D.C., 20423

Application for Examination of Monthly Reports of Railroad Accidents.

Pursuant to the requirements of § 125.9 of Title 49 Code of Federal Regulations, public examination of reports only after approval, I hereby request the Interstate Commerce Commission to grant access, for the period of _____ (not exceeding 1 year) during regular working hours, to _____ as representative of _____ to the following monthly reports of railroad accidents filed with the Commission as required by the Accident Reports Act:

Carrier(s)_____
State(s)_____
Type(s) of accident_____
Year(s) accidents occurred_____

The information obtained from said accident reports will be used for the following purpose: [1]

I certify the access requested herein will not result in any violation of the Accident Reports Act and will not be used for any purpose in any suit or action for damages growing out of any matter mentioned in the reports examined.

Signed _____
For _____
Address _____
Street and number, city or town, State.
_____, 19__

It is further ordered, That a copy of this order shall be served on the common carriers subject to the provisions of the Accident Reports Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

And it is further ordered, That this order shall be effective August 1, 1965.

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12, 36 Stat. 350, as amended, 45 U.S.C. 33-43, as amended)

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-8040; Filed, July 29, 1965; 8:47 a.m.]

[1] The purpose must state with particularity how the information will be used and how such use will contribute to the promotion of safety in railroad operation. Generalized or vague statements are insufficient and will be cause for denial of the request.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

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

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Crab Orchard National Wildlife Refuge, Ill., is permitted, from sunrise August 1, 1965, to sunset October 15, 1965, only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1965.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1965.

[F.R. Doc. 65-7985; Filed, July 29, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15963; FCC 65-665]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 42—PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

Certain Retention Periods and Item Descriptions and To Permit the Use of 8 mm. Film for Microfilming Certain Records

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of July 1965;

The Commission having under consideration the Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER on April 27, 1965 (30 F.R. 5858), in accordance with section 4(a) of the Administrative Procedure Act; and

It appearing, that the time for filing comments with respect to this matter has expired and the only comment received was a late filing received June 16, 1965, from the Defense Communications Agency recommending that Item 76-a of § 42.9 of Part 42 of our rules be further amended to provide a longer retention period than heretofore required or proposed for certain records relating to government contracts; and

It futher appearing, that a reply comment was filed by the American Telephone & Telegraph Co., on its own behalf and on behalf of the Bell System telephone companies, on June 28, 1965, in which the position was taken that Part 42 prescribes retention periods for records to meet regulatory requirements, that other records retention requirements, including requirements relating to certain government contracts, imposed by law upon utilities for retention of specific records for periods exceeding

those prescribed in Part 42, are covered by § 42.1(c) which provides that "The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in this part," and therefore the proposed rules amendments should not be revised as requested by the Defense Communications Agency; and

It further appearing, that the interests of the Defense Communications Agency and others similarly situated with respect to retention of records by communication common carriers will not be prejudiced by denial of the recommendation made by the Defense Communications Agency; and

It further appearing, that the proposed amendments should be adopted exactly as proposed in the Notice of Proposed Rule Making; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 220(e) of the Communications Act of 1934, as amended;

It is ordered, That, effective September 1, 1965, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 42, Preservation of Records of Communication Common Carriers, of the Commission's rules and regulations are amended as set forth below; and

It is further ordered, That this proceeding is hereby terminated.

(Secs. 2, 220, 48 Stat. 1066, 1078, as amended; 47 U.S.C. 154, 220)

Released: July 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

In § 31.100:4(b) the last sentence is deleted; § 31.100:4(b) as amended reads as follows:

§ 31.100:4 Telephone plant acquisition adjustment.

* * * * *

(b) This account shall be subdivided according to the character of the amounts contained therein. In addition to a copy of the journal entry recorded to open the account, the company shall file with this Commission statements showing the basis of the computation of amounts included therein.

* * * * *

II. Part 42—Preservation of Records of Communication Common Carriers, is amended as follows:

1. Section 42.5(e) is amended to provide for the use of 8 mm. film for microfilming records with periods of retention not exceeding one year; § 42.5(e) as amended reads as follows:

§ 42.5 Preservation of records on microfilm.

* * * * *

(e) All film stock shall be of approved permanent-record microcopying type of 8 mm., 16 mm. or 35 mm. size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturers' mark, a solid triangle after the word "safety" in the edge marking of the film.) Use of 8 mm. size film shall be restricted to microfilming of records with periods of retention not exceeding one year. The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss of clarity of detail, during the period prescribed in this part for the retention of the records concerned. The carrier shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission so directs, the carrier shall furnish photographic reproductions of records, the originals of which have been destroyed under the provisions of this instruction.

* * * * *

2. The table in § 42.9 is amended, insofar as the entries set forth below are concerned, to read as follows:

§ 42.9 List of records.

* * * * *

Item No.	Description of records	Period to be retained
	* * *	* * *
4	Securities issued or assumed:	
	a. Applications to governmental bodies and authorizations there from to issue securities or assume debt issued by others.	Permanently, except optional 3 years after securities are redeemed, canceled or otherwise retired.
	b. Registration statements and amendments thereto	Do.
	c. Bids and contracts for sale of securities, including underwriting agreements, except as provided in item 4-1-(4).	Do.
	d. Agreements with trustees of security issues	Do.
	* * *	* * *
	f. Prospectuses and amendments thereto and sale offers to stockholders, employees, and others.	Permanently, except optional 3 years after securities are redeemed, canceled or otherwise retired.
	* * *	* * *
	k. Security registers and related records:	
	(1) Security subscription registers	Permanently, except optional 3 years after securities are redeemed, canceled or otherwise retired.
	(2) Security transfer, correction, and exchange sheets or registers; and related records.	6 years after sale, transfer or exchange is completed.
	* * *	* * *
8	Journal entries (including journals and journal vouchers):	
	a. General, departmental, divisional, and other forms of journal entries (including journals and journal vouchers) or other records from which entries are made to the ledgers of accounts including all memoranda, correspondence, or other papers which serve as the basis for journal entries and are necessary to support or explain journal entries, except as separately provided for in this List of Records.	Permanently.
	b. Summarization and distribution records supporting journal entries:	
	(1) Affecting plant accounts	40 years.
	* * *	* * *
	c. [Deleted]	* * *
	* * *	* * *
12	Insurance records:	
	* * *	* * *
	d. Detailed spread sheets or other summary or distribution records of insurance costs or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, 40 years.
	* * *	* * *
14	Tax records:	
	* * *	* * *
	d. Detailed spread sheets or other summary or distribution records of tax payments or accruals.	Affecting maintenance and operations only, 10 years; affecting plant, 40 years.
	* * *	* * *
15	Cash books:	
	General, division, and subsidiary cash books used as general records of receipts, disbursements, and balances includible in ledger cash accounts. (See item 77-k.)	10 years.
	* * *	* * *
20	Vouchers:	
	a. Registers of audited vouchers, voucher distribution registers, and summaries of entries to accounts from vouchers:	
	* * *	* * *
	(2) Voucher registers and general voucher distribution summaries	40 years.
	b. All vouchers including (a) bills, statements of account, reports of expenditures, requests for voucher, memoranda, or other papers serving as the basis for vouchers; (b) voucher lists and analysis sheets showing detailed accounting distribution of charges on individual vouchers; (c) copies of authorizations for payment or credit issued by audit office, including copies of vouchers and voucher checks; and (d) other supporting papers not separately provided for in this List of Records; related to:	
	(1) Retirement of stock and long-term debt issued or assumed by the company.	3 years after securities are redeemed, canceled or otherwise retired.
	* * *	* * *
	(5) Other charges and credits affecting the plant accounts:	
	* * *	* * *
	(c) If not so transcribed or summarized	40 years.
	* * *	* * *

[1] Commissioners Lee and Loevinger absent.

Item No.	Description of records	Period to be retained
21	Payroll records:	
	• • •	• • •
	e. Basic detailed reports or records of time or work paid for and of accounting classifications thereof, such as employees' time and work reports, time books, time cards, force assignment lists, daily force memoranda, and attendance reports:	
	• • •	• • •
	(3) If the basic information has not been transcribed to other records:	
	(a) Affecting plant	40 years.
	• • •	• • •
	m. Control and recapitulation forms, summaries, and distribution records:	
	• • •	• • •
	(2) Used to summarize or distribute time or payroll amounts to accounts, estimates, jobs, accounting areas, etc.	Affecting maintenance and operations only, 10 years; affecting plant, 40 years.
	(3) Summaries and statements of payroll costs and related work sheets used in developing costs by labor groups or classes and rates for distributing cost of labor.	Do.
	• • •	• • •
38	Monthly or other summaries of quantities or costs of property-record units (or items) which are the source of entries to property records covered by items 35, 36, and 37.	40 years.
39	Maps, diagrams, tabular record sheets, plans, specifications, wiring lists, tabulating cards, and other records and related indexes and memoranda showing location and physical characteristics of plant owned or leased for use by the company. (See items 43–g and 94–j.)	Until record is superseded or 6 years after plant is retired, provided mortality data are retained.
40	Superseded maps, diagrams, tabular record sheets, and similar records that have been redrawn, rewritten, or otherwise replaced by records covered by item 39.	Optional, provided mortality data are retained.
41	Records of periodic reconciliations of continuing property records and mortality summaries with detailed engineering or location records or physical inventories, including related summaries of units (or items) shown on the detailed records or inventories and supporting work papers prepared for the purpose of such reconciliations:	
	a. Summary and control sheets used as a basis of accounting entries or price development.	40 years.
	b. Detailed records and working papers of the units (or items) from which the summaries are prepared.	Until completion of the second following verification and adjustment.
	• • •	• • •
45	Records of accounting for plant construction, maintenance, retirement, purchases, and sales. (See also items 7, 8, 20, 21–e, 21–m, 55–a, and 57.):	
	• • •	• • •
	b. Summary and distribution sheets, control and recapitulation forms and similar records (including printed tabulating sheets, total tickets, and pegboard summaries of telephone carriers) used to summarize or distribute costs or quantities of labor, material and supplies, units (or items) of plant installed or retired, expenses of house service, motor vehicles, tools, plant supervision, engineering, sundry disbursements and other details of the entries to plant and expense accounts, continuing property records, or cost records of estimates or other work authorizations:	
	• • •	• • •
	(2) Other summaries and distributions:	
	• • •	• • •
	(b) Affecting plant	40 years.
	• • •	• • •
	e. Lists of retirement unit costs, work sheets used in developing such costs, and work papers or engineering studies used in developing (a) preliminary unit costs underlying retirement unit costs or (b) estimated costs of plant retired.	40 years.
	f. Work sheets of telephone carriers for determining wiring gain or loss and central office cross-connection adjustments.	40 years.
	• • •	• • •
	h. Original cost and reserve studies, work sheets, correspondence, and memoranda related to accounting for purchases or other acquisitions of plant from predecessors, not provided for elsewhere in this List of Records. (See items 8, 35 to 39, 43–a, 43–b, 46–a, and 50–a.)	Permanently.
	• • •	• • •
	j. Records pertaining to reclassifications of plant accounts, to conform with prescribed systems of accounts or for other purposes, including supporting papers showing the bases for such reclassifications.	40 years.
	• • •	• • •
49	Depreciation and amortization:	
	a. Schedules or lists of authorized depreciation or amortization rates and summary sheets and other data included in the official filing submitted to the Commission.	Permanently.
	b. Detailed studies supporting depreciation rates, memoranda, and work sheets supporting computations of depreciation and amortization rates or expenses, including development of estimated service lives and salvage values.	Until 40 years after supersedure.
	• • •	• • •

Item No.	Description of records	Period to be retained
50	Inventories, appraisals, and separations:	
	* * *	* * *
	b. Other inventories, appraisals, or valuations of the company's plant, including all work papers, reports, studies, memoranda, and other underlying records prepared in connection therewith:	
	* * *	* * *
	(2) When results have been used as a basis for entries to plant accounts or property records, except as provided for item 50-b-(3) and item 58-a.	40 years, except that those used in verifying and adjusting the disposition unit valuations of account 231 may be destroyed upon completion of the second following verification and adjustment.
	(3) Annual or other periodic inventories of furniture and other office or work equipment and field stocks of station apparatus, used as a basis for adjustments of accounts of telephone carriers.	Until results of second following inventory have been entered in the accounts.
	* * *	* * *
55	Purchases, sales, and repairs (including conversion or remanufacture):	
	* * *	* * *
	j. Detailed invoices and credits and supporting records (or a true copy thereof) for material and supplies purchased or sold:	
	* * *	* * *
	(2) If the basic data thereon affecting the accounts or property records have not been transcribed to or summarized on other records retained in accordance with this List of Records. (See items 45-b, 56-b, 57, and 58-d.)	40 years.
	* * *	* * *
56	Material and supplies issued (or disbursed) and recovered:	
	* * *	* * *
	b. Lists or other records of unit prices or unit costs for material and supplies issued or recovered, including studies, memoranda, special summaries or other records prepared in connection with the development of such unit prices or unit costs:	
	* * *	* * *
	(2) Affecting plant	40 years.
	* * *	* * *
58	Inventories and stock records:	
	* * *	* * *
	d. Material ledgers or continuing inventory records showing quantities or costs involved in transactions affecting the balance in the account for material and supplies, when such records are used:	
	(1) As a basis for developing unit prices for material issued or recovered.	Records affecting maintenance and operations only, 10 years; records affecting plant, 40 years.
	(2) As a basis for adjustments of accounts resulting from inventories.	Records affecting maintenance and operations only, 10 years; records affecting plant, 40 years.
	* * *	* * *
76	Customers' billing and other accounts receivable records:	
	a. Record of service and equipment or other continuing record of services or facilities furnished:	
	(1) Used as a basis for billing only	For active accounts, 3 years after record is superseded; for discontinued accounts, 1 year.
	(2) Used as a record of location and physical characteristics of plant. (See item 39.)	For active accounts, 3 years after record is superseded; for discontinued services, 6 years after service is disconnected.
	* * *	* * *
106	Other records:	
	a. Reports to securities exchanges, filed in accordance with regulations of such exchanges.	25 years.
	* * *	* * *

(Secs. 2, 220, 48 Stat. 1066, 1078, as amended; 47 U.S.C. 154, 220)

[F.R. Doc. 65-7962; Filed, July 29, 1965; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 6810; Notice No. 65-18]

CREWMEMBER DEMAND OXYGEN MASKS (AIR CARRIER OR TRANSPORT CATEGORY AIRCRAFT)—TSO-C78

Notice of Proposed Rule Making

This notice supersedes Draft Release 63-10 (28 F.R. 2148) and proposes the adoption of a new Technical Standard Order covering aircraft crew demand type oxygen masks to be used on U.S. civil aircraft engaged in air carrier operations.

Draft Release 63-10 was issued February 26, 1963. A number of changes have been made in the proposed standard in response to comments received on that Draft Release. In view of these changes and of the length of time that has elapsed since the issue of Draft Release 63-10 the Agency believes that the issue of this new notice, again inviting industry comment, is appropriate and will be beneficial both to the Agency and the public.

This proposed standard differs from that contained in Draft Release 63-10 in the following major respects:

1. The majority of the detailed requirements concerning test methods and procedures have been dropped.

2. The new proposed standard would impose an inhalation valve backleak standard in addition to the total mask leakage standard originally proposed.

3. The requirements for ratings of masks by classes have been amended.

4. The new proposed standard would specifically require that the mask be designed to include means of preventing direct impingement of gases on the inhalation port or valve.

5. The new proposed standard would not allow vibration, flutter, or chatter that would interfere with the satisfactory operation of the mask. The requirement in Draft Release 63-10, that the mask not exhibit excessive vibration, flutter, or chatter characteristics sufficient to be distracting to its wearer, has been dropped.

6. The new proposed standard would specifically impose a maximum operating altitude of 40,000 feet for straight or diluter-demand masks and 45,000 feet for pressure-demand masks.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 15, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new section reading as follows:

§ 37.184 Crewmember demand oxygen masks (air carrier or transport category aircraft)—TSO-C78.

(a) *Applicability.* This TSO prescribes the minimum performance standards that crewmember demand oxygen masks, to be used on air carrier or transport category U.S. civil aircraft, must meet in order to be identified with the applicable TSO marking. New models of such equipment that are to be so identified and that are manufactured on or after the effective date of this section must meet the requirements set forth in the FAA Standard entitled "Oxygen Masks, Demand Type," dated July 1965.[1]

(b) *Marking.* Oxygen masks manufactured in accordance with the provisions of this section shall be marked in accordance with the provisions of § 37.7, except as provided in subparagraphs (1) through (3) of this paragraph:

(1) The serial number and the weight shall be excluded;

(2) The kind of mask, either "demand" or "pressure demand," shall be included; and

(3) The maximum operating altitude shall be included.

(c) *Data requirements.* Seven copies each, except where noted, of the following, shall be furnished, the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located.

(1) Manufacturer's operating instructions and equipment limitations;

(2) Installation procedures with applicable drawings and specifications, limitations, restrictions, and other conditions pertinent to installation;

(3) One copy of the manufacturer's test report; and

(4) One copy of the manufacturer's maintenance instructions, including cleaning and sterilizing procedures.

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

[1] Copies may be obtained upon request addressed to Library Services Division, HQ-620, Federal Aviation Agency, Washington, D.C., 20553.

Issued in Washington, D.C., on July 26, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-8022; Filed, July 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-88]

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 Lincoln, Nebr., terminal area.

The following airspace is presently designated in the Lincoln, Nebr., terminal area:

(1) The Lincoln, Nebr., control zone is designated as that airspace within a 6-mile radius of Lincoln AFB (latitude 40°-50'48" N., longitude 96°45'32" W.); and within 2 miles each side of the Lincoln ILS localizer N course extending from the 6-mile radius to 14 miles N of Lincoln AFB and within 2 miles either side of the Raymond VORTAC 015° radial extending from the 6-mile radius to 8 miles N of the Raymond VORTAC; and within 2 miles each side of the Raymond VORTAC 187° radial extending from the 6-mile radius to 13 miles S of the Raymond VORTAC, excluding the airspace within a 1-mile radius of Arrow Airport (latitude 40°52'00" N., longitude 96°39'15" W.).

(2) The Lincoln, Nebr., transition area is designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln AFB (latitude 40°50'48" N, longitude 96°45'-32" W.); and within 5 miles W and 9 miles E of the Lincoln AFB ILS localizer S course, extending from the 9-mile radius to 13 miles S of ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 96°23'00" W., on the S by the N edge of V-216, on the W by longitude 97°30'00" W., and on the N by the S edge of V-172; and that airspace extending upward from 3,500 feet MSL SW of Lincoln, bounded on the E by longitude 97°30'00" W., on the S by the N edge of V-216, on the W by longitude 98°00'00" W., and on the N by the S edge of V-138; and that airspace, NW of Lincoln, bounded on the E by longitude 97°30'00" W., on the S by the N edge of V-6, on the W by a line 5 miles E of and parallel to the Grand Island VORTAC 360° radial, and on the N by the S edge of V-172, excluding the Hastings, Nebr., transition area.

Subsequent to the establishment of the above described terminal airspace structure in the Lincoln area, problems have

been encountered regarding terminal radar vector altitudes and airspace. As the controlled airspace is presently designated, it is necessary for aircraft landing at the Lincoln Air Force Base to execute multiple descents. This procedure has not proved feasible.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Lincoln terminal area, proposes the following airspace action:

Alter the Lincoln transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lincoln AFB (latitude 40°50'48" N., longitude 96°45'32" W.), and within the area bounded by a line 5 miles W of and parallel to the Lincoln ILS localizer S course clockwise along a 17-mile arc centered on the Lincoln AFB, to a line 2 miles E of and parallel to the Raymond VORTAC 015° radial, within 5 miles W and 9 miles E of the Lincoln AFB ILS localizer S course, extending from the 9-mile radius to 13 miles S of the ILS OM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 96°23'00" W., on the S by the N edge of V-216, on the W by longitude 97°30'00" W., and on the N by the S edge of V-172; and that airspace extending upward from 3,500 feet MSL SW of Lincoln, bounded on the E by longitude 97°30'00" W., on the S by the N edge of V-216, on the W by longitude 98°00'00" W., and on the N by the S edge of V-138; and that airspace NW of Lincoln, bounded on the E by longitude 97°30'00" W., on the S by the N edge of V-6, on the W by a line 5 miles E of and parallel to the Grand Island VORTAC 360° radial, and on the N by the S edge of V-172, excluding the Hastings, Nebr., transition area.

This proposed alteration will eliminate the necessity of multiple descents for aircraft operating in the Lincoln, Nebr., area.

Certain minor revisions to prescribed instrument procedures would be effected with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

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 forty-five 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 sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 20, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-8023; Filed, July 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-54]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Columbia, S.C.

The Columbia transition area is presently designated, in part, as "* * * within 5 miles N and 8 miles S of the Columbia ILS localizer W course, extending from the 9-mile radius area to 12 miles W of the OM; * * *" and "* * * thence N to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the N boundary of V-155 and longitude 81°41'30" W., thence NE along the N boundary of V-155 to its intersection with a line 10 miles SW and parallel to the centerline of V-53, thence NW along this line to its intersection with latitude 34°15'30" N. * * *."

A holding pattern northwest of the Lexington, S.C., intersection is being established for the purpose of holding aircraft awaiting clearance for an ILS approach to the Columbia Metropolitan Airport. The aircraft will transition from the Lexington intersection direct to the LOM and in such cases make a straight-in approach eliminating the requirement for executing a procedure turn.

In order to provide adequate controlled airspace for the protection of aircraft holding northwest of the Lexington intersection, the Federal Aviation Agency proposes the following airspace action.

The portion of the Columbia transition area extending upward from 1,200 feet above the surface would be redesignated to include that airspace west of the presently designated transition area bounded on the S and SE by a line extending along the N boundary of V-155 and 16 miles S of and parallel to the Columbia VORTAC 294° radial, on the W and NW by a line extending from the intersection of a line 16 miles S of and parallel to the Columbia VORTAC 294° radial and longitude 81°59'00" W., to latitude 34°13'00" N., longitude 81°50'-30" W., to the intersection of a line 10 miles SW of and parallel to the centerline of V-53 and latitude 34°15'30" N.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. 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 official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 22, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-8024; Filed, July 29, 1965; 8:45 a.m.]

[14 CFR Part 127]

[Docket No. 6806; Notice No. 65-17]

HELICOPTERS OPERATED BY SCHEDULED AIR CARRIERS

Assignment of Emergency Duties to Crewmembers and Alcoholic Beverage Consumption

The Federal Aviation Agency is considering amending Part 127 of the Federal Aviation Regulations to provide for the assignment of individual emergency evacuation functions to required crewmembers on helicopters operated by scheduled air carriers, and for the control of drinking and service of alcoholic beverages on those helicopters.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before September 28, 1965, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submit-

ted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

When Part 46 of the Civil Air Regulations (recodified as Part 127 of the Federal Aviation Regulations) was promulgated in 1958, the crew of a helicopter normally consisted of only one pilot, and the passenger-carrying capability of the helicopter was very limited. Therefore, emergency evacuation functions necessarily were assigned to and accomplished by the pilot. Since 1958, larger and more complex helicopters, with increased passenger-carrying capability, have been designed and placed into scheduled air carrier operations. In addition, IFR operations were recently introduced with such helicopters. These larger and more complex helicopters are certificated for two pilots as a minimum flight crew, and their passenger-carrying capability will generally require the service of a flight attendant, under § 127.145.

Under Part 121 each category of required crewmember must be assigned emergency evacuation functions. The helicopter rules of Part 127 contain requirements for the training of each crewmember but do not contain provisions requiring the assignment of emergency evacuation functions to each category of crewmember. It is therefore proposed to add to Part 127 a provision similar to that appearing in § 121.397 of Part 121. The proposed amendment will insure that all crewmembers assigned emergency and emergency evacuation duties participate in the execution of their duties, and thus result in a more satisfactory accomplishment of the emergency functions.

Part 127 does not contain any provision for the control of the drinking of alcoholic beverages, the service of such beverages aboard scheduled helicopters, or the boarding of intoxicated persons. Although operations of scheduled helicopter air carriers are short in duration, and alcoholic beverages are not served on board the helicopters, the presence of intoxicated passengers could contribute to an unsafe condition during flight. Therefore, it is proposed to add to Part 127 provisions similar to those appearing in § 121.575 of Part 121, regarding alcoholic beverages. The addition of the proposed provisions will provide the air carriers with a means to control drinking by the passengers and prohibit the boarding of an intoxicated passenger.

In consideration of the foregoing, it is proposed to amend Part 127 of Chapter I of Title 14 of the Code of Federal Aviation Regulations as follows:

1. By adding a new § 127.147 to read as follows:

§ 127.147 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type of helicopter, assign to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger helicopters.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

2. By adding a new § 127.229 to read as follows:

§ 127.229 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard a helicopter unless the certificate holder operating the helicopter has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its helicopters if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its helicopters if that person appears to be intoxicated.

(d) Each certificate holder shall, within 5 days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated aboard any of its helicopters.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

Issued in Washington, D.C., on July 21, 1965.

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

[F.R. Doc. 65-8025; Filed, July 29, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15627]

MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Notice Extending Time To File Comments

1. On July 19, 1965, 22 broadcast licensees whose stock is widely held and publicly traded (Capital Cities Broadcasting Corp. et al.) filed a joint "Petition for Extension of Time To File Comments," asking that the time for filing comments in this proceeding be extended from August 2 to September 1, 1965, and reply comments from August 31 to September 20, 1965. It is asserted that, following informal conferences with the Commission and the staff, these licensees formed a legal steering committee for the purpose of gathering information and preparing joint comments; that a draft of comments was prepared as of July 16 and is being circulated among the various counsel involved; and that, because of the time required for this purpose and other commitments of counsel it would be difficult, if not impossible, to meet the present date.

2. Under the circumstances, it appears that the requested extension is warranted and will not materially delay resolution of this proceeding. It is not anticipated that any further extension will be granted. Accordingly, notice is hereby given that the time for filing comments in this proceeding is extended to and including September 1, 1965, and the time for filing reply comments is extended to and including September 20, 1965.

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

Adopted: July 26, 1965.

Released: July 26, 1965.

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

[F.R. Doc. 65-8062; Filed, July 29, 1965; 8:50 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARETE ILCHMANN AND BRUNHILDE BERNER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margarete Ilchmann, Manzostrasse 17, Munich-Untermenzing, Germany; $208.86 in the Treasury of the United States.

Brunhilde Berner, Haidhauser Strasse 16, Munich 8, Germany; Claim No. 37669; Vesting Order No. 1669; $626.57 in the Treasury of the United States.

Executed at Washington, D.C., on July 26, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 65-8011; Filed, July 29, 1965; 8:45 a.m.]

POST OFFICE DEPARTMENT

APARTMENT HOUSE MAIL RECEPTACLES

Issuance of Notice

The following is the text of a notice issued by the Assistant Postmaster General, Bureau of Operations after the approval of the Deputy Postmaster General, which appeared on page 4 of the June 24, 1965, issue of the Postal Bulletin, number 20479:

A number of vertical-type apartment mailbox units, which provide a modified extra receptacle for depositing outgoing mail, have been installed. This additional feature has never been officially approved by the Department. The arrangement described is considered inconvenient for the carrier, too limited in the size of mail accommodated by the slot, and will not provide the frequency of service available at the nearest official collection box.

The primary consideration in establishing mail chute and receiving box policy is the volume of mail generated, which in turn determines whether or not frequent daily collections are warranted. A spare apartment house receptacle converted to function as a mail collection point does not meet the criteria specified for a receiving box or a collection box.

In view of the serious disadvantages outlined, future installations of this type of apartment mailbox unit are not to be approved.

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-8043; Filed, July 29, 1965; 8:47 a.m.]

REGIONAL DIRECTOR

Delegation of Authority

The following is an excerpt from Regional Letter No. 65-108 signed by the Postmaster General designating the Regional Director as Deputy Employment Policy Officer:

Effective July 1, 1965, the Regional Director is hereby designated as Deputy Employment Policy Officer.

* * * * *

With the transfer of this function to the Regional Directors, the full responsibility and authority for the implementation of the Equal Employment Opportunity program is now vested in the highest Regional Official.

When signing any document relating to Executive Order 10925, the Regional Director will use the following title:
Regional Director,
Deputy Employment Officer.

* * * * *

Amendments to § 201.90(c) of Title 39, Code of Federal Regulations and Part 823 of the Department's Organization and Administration Statement (30 F.R. 7012) will be published in the FEDERAL REGISTER at a later date and reflect the foregoing revised regulations.

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

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-8044; Filed, July 29, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Carolina and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bladen.	Robeson.
Hoke.	Sampson.

TEXAS

Bell.	Hardeman.
Foard.	Lynn.
Garza.	Wilbarger.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-8069; Filed, July 29, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Files 22-68 etc.]

INGENIORSFIRMAN ELMETRIK AB

Order Terminating Indefinite Denial Order

In the matter of Sven O. Hakanson, trading as Ingeniorsfirman Elmetrik AB, 28 Ostrsjovagen Hollviksnas, Malmo, Sweden, respondent; Files 22-68 et al.

On July 14, 1960 (25 F.R. 6854), the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, entered an order against the above respondent denying him, for an indefinite period, all privileges of participating in exportations from the United States because he failed to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations and without giving reasons for such failure. The respondent has now furnished complete and responsive answers to the interrogatories.

Accordingly, it is ordered that the said order of July 14, 1960, be and the same is hereby terminated.

Dated: July 26, 1965.

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

[F.R. Doc. 65-8061; Filed, July 29, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SCHERING CORP.

Notice of Filing of Petition for Food Additives Amprolium, Dienestrol Diacetate

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 5D1771) has been filed by Schering Corp., Bloomfield, N.J., 07003, proposing an amendment to § 121.266 *Dienestrol diacetate* to provide for the safe use of amprolium at 0.0125–0.025 percent in combination with dienestrol diacetate in the feed of chickens for the prevention of coccidiosis.

Dated: July 26, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-8057; Filed, July 29, 1965; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives Antioxidants and/or Stabilizers for Polymers

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 5B1688) has been filed by Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017, proposing to amend paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers* by inserting in the list of substances the item "*p-tert*-Amylphenol-formaldehyde resins produced when 1 mole of *p-tert*-amylphenol is made to react under acid conditions with 1 mole of formaldehyde" subject to the limitation "For use only in polyamide resins derived from dimerized vegetable oil acids (containing not more than 20 percent of monomer acid) and ethylenediamine, used in compliance with regulations in this Subpart F; for use only at a level not to exceed 5 percent by weight of such polyamide resins".

Dated: July 26, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-8058; Filed, July 29, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

Notice of Filing of Petition for Food Additives Packaging Materials for Use in Radiation Preservation of Prepackaged Foods

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 5B1674) has been filed by U.S. Atomic Energy Commission, Washington, D.C., 20545, proposing that § 121.2543 *Packaging materials for use in radiation preservation of prepackaged foods* be amended by adding to paragraph (b) the following groups of packaging materials:

1. Vinylidene chloride copolymer-coated or polyethylene-coated polyethylene terephthalate film complying with § 121.2524 and having a base sheet prepared from substances identified in § 121.2524(d)(4)(i).

2. Vinylidene chloride copolymer-coated polypropylene film complying with § 121.2569.

Dated: July 26, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-8059; Filed, July 29, 1965; 8:49 a.m.]

WESTERN DAIRY PRODUCTS, INC.

Notice of Filing of Petition Regarding Food Additive Stannic Oxide

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 5A1789) has been filed by Western Dairy Products, Inc., 118 World Trade Center, San Francisco, Calif., 94111, proposing the issuance of a regulation to provide for the safe use of stannic oxide as a tracer at a level of 0.1 percent in sodium caseinate used in cooked comminuted meat products.

Dated: July 26, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-8060; Filed, July 29, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-189]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Termination of Facility License

Please take notice that the Atomic Energy Commission has terminated Facility License No. R-82 authorizing operation of the nuclear reactor facility designated as the "UTR Test Reactor" and located on the Corporation's site at Mountain View, Calif.

The reactor has been disassembled and the fuel, neutron startup source, and component parts of the reactor, with the exception of the concrete biological shield, have been suitably disposed of following shipment from the reactor site.

For further details see (1) a copy of the licensee's request for termination of the license dated August 28, 1964, and a supplemental letter dated December 14, 1964, and (2) a Safety Evaluation by the Test and Power Reactor Safety Branch, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of July 1965.

For the Atomic Energy Commission.

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

TERMINATION OF FACILITY LICENSE

The Atomic Energy Commission has found that the 15 watt, graphite and light water moderated reactor, designated as the "UTR Test Reactor", located at Mountain View, Calif., has been dismantled and disposition made of the component parts in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the request of the licensee dated August 28, 1964, and supplemental letter dated December 14, 1964, Facility License No. R-82, issued to the American Radiator & Standard Sanitary Corp., has been terminated as of this date.

Date of termination: July 22, 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-8012; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. 50-200]

BABCOCK & WILCOX CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to January 25, 1966, the expiration date specified in Provisional Operating License No. TR-4, issued to The Babcock & Wilcox Co., authorizing operation of the Babcock & Wilcox Test Reactor located near Lynchburg, Va., at power levels not in excess of 6 megawatts thermal.

Copies of the Commission's order and the application dated May 14, 1965, filed by The Babcock & Wilcox Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 23d day of July 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-8013; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Provisional Operating License No. DPR-5. The license authorizes Consolidated Edison Co. of New York, Inc. ("the licensee"), to operate its Indian Point nuclear reactor located in Westchester County, N.Y., at thermal power levels up to 585 megawatts. The amendment, in accordance with the application dated July 9, 1965, authorizes the licensee to receive, possess, and store an additional 959 kilograms of uranium-235 contained in Core B fuel elements and extends the term of the provisional operating license for a period of 18 months.

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

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

Dated at Bethesda, Md., this 22d day of July 1965.

For the Atomic Energy Commission.

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

[License No. DPR-5 Amdt. 1]

PROVISIONAL OPERATING LICENSE AMENDMENT

The Atomic Energy Commission having found that:

a. The application for license amendment dated July 9, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. Referral of the application to the Advisory Committee on Reactor Safeguards and prior public notice of proposed issuance of this amendment are not required since the amendment does not involve significant hazards considerations different from those previously evaluated; and

c. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR-5, which authorizes Consolidated Edison Co. of New York, Inc., to operate its Indian Point nuclear reactor located in Westchester County, N.Y., is hereby amended in accordance with the application dated July 9, 1965.

1. Subparagraph 2.B. is amended to read:

2.B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," (1) to receive, possess and use at any one time 1140.46 kilograms of contained uranium-235 as fuel for operation of the reactor, and (2) to receive, possess and store, but not to use, an additional 959 kilograms of contained uranium-235 as Core B fuel elements.

2. Paragraph 8 is amended to read:

8. This license is effective as of the date of issuance and shall expire at midnight March 26, 1967, or upon the earlier issuance of a superseding provisional operating license amendment.

This amendment is effective as of the date of issuance.

Date of issuance: July 22, 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-8014; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. 50-75]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued effective as of the date of issuance Amendment No. 5, set forth below, to Facility License No. CX-13. The license authorizes National Aeronautics and Space Administration to operate its homogeneous Zero Power Reactor I (ZPR-I) nuclear reactor located at the Lewis Research Center in Cleveland, Ohio. The amendment (1) increases from 3 to 10 kilograms the amount of fuel which can be used in the reactor, (2) increases the authorized power level from 10 watts to 100 watts, (3) designates the limit on experiments inserted in the reactor in terms of reactivity rather than period, (4) increases from 1 curie to 5 curies the size of the plutonium-beryllium startup source, and (5) adds Technical Specifications to the license, as described in the licensee's application for license amendment dated January 10, 1965 and supplement thereto dated April 21, 1965.

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

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated January 10, 1965, and supplement thereto dated April 1, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of July 1965.

For the Atomic Energy Commission.

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

[License No. CX-13, Amdt. 5]

AMENDMENT TO FACILITY LICENSE

License No. CX-13, as amended, is revised to read as follows:

1. This license applies to the homogeneous zero power research reactor designated as Zero Power Reactor I (ZPR-I), (hereinafter referred to as "the reactor") which is owned by the National Aeronautics and Space Administration and located at the Lewis Research Center in Cleveland, Ohio, and described in the application of National Advisory Committee for Aeronautics, dated July 5, 1957, and amendments thereto dated August 22, 1957, August 27, 1957, December 2, 1957, February 28, 1958, June 23, 1958, and National Aeronautics and Space Administration application amendments dated October 28, 1958, October 31, 1958, December 2, 1958, January 28, 1960, May 27, 1960, July 15, 1960, January 24, 1961, April 13, 1962, January 10, 1965, and April 21, 1965 (hereinafter collectively referred to as "the application"). Pursuant to the notice published in the FEDERAL REGISTER on September 30, 1958 (23 F.R. 7595), it is noted that the functions and powers of the National Advisory Committee for Aeronautics were transferred to the National Aeronautics and Space Administration in accordance with the National Aeronautics and Space Act of 1958 (Public Law 85-568) approved July 29, 1958, 72 Stat. 426, 433.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

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

b. The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

d. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public; and

e. National Aeronautics and Space Administration is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material, and to undertake and carry out the proposed activities in accordance with the Commission's regulations.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses National Aeronautics and Space Administration:

a. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Cleveland, Ohio, in accordance with the procedures and limitations described in the application and this license;

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Ma-

terial," to receive, possess, and use up to 10 kilograms of contained uranium-235 in connection with operation of the reactor, and up to 16 grams of plutonium encapsulated as a plutonium-beryllium neutron source for reactor startup, and

c. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and is subject to the additional conditions specified below:

a. National Aeronautics and Space Administration is authorized to operate the reactor at power levels up to a maximum of 100 watts (thermal).

b. Technical specifications: The Technical Specifications contained in Appendix "A" attached hereto are hereby incorporated in this license. National Aeronautics and Space Administration shall operate the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

c. Authorization of changes, tests, and experiments: National Aeronautics and Space Administration may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of Section 50.59 of the Commission's regulations.

d. Records: In addition to those otherwise required under this license and applicable regulations, National Aeronautics and Space Administration shall keep the following records:

(1) Reactor operating records, including power levels,

(2) Records of all experimental irradiations,

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of National Aeronautics and Space Administration as measured at the point of such release or discharge,

(4) Record of emergency reactor scrams, including reasons for emergency shutdowns, and

(5) Records of environmental surveys.

e. Reports: In addition to reports otherwise required under this license and applicable regulations:

(1) National Aeronautics and Space Administration shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report. For each such occurrence, National Aeronautics and Space Administration shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) National Aeronautics and Space Administration shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the hazards summary report or the Technical Specifications.

(3) National Aeronautics and Space Administration shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

5. This license is effective as of the date of issuance and shall expire at midnight January 22, 1978.

Date of issuance: July 22, 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-8015; Filed, July 29, 1965; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

WATER SUPPLIES OF DELAWARE RIVER BASIN

Notice of Emergency Resolutions and Conservation Order

The Delaware River Basin Commission on July 7, 1965, adopted the following three resolutions constituting Basin Regulations:

Emergency Resolution No. 1, a resolution to declare a state of emergency in the water supplies of the Delaware River Basin, and in certain other delineated areas thereof.

Emergency Resolution No. 2, a resolution to provide for the temporary modification of the release and withdrawal rights and obligations of the parties to the United States Supreme Court decree of 1954 in New Jersey v. New York, and to declare an emergency with respect thereto.

Conservation Order No. 1, a resolution to implement Emergency Resolution No. 1 and to place stored waters under conservation control for the duration of the water supply emergency.

Emergency Resolutions No. 1 and No. 2 and Conservation Order No. 1 read as set forth below.

W. Brinton Whitall,
Secretary.

Emergency Resolution No. 1

A resolution to declare a state of emergency in the water supplies of the Delaware River Basin, and in certain other delineated areas thereof.

Whereas the unprecedented drought in the Northeastern section of the United States has seriously imperiled the water supplies needed to serve the people of the Basin at present and in the near future; and

Whereas the Delaware River Basin Commission is authorized and required to invoke emergency powers to protect the public interest, under the provisions of section 10.4 of the Delaware River Basin Compact; and

Whereas the Commission has caused a thorough investigation to be made of the nature and scope of the water supply shortage within the Basin; and

Whereas the Commission duly held a public hearing in the City of Philadelphia on July 7, 1965, preparatory to invoking its powers under the Delaware River Basin Compact to declare a water supply emergency; and

Whereas it appears from the testimony given at the public hearing, the Commission investigation, and other official records that the health, safety and general welfare of the people of the Basin and its service area are seriously and immediately threatened by the existence of a present and foreseeable imbalance between water demand and water supplies useful for domestic and industrial purposes by major parts of the population dependent upon the waters of the Delaware River Basin; now therefore

Be it resolved by the Delaware River Basin Commission:

1. *Findings of fact.* The Commission hereby finds and determines as follows:

(a) The entire Northeast section of the United States is in its fourth year of drought. This current year is developing into the most serious year of the 4 with the most critical consequences.

(b) Rainfall in the Delaware River Basin the first 6 months of 1965 has been 14.5 inches. This compares with 14.8 inches for a similar period in 1964, and a long-term average or normal of 20 inches. The cumulative effect of the continuing drought has caused reservoir storage of water to fall seriously below requirements for this time of year.

(c) The June 1965 flows of the Delaware River at Trenton and Montague averaged 2,678 c.f.s. at Trenton and 1,231 c.f.s. at Montague. They compare with monthly averages in June 1964 of 4,337 c.f.s. at Trenton and 1,992 c.f.s. at Montague, and long-term June averages, or normal flows of 8,600 and 4,130 respectively. In every month except February, the 1964 average monthly flows were higher than those for 1965, although 1964 has been recognized as a severe drought year. On June 30, 1965, the flows at Montague had fallen to 550 c.f.s., as compared with 1,970 c.f.s. on the same date in 1964. This difference was due in part to the decision of the City of New York to conserve the waters stored in its upper Delaware River reservoirs at Pepacton and Neversink, and to terminate releases (except the natural stream flow) on June 14, 1965, which had augmented the flow of the river during the summer period in 1964.

(d) Each year the salt water or chloride front of 250 parts per million at high water slack moves up the river during the periods of seasonal low flow. Last year on May 1 it was at Reedy Island. This year on May 1 it was at Delaware Memorial Bridge and by July 4 it had moved 6 miles above Chester. It is estimated that if the observed rate of salinity advance which occurred between June 27 and July 4, 1965, continues unchanged the chloride front will reach the Torresdale intake of the City of Philadelphia about August 15. This would render approximately one-half of the city water supply unpalatable for consumption, based upon U.S. Public Health Service drinking water standards. This concentration would range in acceptability for industrial use from inconvenient to impossible. While other impurities are susceptible to removal by routine filtration methods, chlorides are not.

(e) The location of the 22 wells which supply water to the City of Camden is approximately 7 to 9 miles downstream from the Torresdale intakes. The depth of these wells average 40 feet below sea level. All the geological evidence affirms that the wells are recharged from the Delaware River. If the 250 p.p.m. front reaches Torresdale, chloride concentrations in the order of 1,200 p.p.m. will be in the river off of Camden, presenting a clear and present danger of salt water intrusion of the underground aquifers from which the city draws its water, which could render the wells useless.

2. *Declaration of emergency.* By virtue of the powers vested in the Commission by section 10.4 of the Compact to declare a water supply emergency, and in view of the foregoing findings and determinations:

(a) A state of emergency in the water supplies of the Delaware River Basin is hereby declared with respect to the main stream of the Delaware River and its tributaries.

(b) For the duration of the emergency, and within the delineated area, no person, firm, corporation, public or private entity shall divert or withdraw water for any purpose, including impoundment or storage at any place on or off stream, except as may be authorized by Compact or by general regulation or special permit granted by the Commission.

(c) For the purposes of further delineation of the area emergency, and further reference thereto in conservation orders of the Commission to be issued hereunder, the Delaware River Basin is divided into twelve sub-basins as shown on the map, Figure II at page II-2 of the Commission's Second Water Resources Program (1965).

3. *Sanctions; civil and criminal.* (a) Any person, association, corporation, public or private entity who or which violates or attempts or conspires to violate any provision of this resolution, or of any order, regulation or permit issued in furtherance thereof, shall be punishable as provided in section 14.17 of the Compact.

(b) General counsel of the Commission may, in his discretion, request the appropriate law enforcement officers of the signatory parties to prosecute any or all violations of this resolution in accordance with the Compact and the laws of the respective signatory parties, and for recovery of the fines fixed by section 14.17 of the Compact, in the name and on behalf of the Commission. Each of the signatory parties and their respective law enforcement officers are hereby requested pursuant to section 11.5 of the Compact, to provide such technical, professional and administrative services as may be required for such enforcement.

(c) In addition to such penal sanctions as may be imposed pursuant to this section, any violation of this resolution shall be subject to such civil remedies by injunction and otherwise as provided by law.

4. *Duration.* This resolution shall take effect immediately and shall remain in full force and effect until such time as the Commission shall by resolution terminate the state of emergency.

Adopted: July 7, 1965.

By the Commission.

Emergency Resolution No. 2

A resolution to provide for the temporary modification of the release and withdrawal rights and obligations of the parties to the U.S. Supreme Court decree of 1954 in New Jersey v. New York, and to declare an emergency with respect thereto.

Whereas this Commission has declared a state of water supply emergency in the Delaware River Basin by its Emergency Resolution No. 1; and

Whereas the United States Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954) permitted the City of New York to draw 490 million gallons daily of Delaware River water on condition that it make certain releases from its reservoirs to the River, but studies by the River Master show that under cirernt drought conditions the combination of such diversions with releases required by the River Master could empty the reservoirs in August; and

Whereas the Commission has consulted with the River Master and has duly held a public hearing at Philadelphia on July 7, 1965, at which all parties to the U.S. Supreme Court decree were afforded an opportunity to be heard; now therefore

Be it resolved by the Delaware River Basin Commission:

1. *Findings.* The Commission hereby finds and determines:

(a) New York City is currently authorized to divert a maximum of 490 million gallons daily from its headwater dams of Neversink and Pepacton throughout the water year. From June 1, 1964, through May 31, 1965, these diversions averaged 433 million gallons daily. Since June 14, New York has released only the inflows to Neversink, Pepacton, and Cannonsville.

(b) The City of New York is presently dependent upon its Delaware system for one-third of its total water supply needs to serve some 12 million people. The City has established that as of July 1, 1965, it had useful storage of 226 billion gallons in its entire system. This total storage represented 48 percent of capacity, as compared with 82.9 percent a year ago. In the Neversink and Pepacton Reservoirs which comprise the presently usable part of the Delaware system with a capacity of 179 billion gallons, the useful storage was 64 billion gallons on July 1, 1965, or 40 percent of capacity, as compared with 135 billion gallons a year ago, or 80 percent of capacity.

(c) The continued maintenance of the River Master's release directions designed to provide the flow of 1525 cfs at Montague set forth in the Supreme Court decree has proved to be hydrologically impossible at present, even with drastic reductions in New York City diversions and even if all available supplemental water storage is used.

(d) Diversions by New York City at an average of 490 million gallons daily cannot be made without severe detriment to the downstream users.

(e) An equitable apportionment of the waters of the basin between the City of New York and the lower basin cities and other users, giving due weight to the necessity to distribute the risks of shortage, and to the alternatives open to the parties, requires a reduction in the releases, a reduction of diversions by the City of New York, and the supplementation of the New York City storage with other storage to augment the low flow in the Delaware River.

(f) Such an equitable apportionment may be based on the following assumptions:

(i) The 1965 drought will equal the 1964 drought, except that the July 1965 conditions will equal those of August 1964;

(ii) Drought conditions will continue at least through December 1, 1965, when run-off from precipitation might relieve the drought;

(iii) The critical point of salinity for the City of Philadelphia is 250 p.p.m. of chlorides at high water slack at the City's Torresdale intake;

(iv) All available storage in the Pepacton and Neversink Reservoirs of the City of New York, in Lake Wallenpaupack by the Pennsylvania Power & Light Co., and in the Reservoirs on Mongaup River, a tributary of the Delaware River, by the Orange and Rockland Utilities, is needed in accordance with properly devised release schedules, to sustain the flow in the Delaware River at a rate sufficient to minimize salt water intrusion of public and other water supplies in the lower basin.

2. *Modifications of requirements of Supreme Court Decree.* (a) Based upon the findings and determinations set forth in section 1 of this resolution, and upon all available evidence, the Commission hereby finds and declares a state of emergency with respect to the Delaware River. The members of the Commission unanimously consenting thereto, it is further determined and directed that for the duration of this resolution, the total diversions by the City of New York shall not exceed a 30-day average of 335 million gallons daily, and the City shall make releases to the River of the natural inflow to Cannonsville Reservoir, and in addition shall make releases from the Neversink and Pepacton Reservoirs which, together with at least equal releases from other than New York City storage in the basin, will sustain the flow at Montague of 1,200 c.f.s.: *Provided, however,* That the City shall not be required in any event to release from its Pepacton and Neversink Reservoirs more than 200 million gallons daily.

(b) The River Master may continue to administer the Decree in all other respects in accordance with its terms.

3. *Limitation.* This resolution, its findings and determinations shall terminate on August 10, 1965, unless prior thereto the Commission shall, by unanimous action of its members, extend this resolution or amend and extend this resolution, for such further period as it may determine.

4. *Effective date.* This resolution shall take effect immediately.

Adopted: July 7, 1965.

By the Commission.

Conservation Order No. 1

A resolution to implement Emergency Resolution No. 1 and to place certain stored waters under conservation control for the duration of the water supply emergency.

Whereas the Commission has declared a state of water supply emergency by its Emergency Resolution No. 1; and

Whereas the Commission has declared a special emergency by its Emergency Resolution No. 2 with respect to diversions and releases permitted or required by the U.S. Supreme Court decree in New Jersey v. New York, 347 U.S. 995 (1954); and

Whereas such emergency releases require the use of all available water storage to prevent the possibility of the impairment of one-half of the water supply of the City of Philadelphia and of the total water supply of the City of Camden, and to avoid a major impairment of the water supply of the City of New York, one-third of which is dependent upon the waters of the Delaware River Basin; and

Whereas the health, safety, and general welfare of the people of the Delaware River Basin and its service area are seriously threatened by unprecedented reductions in the natural flow of the Delaware River; now therefore

Be it resolved by the Delaware River Basin Commission:

1. *Findings.* (a) The Commission hereby finds and determines a threatened critical impairment of those public water supplies which depend upon a sustained flow of the Delaware River sufficient to prevent intrusion of the salt front of 250 p.p.m. at high water slack from Delaware Bay;

(b) Based upon the best available information, a flow of approximately 2,000 c.f.s. at Trenton is required to prevent such intrusion to the Torresdale intake of the City of Philadelphia, and such a flow requires the augmentation of the natural flow of the river by releases from all available storage in addition to those to be provided by the City of New York under Emergency Resolution No. 2;

(c) For the purpose of such supplementary releases the principal available storage which can be released to the river efficiently is impounded by the Wallenpaupack Dam and the Mongaup dam system of the Orange and Rockland Utilities.

2. *Release order.* To protect the health, safety and welfare of the people of the Delaware River Basin, waters of the basin presently impounded by the Wallenpaupack Dam and the Mongaup dam system of the Orange and Rockland Utilities are hereby directed to be released from storage by their respective owners only at such times and according to a schedule to be furnished by the Executive Director, to sustain the flow in the Delaware River as required to protect the public interest.

3. *Duration.* Releases required by this order shall be continued for the duration of

the emergency declared by Emergency Resolution No. 1, so long as such releases may be feasible.

4. *Other water uses.* Until other general or special regulation or order of the Commission, except as provided by Section 2 of this Resolution, any person, firm, corporation, public or private entity may divert or withdraw water within such limits as are otherwise imposed by law.

5. *Advisory committee.* The Executive Director, with approval of the Commission, is authorized to designate one or more advisory committees, consisting of public officials and water users having special knowledge or responsibilities with respect to water supply or demand, to consider the necessity of further restrictions on water use in the Delaware River Basin and its service area, in view of restrictions already imposed by the State of New Jersey, the City of New York and other jurisdictions. Any such committee may prepare and propose for consideration by the Commission such additional measures as may be necessary or desirable to conserve and protect the available water supplies of the basin for essential purposes.

6. *Inspections.* The Executive Director is authorized to designate investigators, pursuant to section 14.2b of the Compact, for the purposes of inspecting public and private facilities for water use and conservation, and enforcing compliance with emergency resolutions and orders of the Commission.

7. *Effective date.* This resolution shall take effect immediately.

Adopted: July 7, 1965.

By the Commission.

[F.R. Doc. 65-8036; Filed, July 29, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16353]

IGNACE AIRWAYS LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on August 10, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 26, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-8068; Filed, July 29, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16084; FCC 65M-970]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone & Telegraph Co., Docket No. 16084; Tariff FCC No. 134, paragraph 27, second revised page 10H.

Upon joint oral motion for continuance of hearing date made by all counsel present at a prehearing conference held this date, and upon their showing that the decision in a kindred matter now before the Commission after hearing may render a hearing in the above-entitled matter unnecessary.

It is ordered, This 26th day of July 1965, that the motion for continuance of hearing is granted and that, accordingly, the hearing now scheduled for September 22, 1965, is rescheduled to commence at 10 a.m., November 30, 1965, in the Commission's offices in Washington, D.C.

Released: July 27, 1965.

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

[F.R. Doc. 65-8063; Filed, July 29, 1965; 8:50 a.m.]

[Docket No. 16109—16115]

CAPITAL CITY BROADCASTING CO. OF NEVADA (KPTL)

Memorandum Opinion and Order; Correction

In re applications of Capital Broadcasting Co., of Nevada (KPTL), Carson City, Nev., Docket No. 16109, File No. BP-15358; has: 1300 kc., 500 w., 5 kw.-LS, DA-N, U, Class III; requests: 780 kc., 10 kw., DA-1, U, Class II-A, et al. (And Docket Nos. 16110, 16111, 16112, 16113, 16114, and 16115); for construction permits.

In the Memorandum Opinion and Order in the above-captioned matter, adopted by the Commission on July 14, 1965, and released July 21, 1965 (FCC 65-630), the caption description of the Las Vegas, Nev., new-station facilities sought in the construction permit application of Albert John Williams and Jack M. Reeder, doing business as Radio Nevada (Docket No. 16115, File No. BP-16524), is corrected to read as follows:

"Requests: 720 kc., 50 kw.-LS, DA-N, U, Class II-A".

Released: July 26, 1965.

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

[F.R. Doc. 65-8064; Filed, July 29, 1965; 8:50 a.m.]

[Docket No. 15984; FCC 65M-972]

KUNO RADIO, INC. (KUNO)

Order Following Prehearing Conference

In re application of Kuno Radio, Inc. (KUNO), Corpus Christi, Tex., Docket No. 15984, File No. BMP-10937; for construction permit.

Prehearing conference was held today in this proceeding. The applicant will rely upon a written case and its written material must be submitted to all other parties no later than by the close of business on September 1. If any of the parties proposes to cross-examine, the applicant must be notified no later than by the close of business on September 24. Arrangements for possible rebuttal are tentatively undertaken and are reflected in the transcript of the prehearing conference. The hearing is continued to September 28, 1965, at 10 a.m. in Washington, D.C., in place of the September 10 date now specified.

So ordered, This 26th day of July 1965.

Released: July 27, 1965.

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

[F.R. Doc. 65-8065; Filed, July 29, 1965; 8:50 a.m.]

[Docket No. 16124; FCC 65-683]

WEST CENTRAL OHIO BROADCASTERS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of West Central Ohio Broadcasters, Inc., Xenia, Ohio, Docket No. 16124, File No. BP-15468; requests: 1110 kc., 250 w., DA-D, Class II; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned and described application by West Central Ohio Broadcasters, Inc. ("West Central"); and (b) two petitions to deny the West Central application, both petitions filed by R. Roy Stoneburner, Paul W. Stoneburner, and Vernon H. Baker, doing business as Greene County Radio, then licensee of standard broadcast Station WGIC, Xenia, Ohio, and adopted by The Greene Information Center, Inc. ("Greene"), assignee of the WGIC license.[1]

2. Greene claims standing as a party in interest in this matter on the ground that a grant of the West Central application would potentially cause economic injury to its Station WGIC, and cites Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470 (1940), in support of that contention. We find that Greene County Radio does have standing as a party in interest.

3. Greene concedes that its petitions were untimely filed, but requests that we waive the provisions of § 1.580(i) of the Commission's rules that would otherwise prevent their acceptance or in the alternative that the petitions be treated as an "informal objection." Pursuant to § 1.3 of the Commission's rules, § 1.580 (i) of the rules will be waived to permit acceptance of Greene's pleading as a petition to deny.

4. Greene contends (a) that Harry B. Miller—president, a director, and 25 percent stockholder of West Central—included, in the original and amended

[1] The Commission, on Oct. 30, 1964, approved voluntary assignment of the license of Station WGIC to The Greene Information Center, Inc., a corporation with the same principals as Greene County Radio. On May 3, 1965, the Commission approved acquisition by Vernon H. Baker of the shares held by Paul W. Stoneburner. Baker is now 90 percent shareholder. The term "Greene" is used herein to refer interchangeably to both Greene County Radio and its corporate successor.

construction permit application, misrepresentations as to the availability of proposed transmitter sites; (b) that Miller submitted, as part of the application, photographs described therein as depicting a proposed transmitter site (the Amole property), which actually were photographs of some other real property; (c) that Miller, as licensee of an existing FM station in Xenia, Ohio, ordered an announcer to violate Commission rules regarding logging of broadcasts and announcement of sponsors; (d) that the foregoing allegations raise questions as to the qualifications of West Central and its principals with respect to sufficiency of character and carefulness; and, finally, (e) that the West Central application, as amended, proposes a transmitter site which is not available because neither West Central nor Miller has sufficient liquid assets to make payments in accordance with the contract between Miller and the proprietor of the property.

5. In support of its contention that West Central misrepresented the availability of the originally proposed site, Greene has submitted an affidavit, dated March 17, 1963, by the owner of the property, Mary D. Amole, in which she said "That she has never been contacted by anyone concerning location of an antenna tower on said land; That several months ago a local realtor came to see her about her property but since he would not say who the interested party was or for what purpose the land was to be used, she refused to sell any of the above-mentioned land; and That she has no present intention of selling, leasing, or permitting such use of said land by anyone." In response, West Central has submitted an affidavit, dated November 26, 1963, by a local real estate broker, Dallas Marshall, which states: "During my negotiations with Mrs. Amole I felt an amiable agreement could be reached and informed Mr. Miller thusly." Miller states that his claim that the Amole site was available for use as a transmitter site was based, in good faith, upon that information from the broker. It appears, on the basis of these averments that West Central failed to exercise sufficient care in determining the availability of the originally proposed transmitter site. These averments do not, however, give rise to a substantial question as to whether West Central misrepresented the availability of that site.

6. With respect to West Central's alleged misrepresentation as to the availability of the second proposed site, Greene claims that Mrs. Marie W. Goudy (widow and sole heir of the deceased owner of the property) said in an interview that her husband had made no agreement with the applicant corporation or with Miller regarding use of the property as a transmitter site, and that she would not allow a radio transmitter to be erected on the property. In response to that, West Central has submitted (a) a notarized affidavit by Mrs. Goudy completely contradicting the oral statement attributed to her by Greene and (b) a signed copy of an agreement to sell the property in question, signed by Mrs. Goudy (as seller) and Miller. As indicated in paragraph 7 infra, the property has subsequently been conveyed by Mrs. Goudy to Miller and by him to West Central. In view of these facts, we find that West Central did not misrepresent the availability of the second proposed transmitter site.

7. Any doubts which might otherwise have existed as to the present availability of a transmitter site for the proposed station were removed by the filing, on September 3, 1964, of an amendment to the West Central application, including financial statements for Mr. and Mrs. Harry B. Miller and for West Central and notarized copies of deeds transferring the property in question from its former owner to Miller and from him to West Central. Upon consideration of these documents, we find that the now-proposed transmitter site is available and that the transactions concerning it do not raise any questions as to West Central's financial capacity to effectuate the rest of its proposal.

8. As for the incorrectly labeled photographs, Miller concedes (in an affidavit filed January 6, 1964) that they do not depict the originally proposed transmitter site. His explanation is that the pictures were taken for him by someone else, who misunderstood his instructions as to the spot from which they should be taken; that the spot from which they were to be taken was at most approximately 500 feet from the proper position; that the terrain actually photographed is essentially the same as that of the originally proposed site and, according to the Commission's M–3 chart, has the same g r o u n d conductivity. Miller's statement regarding the cause of the mistake is supported by an accompanying affidavit from the photographer. Here, too, we find that the averments, taken together, indicate that West Central should have exercised greater care in examining the photographs before submitting them, but do not give rise to a question of wilful misrepresentation.

9. Greene's contention regarding violation of the Commission's log-entry and sponsor-identification rules is based upon affidavits, dated April 16, 1964, and after, by Charles David Richley, which state (a) that Richley was an announcer for WHBM(FM), Xenia, Ohio, from July 1962, to October 1963; (b) that during the 1962 election campaign period he was ordered by that station's licensee, Harry B. Miller, to broadcast spot announcements favoring the candidacy of one John W. Brown for Lieutenant Governor, but to make no entries regarding those announcements in the station's daily program log; and (c) that the announcements were broadcast during the week preceding the election without sponsor identification and without log entries at the time or, to his knowledge, later.

10. West Central flatly denies these allegations, and has submitted a formidable array of affidavits, real evidence, and argumentation in support of its position. A summary and evaluation of the materials, and Greene County Radio's responses to them, follow:

11. Miller states (in an affidavit dated May 5, 1964) that Richley was employed by WHBM(FM) from July 1962, until October 22, 1963; that on that date Richley gave 2 weeks notice that he was joining the staff of Greene's new Xenia, Ohio, station WGIC(AM), and that Miller terminated his employment immediately; that Richley began working at WGIC on November 8, 1963, and entered military service on or about February 20, 1964. (It is noted that neither Richley's initial affidavit nor the Greene pleading accompanying it advised the Commission of his employment at WGIC after leaving the WHBM staff.) Referring to this data, subsequently conceded by Greene to be correct, the applicant challenges Richley's credibility on the following grounds: (a) Richley's employment by Greene itself raises a question of bias and hence reduces the probative value of his testimony. (b) Greene filed its original petition to deny on November 20, 1963; both before and after that date it went through the West Central application with a fine-tooth comb in search of grounds for objection, interviewed proposed-site property owners, and even compared photographs submitted by the applicant with land ostensibly depicted. (c) During much of that period, Richley, an obvious potential source of derogatory information about Miller—was in Greene's employ; yet his affidavit was not signed until April 1964. (d) This several months' delay raises a serious question as to whether the contents of his affidavit are based on contrivance rather than recollection.

12. Miller's affidavit of May 5, 1964, is accompanied by the following evidentiary items: (a) Program logs of WHBM(FM) for the period November 1, through November 6, 1962, containing entries for several political spot announcements, including some for John Brown, the candidate in question; (b) a photographic reproduction of a check for $15 to "Harry Miller-WHBM" from "John Brown/Brown for Lieutenant Governor Comm.," dated November 1, 1962, described by West Central as in payment for five spot announcements at $3 per spot; (c) affidavits by several WHBM announcers to the effect that they had never been instructed to refrain from entering a political spot announcement in the station program log or to refrain from broadcasting the identity of the sponsor; (d) a recording of the John Brown spot announcement; and (e) a typed transcript of its contents. In its subsequent pleadings, Greene offers no challenge to the authenticity of these materials.

13. Finally, West Central argues that, in addition to the foregoing, the credibility of Richley's affidavits should be "tested in light of Miller's evident lack of motive for wrong-doing," and notes that neither Richley nor Greene offers any hypotheses "as to why Mr. Miller would have wanted to do what Mr. Richley claims." Greene replies that it is not necessary to prove a motive in order to establish a misrepresentation. Greene's reply is correct as far as it goes, but it in no way contradicts the view that the presence or absence of apparent motivation for wrongdoing is a relevant factor to be considered in determining whether the alleged misconduct occurred.

14. In a later pleading, and accompanying affidavit by Harry B. Miller,

filed April 20, 1965, West Central suggests that Richley may have confused certain discussions and instructions regarding use of a tape recording of the voice of another statewide candidate, William B. Saxbe, Republican candidate for Attorney General, with the spot announcements on behalf of John W. Brown. Regarding this, the Miller affidavit states in essence: (a) That on the day before the November 6, 1962, election Miller telephoned Saxbe to sell him radio time, but that Saxbe declined; (b) that Miller, having made the call, proceeded to conduct a tape recorded telephone interview with Saxbe; (c) that, after reviewing the interview recording, Miller concluded that Saxbe's comments were too partisan for normal news broadcast use; (d) that Miller therefore decided to use an extract from the tape as part of a "get out the vote" public service announcement; (e) that, accordingly, Miller took Saxbe's opening few words, in substance, "I wish to thank the voters of Greene County for the wonderful support you have given me in the past and will appreciate your continued support," and added the following: "The voice you have just heard was that of a candidate for statewide office. Is he the candidate of your choice on election day? Vote for the candidate of your choice on election day"; (f) that neither the candidate, nor the office sought, nor his party affiliation was identified in the announcement; (g) that Miller issued instructions to all of the announcers, including Richley, to use the tape in all remaining newscasts for that day; (h) that one of the announcers, possibly Richley, asked whether the announcement be identified as a political announcement and so logged; and (i) that Miller replied that since the announcement did not identify the candidate, his party, or the office sought, it was not a political announcement, and, therefore, should not be so identified or logged. The affidavit adds, "Affiant * * * believes that Richley has confused the discussions and instructions with respect to the foregoing tape recording with the spot announcements on behalf of John W. Brown."

15. A responsive pleading by Greene, unaccompanied by any further Richley affidavit, reaffirmed the allegations which it had previously made.[2]

16. We have before us conflicting allegations which we are unable to resolve on the basis of the pleadings and related affidavits and exhibits which have been submitted by West Central and Greene. We will, therefore, designate West Central's application for hearing on issues related to the allegations contained in the Charles David Richley affidavits cited above (see paragraph 9, supra).

17. In view of the foregoing, the Commission is unable to make the statutory finding that a grant without hearing of the West Central Ohio Broadcasters, Inc., application for a construction permit for a new Xenia, Ohio, standard broadcast station would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues set forth below. Except as indicated by the issues specified below, the Commission finds that West Central Ohio Broadcasters, Inc., is legally, technically, financially, and otherwise qualified to construct and operate as proposed.

Accordingly, it is ordered, pursuant to § 1.3 of the Commission's rules, That § 1.580(i) of the rules is waived to permit acceptance of Greene's petition to deny.

It is further ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, That the above-captioned application filed by West Central Ohio Broadcasters, Inc., is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the correctness of the allegations contained in affidavits by Charles David Richley to the effect that, during the 1962 election campaign period, Richley, then a member of the staff of FM Broadcast Station WHBM, was ordered by that station's licensee, Harry B. Miller, to broadcast spot announcements favoring the candidacy of John Brown for Lieutenant Governor of the State, but to make no entry regarding those announcements in the station's program log; and that such announcements were broadcast by WHBM(FM) during the week preceding the November 1962 election without sponsor identification and without log entries at the time or, to his knowledge, later.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether West Central Ohio Broadcasters, Inc., has the requisite qualifications to be a broadcast licensee.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of West Central Ohio Broadcasters, Inc., for a construction permit would serve the public interest, convenience, and necessity.

It is further ordered, That the Greene Information Center, Inc., licensee of standard broadcast Station WGIC, Xenia, Ohio, is made a party to the proceeding.

It is further ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, That, with respect to issues 1 and 2, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the petitioner.

It is further ordered, That the requests contained in the informal objections filed and/or adopted by R. Roy Stoneburner, Paul W. Stoneburner, and Vernon H. Baker, doing business as Greene County Radio, and by the Greene Information Center, Inc., are granted to the extent indicated above and are denied in all other respects.

It is further ordered, That, in the event of a grant of the West Central Ohio Broadcasters, Inc., application, the construction permit shall include, inter alia, the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by §1.594(g) of the rules.

Adopted: July 21, 1965.

Released: July 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-8066; Filed, July 29, 1965; 8:50 a.m.]

[Docket No. 15985; FCC 65M-971]

WHOO RADIO, INC. (WHOO)

Order Regarding Procedural Dates

In re application of WHOO Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

In accordance with the agreements reached at the prehearing conference on July 6, 1965, the following time schedule was established:

1. The applicant will exchange with all parties its written affirmative showing in response to the issues as now specified on Monday, August 2, 1965.

2. An informal engineering conference under the supervision of the Commission's engineering staff will be held on or before the close of business on Friday, August 13, 1965.

3. Final exchange of the preliminary written affirmative showing will take place on or before the close of business on Monday, September 13, 1965.

4. The evidentiary hearing will begin on Monday, September 27, 1965, at which time the applicant will offer in evidence its written affirmative showing in support of its case, and the other parties will exchange drafts of such affirmative showing as they propose to make in response to or in opposition to the affirmative showing made by the applicant.

Issue 2 in this proceeding reads as follows:

[2] Greene also contended therein that the actions described by Miller and summarized in paragraph 14, supra, themselves constituted violations of the Commission's Rules regarding log entries et al. We do not have sufficient information regarding the event in question, and do not consider it a matter of sufficient gravity to require an issue in this proceeding.

[3] Commissioners Lee and Loevinger absent.

To determine whether the proposed operation is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1000 mv/m contour and, if not, whether circumstances exist which would warrant a waiver of said section.

At the prehearing conference held on May 24, 1965, as well as at the conference on July 6, 1965, counsel for the applicant identified the type of surveys to be made seeking the factual data which will be submitted in response to the blanketing issue.

At the prehearing conference on July 6, 1965, counsel for the applicant invited each of the other parties to have a representative accompany the applicant's personnel while the surveys were being made and indicated that if other parties deemed it desirable to enlarge the number of calls made on each survey, he would permit the representatives of the other parties to identify a larger survey and would include the new or revised survey in the exhibits to be offered in evidence. All parties are urged to avail themselves of the invitation extended by the applicant to determine factually and on the spot the accuracy of the facts which will be presented in evidence. The "on-the-spot" determination will shorten, if not eliminate, the necessity of cross-examination of witnesses pertaining to such surveys.

It is so ordered, This the 26th day of July 1965.

Released: July 27, 1965.

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

[F.R. Doc. 65-8067; Filed, July 29, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI66-16, etc.]

PURE OIL CO. ET AL.

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

JULY 23, 1965.

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

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

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

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before August 31, 1965.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-16	The Pure Oil Co., 200 East Golf Road, Palantine, Ill., 60067, Attn.: Mr. J. R. McChesney.	86	1	El Paso Natural Gas Co. (Red Hills Field, Lea County, N. Mex.) (Permian Basin).	$3,600	6-29-65	[2] 8-1-65	1-1-66	16.0	16.5	
RI66-17	Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla., 74102, Attn.: Arthur F. Whitt, Esq.	54	1	El Paso Natural Gas Co. (Caliche Plant, Lea County, N. Mex.) (Permian Basin).	28,800	6-29-65	[2] 8-1-65	1-1-66	16.0	18.0	
RI66-18	Sun Oil Co., Post Office Box 2880, Dallas, Tex., 75221, Attn.: Mr. R. L. Sullivan.	[3] 151	[4] 4	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett and Terrell Counties, Tex.) (R.R. District No. 7-C) (Permian Basin).	130	6-30-65	[2] 7-31-65	12-31-65	[4] 16.0	[5] 17.0	See: Fn. 4.
RI66-19	Marathon Oil Co. (Operator), et al., 539 South Main St., Findlay, Ohio, 45840.	38	16	United Gas Pipe Line Co. (Ada Field, Bienville Parish, north Louisiana).	39,551	6-28-65	[7] 7-29-65	12-29-65	[8] 15.25	[9] [10] 20.75	
	Marathon Oil Co. (Operator), et al.	14	19	United Gas Pipe Line Co. (Phoenix Lake Field, Calcasieu Parish, La.).	7,923	6-28-65	[7] 7-29-65	12-29-65	[8] 15.5	[8] 16.884	
	do	32	6	United Gas Pipe Line Co. (Phoenix Lake Gasoline Plant, Calcasieu Parish, La.).	682	6-28-65	[7] 7-29-65	12-29-65	[8] 15.8584	[8] 16.884	
RI66-20	Mapco Production Co. (Operator), et al. 800 Oil Center Bldg., Tulsa, Okla., 74102.	2	6	Mississippi River Transmission Corp. (Gooch Gas Unit, Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	4,500	7-1-65	[2] 8-1-65	1-1-66	[11] 14.0	[11] 14.5	

[1] The stated effective date is the effective date requested by Respondent.
[2] Contract provides for maximum of 60 percent diluent content.
[3] Applicable only to acreage added by Supplement No. 3. (All other acreage at 17.0 cents per Mcf. Rate in effect subject to refund in Docket No. RI63-346.)
[4] Initial rate, subject to estimated deduction of 9.5 cents per Mcf for diluent content and processing cost.
[5] Subject to estimated deduction of 11.0 cents per Mcf for diluent content and processing cost.
[7] The stated effective date is the 1st day after expiration of the required statutory notice.
[8] Covers contracts dated June 10, 1958 and July 3, 1958 under RS No. 38.
[9] "Fractured" rate increase.
[10] Includes 1.75 cents tax reimbursement.
[11] Subject to downward B.t.u. adjustment.
[12] Includes 1.5 cents tax reimbursement.

Marathon Oil Co. (Operator), et al. proposes effective dates for which adequate notice has not been given. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for such filings, and its request for earlier effective dates is denied.

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

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

[F.R. Doc. 65-8034; Filed, July 29, 1965; 8:45 a.m.]

[Docket No. E-7234]

DETROIT EDISON CO. AND CONSUMERS POWER CO.

Notice of Change of Date for Prehearing Conference

JULY 23, 1965.

Notice is hereby given that the date for prehearing conference scheduled in this proceeding by order of the Commission (issued July 20, 1965) for August 10, is hereby postponed to August 23, 1965.

The conference will commence at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-8030; Filed, July 29, 1965; 8:46 a.m.]

[Docket No. CP66-19]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JULY 23, 1965.

Take notice that on July 19, 1965, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla., 32790, filed in Docket No. CP66-19 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing July 1, 1965, and operate routine gas purchase facilities necessary to enable it to take into its certificated main pipeline system natural gas which is or will become available in the general supply area of Applicant's existing transmission system.

The purpose of the proposal is to enhance Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with the system.

The total estimated cost of Applicant's proposed construction is not to exceed $1,500,000, with no single project to exceed $300,000. The construction costs are to be financed with internally generated 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 August 20, 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. 65-8031; Filed, July 29, 1965; 8:46 a.m.]

[Docket No. CP65-171 etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order Consolidating Applications, Permitting Intervention, Denying Motion To Dismiss and Notice of Supplement and Amendment to Applications

JULY 23, 1965.

In the matter of Great Lakes Gas Transmission Co., Midwestern Gas Transmission Co., Michigan Wisconsin Pipe Line Co., Docket Nos. CP65-171, CP65-172, CP65-173, CP65-349, CP65-350, CP65-351, CP65-357, CP65-358, CP65-359.

By our order of June 11, 1965, in the above-captioned proceeding we recognized that the instant applications of Midwestern Gas Transmission Co. (Midwestern) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) combined, were mutually exclusive with those of Great Lakes Gas Transmission Co. (Great Lakes). In view of certain deficiencies in the Michigan Wisconsin applications we did not consolidate the proceeding at that time. Instead, we set forth procedures which would expedite any comparative hearing in the event the Michigan Wisconsin deficiencies were timely cured.

The deficiencies, more fully set forth in our letter of June 3, 1965, to Michigan Wisconsin, in essence revolved about the proposed construction of approximately $10,765,000 of facilities to meet so-called future normal market growth in Wisconsin, exclusive of the other facilities requested to render the proposed competitive service to Trans-Canada Pipe Lines Limited (Trans-Canada). Michigan Wisconsin had failed to submit, in compliance with our Regulations, supporting market data for those facilities or any proposed service agreement in support of an additional increment of gas reserves of 133,000 Mcf per day ostensibly required to meet those future market demands. On June 23, 1965, Michigan Wisconsin filed an amendment to each of its above-captioned applications whereby it deleted from its proposal the allegedly non-competitive facilities. Great Lakes, in its "Supplement To Motion To Dismiss" filed June 30, 1965, states that the deletion of those facilities by Michigan Wisconsin does not comply with the mandate of the Commission's deficiency letter and consequently Michigan Wisconsin's application should be dismissed for non-compliance within the prescribed period. We disagree. Michigan Wisconsin, exercising its managerial discretion, chose not to proceed with its originally filed dual purpose application; i.e., the proposal for additional service to its existing markets and a proposal for service to Trans-Canada. Instead, Michigan Wisconsin has, through its instant amendment, limited its application to a proposal to serve Trans-Canada. Great Lakes' other contentions as grounds for dismissal of the Michigan Wisconsin applications, specifically, alleged pressure and compressor fuel deficiencies, are issues of an evidentiary nature and remain to be proved or disproved during the hearing.

Petitions for leave to intervene in one or more of the above-captioned matters were filed by the following-named petitioners:

PETITIONERS

American Gas Co.
American Gas Co. of Wisconsin, Inc.
Consumers' Gas Co.
Consumers Power Co.
County of Wayne, Mich.
Fuels Research Council, Inc., et al.
Great Lakes Gas Transmission Co.
Independent Petroleum Association of America.
Iowa Electric Light & Power Co.
Iowa Southern Utilities Co.
Madison Gas & Electric Co.
Michigan Gas & Electric Co.
Michigan Gas Utilities Co.
Michigan Wisconsin Pipe Line Co.
Midwestern Gas Transmission Co.
Milwaukee Gas Light Co.
North Central Public Service Co.
Northern Natural Gas Co.
Northern States Power Co. (Minnesota).
Northern States Power Co. (Wisconsin).
Panhandle Eastern Pipe Line Co.
St. Lawrence Gas Co., Inc.
Trans-Canada Pipe Lines Limited.
Wisconsin Fuel & Electric Co.
Wisconsin Michigan Power Co.
Wisconsin Natural Gas Co.
Wisconsin Power & Light Co.
Wisconsin Public Service Corp.

Notices of intervention were filed by the Public Service Commission of Wisconsin, Pennsylvania Public Utility Commission, and Michigan Public Service Commission. Although Great Lakes filed answers in opposition to several of the petitions to intervene, only its answer to Panhandle Eastern Pipe Line Co.'s (Panhandle) supplement to its petitions to intervene requires discussion.

On February 1, 1965, Panhandle filed a petition to intervene in the instant Great Lakes proceedings. On June 7, 1965, and June 16, 1965, Panhandle filed petitions to intervene in the respective matters of Midwestern and Michigan Wisconsin. Panhandle's prime contention in these petitions is that the instant proposed facilities by these competitive applicants will traverse "an important section of the market area presently being supplied by Panhandle". On June 30, 1965, Panhandle filed a supplement to its intervention petitions wherein it attempts to reserve the right to make a presenta-

tion in the instant proceeding, wherein Panhandle would reflect how it could serve all or a portion of the presently alleged market proposed to be served by the instant competitive applications. This would circumvent our order of June 11, 1965, in which we set forth procedures that we believe will expedite the instant proceeding and which at the same time afforded all interested parties an equal opportunity to make timely filings of any proposal competitive with the instant filings, or any portion thereof. Panhandle's allegation that it has not filed a competitive proposal because as yet the instant applicants have not submitted sufficient market data to support the service proposed cannot be used as a basis for attempting, during the course of this proceeding, to interject a Panhandle project to render service in the markets proposed by the instant pending applications. If Panhandle desired to serve the present competitive areas it was incumbent upon Panhandle to file a timely application to meet those estimated market requirements. It has not seen fit to do so. The procedures set forth in our order of June 11, 1965, do not preclude Panhandle from filing a proposal to serve the instant competitive areas but such filing would now be subject to § 157.11(a) of our regulations. Consequently, Panhandle's request to intervene is granted only in light of the Commission's specific rejection of Panhandle's supplement to its petitions to intervene.

On June 30, 1965, Midwestern filed a supplement to its application in Docket No. CP65–349 which contains the Panhandle flow formula and Adiabatic Compression formula. Also, on June 29, 1965, Great Lakes filed an amendment to its applications in Docket Nos. CP65–171 and CP65–172 wherein it made certain changes in its previously proposed method of financing its instant project.

The Commission orders:

(A) The instant applications of Great Lakes, Midwestern, and Michigan Wisconsin are consolidated for hearing and decision.

(B) The motion to dismiss and supplement thereto filed by Great Lakes against the applications of Midwestern and Michigan Wisconsin are denied.

(C) All of the above-named petitioners are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of each intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition or petitions for leave to intervene and: *Provided, further,* That the admission of these interveners shall not be construed as recognition by the Commission that they are or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

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

[F.R. Doc. 65-8032; Filed, July 29, 1965; 8:46 a.m.]

[Docket No. CP66-21]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 23, 1965.

Take notice that on July 19, 1965, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City 41, Mo., filed in Docket No. CP66–21 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 certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 32.5 miles of 20-inch supply line extending from the vicinity of Ringwood, Okla., to Applicant's existing Western Oklahoma Supply Line, known as the Elk City Line, to acquire a portion of the compressor facilities to be used in delivering gas into the proposed line, and to construct and operate the Alva compressor station with 5,000 horsepower on the Elk City Line at a point in Woods County, Okla.

The application states that the proposed facilities are necessary in order to enable Applicant to receive deliveries of gas from Union Texas Petroleum (Union), a division of Allied Chemical Corp., in accordance with an agreement dated July 2, 1965, as amended.

The stated purpose of the project is to augment Applicant's supplies from a new supply line in Alfalfa and Major Counties, Okla. Applicant has made arrangements whereby Union, while installing compression to meet the needs of its processing plant, will install sufficient compression to meet the higher delivery pressures which Applicant desires to maintain in this portion of its supply system. After the volumes are transported through the proposed 20-inch line to Applicant's Elk City Line, and are commingled with gas presently being obtained from West Oklahoma sources, it will be necessary to compress the stream in the Elk City Line at the proposed Alva compressor station.

No new service is proposed by this application.

The estimated cost of the facilities to be constructed is $4,823,000. The funds will be supplied from general sources available to Applicant without requiring any new permanent financing.

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 August 20, 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. 65-8033; Filed, July 29, 1965; 8:46 a.m.]

[Docket No. CP66-20]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

JULY 23, 1965.

Take notice that on July 19, 1965, Tennessee Gas Transmission Company (Applicant), Post Office Box 2511, Houston, Texas, 77001, filed in Docket No. CP66–20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to two of its existing General Service Customers and one of its existing Contracted Demand Customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On March 30, 1965, the Commission issued a certificate of public convenience and necessity in Docket No. CP65–120 authorizing Applicant to serve additional natural gas requirements of its existing customers commencing with the 1965–1966 winter heating season and to construct and operate the additional pipeline facilities necessary to render such service. Applicant states that 73,704 Mcf maximum daily capacity was authorized as unallocated so as to serve the unanticipated requirements of new customers and existing customers commencing with the 1965–1966 winter heating season. This volume has subsequently been reduced to 63,068 Mcf per day as a result of additional service proposed by Applicant and by applications filed pursuant to section 7(a) of the Natural Gas Act.

By the instant filing, Applicant seeks authorization to serve the additional natural gas requirements of the following customers.

Type of service	*Proposed additional maximum daily capacity requirements in Mcf*
General Service Customers:	
Hartford Electric Light Co.	216
Tennessee Natural Gas Lines, Inc.	6,671
Contracted Demand Customer:	
T. W. Phillips Gas & Oil Co.	510
Total	7,397

Applicant states that the proposed service can be rendered from a portion of the unallocated capacity authorized by the Commission in Docket No. CP65–120. No new facilities will be required.

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 August 20, 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, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-8035; Filed, July 29, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING URBAN RENEWAL COMMISSIONER

Designation

The officers appointed to the following listed positions in the Urban Renewal Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Urban Renewal Commissioner during the absence of the Urban Renewal Commissioner, with all the powers, functions, and duties delegated or assigned to the Urban Renewal Commissioner, provided that no officer is authorized to serve as Acting Urban Renewal Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Urban Renewal Commissioner.
2. Chief Counsel.
3. Assistant Commissioner for Program Planning.
4. Assistant Commissioner for Field Operations.
5. Assistant Commissioner for Technical Standards.
6. Assistant Commissioner for Urban Planning and Community Development.
7. Assistant Commissioner for Relocation and Rehabilitation.

This designation supersedes the designation of Acting Urban Renewal Commissioner effective September 12, 1964 (29 F.R. 12891, September 12, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 19th day of July 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-8039; Filed, July 29, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5878]

DUDLEY SPORTS CO., INC.

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

JULY 26, 1965.

I. On January 28, 1963, Dudley Sports Co., Inc., 633 Second Avenue, New York, N.Y., filed a notification pursuant to Regulation A in connection with a proposed offering of 66,000 shares of its 10-cent par value common stock at an offering price of $2.25 per share. W. R. Reisch & Co., Inc., was named as the underwriter.

Dudley Sports Co., Inc., was incorporated under the laws of Delaware on February 26, 1962. It is engaged in the distribution and sale of sports equipment.

II. The Commission has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

(1) The jurisdictions in which the securities were to be offered;

(2) The method of distribution of the securities;

(3) The aggregate offering price to the public;

(4) The aggregate underwriting discounts or commissions;

(5) The names and addresses of each underwriter;

(6) The amount of participation of each underwriter;

(7) The arrangements for return of funds to investors if the offering was not completed in the specified period;

B. The offering was made in violation of section 17(a) of the Securities Act of 1933, and sections 10(b) and 15(c)(1) of the Securities Exchange Act of 1934 and Rules 10b-5, 10b-6, 15c1-2, and 15c1-6 thereunder.

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

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

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-8026; Filed, July 29, 1965; 8:46 a.m.]

[File No. 01-34]

21 WEST ASSOCIATES ET AL.

Notice of Application and Opportunity for Hearing

JULY 26, 1965.

In the matter of 21 West Associates, 63 Wall Associates, River View Associates, Wedgwood House Associates (File No. 01-34).

Notice is hereby given that Franchard Corp. (Franchard), as the supervisory management agent of each of the above limited partnerships, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), for an order of the Commission exempting each of said partnerships from the provisions of section 12(g) of the Act. Exemption from 12(g) of the Act will have the additional effect of exempting said partnerships from sections 13 and 14 of the Act and any officer, general partner or beneficial owner of more than 10 percent of any class of equity security of each partnership from section 16 thereof.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

According to the application, Louis A. Siegel, President, and Seymour Young, Executive Vice President of Franchard are also the sole general partners of 21 West Associates (21 West) and 63 Wall Associates (63 Wall), from both of which Louis J. Glickman, previously the

third general partner, resigned. 21 West and 63 Wall were syndicated by Franchard (then known as Glickman Corp.).

Messrs. Siegel and Young are also the only active general partners of River View Associates (River View) and Wedgwood House Associates (Wedgwood), Mr. Glickman, the third general partner having been inactive since December 1962.

The underlying pertinent facts and basis for the applications for exemption are substantially the same for each of the limited partnerships. The general partners receive no compensation from any of the partnerships. As general partners, Messrs. Siegel and Young are entitled to certain excess partnership operating profits in Wedgwood and River View and a portion of the net profits from a sale of the River View property. Franchard is entitled to a portion of the net profit from a sale of the 21 West and 63 Wall properties and a portion of the excess proceeds of Mortgage refinancing by either partnership.

Each of the partnerships was organized under the laws of the State of New York and, the properties are all located and the business of the partnerships is conducted entirely within that state.

Each of the partnerships presently has outstanding partnership interests, in the amount of $5,000 each, which were offered to the public in New York State offerings in 1960 and 1961. 21 West, 63 Wall and Wedgwood were registered as public offerings with the Attorney General of New York in accordance with General Business Law of New York section 352e which became effective on January 1, 1961. In addition to the original filing, these partnerships, pursuant to rules and regulations promulgated by the Attorney General, issue quarterly "Source of Distribution" statements and annual reports to the limited partners, and file an annual AR–1 report with the Attorney General. River View, syndicated in May of 1960 is not governed by this law, but it has undertaken to comply with the reporting requirement of that law in the event that this application is granted. Since the limited partners do not participate in the conduct of the partnership business and do not elect general partners, there is no opportunity for periodic meetings and the solicitation of proxies.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after August 10, 1965, unless prior thereto a hearing ordered by the Commission. Any interested person may not later than August 9, 1965, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request and the issues of fact or law raised by the application which he desires to controvert. The applicants waive such notice and opportunity for hearing, but only if the Commission finds itself unable to grant the application.

By the Commission.

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

[F.R. Doc. 65-8027; Filed, July 29, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1965.

Protests to the granting of an application must be prepared in accordance with § 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. 39939—*Compound of anhydrous ammonia and sulfur within southern territory.* Filed by O. W. South, Jr., agent (No. A4736), for interested rail carriers. Rates on compound of anhydrous ammonia and sulfur, in tank carloads, between points in southern territory, including Ohio and Mississippi River crossings, Virginia gateways, Washington, D.C., St. Louis, Mo., and intermediate points in southern Illinois, Indiana, and Missouri.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 7 to Southern Freight Association, agent, tariff ICC S–537.

FSA No. 39940—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 93), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 6 to Central States Motor Freight Bureau, Inc., agent, tariff MF–ICC 1120.

By the Commission.

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

[F.R. Doc. 65-8041; Filed, July 29, 1965; 8:47 a.m.]

[Notice 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 27, 1965.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 116077 (Sub-No. 183 TA), filed July 23, 1965. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Mail: Post Office Box 9527, Houston, Tex. Applicant's representative: Assistant Traffic Manager Ben Ditta, Post Office Box 9527, 5700 Polk Avenue, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, in tank vehicles, from Port Arthur, Tex., to Cleveland, Ohio, and Coraopolis, Pa., for 180 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, Tex., 77052. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 119634 (Sub-No. 2 TA), filed July 23, 1965. Applicant: CHARLES R. IRVIN, doing business as DICK IRVIN TRUCKING COMPANY, 108 12th Avenue North, Shelby, Mont. Applicant's representative: Henry Loble, Loble Building, Helena, Mont., 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and by-products thereof*, from points on the United States-Canada boundary line in the State of Montana to points within the State of Montana, on the one hand, and from points within the State of Montana to points on the United States-Canada boundary line, on the other hand, for 180 days. Supporting shippers: Farmers Union Central Exchange, Post Office Box "G", St. Paul, Minn., 55101, Northwest Nitro-Chemicals Sales Ltd., Soo Line Building, 5th and Marquette, Minneapolis, Minn. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 318 U.S. Post Office Building, Billings, Mont., 59101.

No. MC 125717 (Sub-No. 2 TA), filed July 23, 1965. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Balti-

more Avenue, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products*, from Kansas City, Mo., to Alton, Bloomington, Decatur, Peoria, Springfield, Moline, and Rock Island, Ill., for 180 days. Supporting shipper: Presto Food Products, Inc., 1602 Forest, Kansas City, Mo., 64108. Send protests to: B. J. Schreier, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

MOTOR CARRIERS OF PASSENGERS

No. MC 125875 (Sub-No. 2 TA), filed July 23, 1965. Applicant: REAL TRANSIT CO., a corporation, 905 Bergen Avenue, Jersey City, N.J. Applicant's representative: August Heckman, 297 Academy Street, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle, (1) serving all intermediate points on Interstate Highway 94 between Blairstown and Newton, N.J., and (2) serving all intermediate points on U.S. Highway 206 between Newton and Stanhope, N.J., in connection with applicant's presently-authorized temporary authority between Blairstown, N.J., and the Port of New York Authority Terminal, New York, N.Y., for 180 days. Supporting shippers: (1) Frelinghuysen Township Committee, Warren County, N.J. (2) John P. Cowan, Mayor, township of Fredon, Sussex County, N.J. (3) Harry N. Sturrock, President, Williamsburg Village, Box 157, Newton, N.J. (4) George Watson, Secretary, Cranberry Lake Community Club, Byram Township, N.J. (5) Frances Webber, Deputy Clerk, township of Byran, F.D. 1, Stanhope, N.J. Send protests to: District Supervisor Walter J. Grossman, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J., 07102.

By the Commission.

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

[F.R. Doc. 65-8042; Filed, July 29, 1965; 8:47 a.m.]

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