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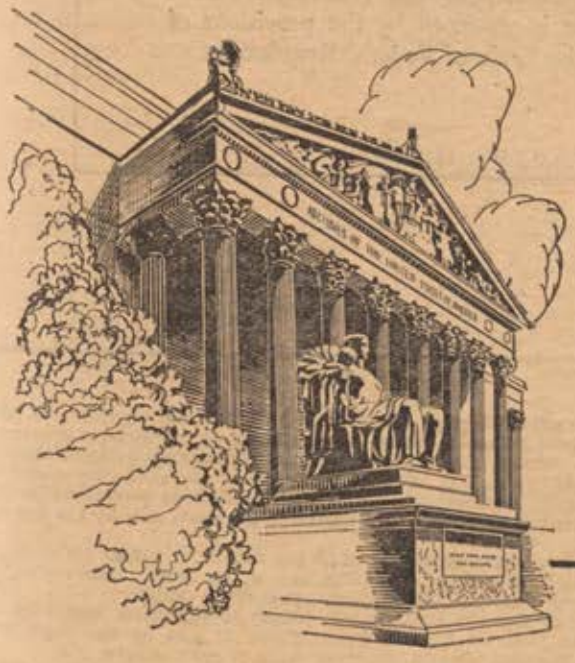

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3342 is amended to reflect the new title of the position of Chief, Office of Program Planning and Information, and to show that the position of Vice President for Project Financing is no longer expected under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) of § 213.3342 is revoked and paragraph (f) is amended as set out below.

§ 213.3342 **Export-Import Bank of Washington.**

* * * * *

(f) Chief, Office of Program Planning and Information.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12210; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is added to show the exception under schedule A of certain positions in the National Endowment for the Arts until December 31, 1967. Effective on publication in the FEDERAL REGISTER, a new section 213.3182 is added as set out below.

§ 213.3182 **National Foundation on the Arts and the Humanities.**

(a) *National Endowment for the Arts.*
(1) Deputy Director.
(2) Director of State and Local Operations.
(3) Seven Arts Program Directors.
(4) Director of Education and Government Liaison.
(5) Director of Studies and Analysis.
(6) Project Coordinator.
(7) Three Project Evaluators.
(8) Four Grant Processors.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12252; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

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.**

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted from November 10, 1965, through March 31, 1966, inclusive, on the Upland Game Hunting Area designated by signs as open to hunting. This open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Rural Delivery 1, Smyrna, Del., 19977 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) No mink, otter, hawks (including vultures) nor owls may be taken.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 5, 1965.

[F.R. Doc. 65-12166; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7012; Amdt. 23-3]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

One-Engine-Inoperative Stalls

The purpose of this amendment to Part 23 of the Federal Aviation Regulations is to provide more realistic stall characteristic requirements for multiengine airplanes.

Prior to May 3, 1962, § 3.123 (now § 23.205 of the FAR's) of the Civil Air Regulations concerning one-engine-inoperative stalls required, in pertinent part, that multiengine airplanes not display any undue spinning tendency and be safely recoverable without applying power to the inoperative engine when stalled with the critical engine inoperative and the remaining engine operating at up to 75 percent of maximum continuous power. In showing compliance with the regulation, power could be reduced on the operating engines sufficiently to permit lateral and directional control to be maintained throughout the approach to and during the stall. However, with the advent of the light twin-engine airplane in large numbers, the Agency considered it appropriate to reexamine these one-engine-inoperative stall requirements. In this connection, Amendment 3–7 was adopted effective May 3, 1962, requiring that multiengine airplanes have stall characteristics that prevent unintentional spin entry and that this be shown by a flight demonstration of lateral and directional control in the stall with the critical engine inoperative and the remaining engines at full throttle or maximum continuous power.

Subsequent to the issuance of Amendment 3–7, the industry advised the Agency to the effect that the current requirements were unrealistic and tended to penalize the more efficient airplanes. It was reported that the levels of lateral control and rudder power which are required to meet the requirements of the regulation are in conflict with the other control requirements set forth in the regulations. Moreover, industry pointed out that providing the additional flight control power which is required to control an aircraft down to the stall with one engine inoperative does not preclude the possibility of unintentional spins. On the basis of the foregoing, the Agency was requested to amend the regulation by incorporating the requirements that were in effect immediately prior to May 3, 1962, and to provide a system for marking the airspeed indicator of all twin-engine airplanes to indicate safe limits of, and optimum performance, single-engine speeds. In this connection, it was recommended that a cautionary range of safe single-engine speeds be marked by the minimum control speed, V_{MC}, on the lower end and the best single-engine angle-of-climb speed, V_X, on the upper end.

Based on industry's experience in attempting to comply with the current re-

quirements of § 23.205 and after further flight tests and studies, the agency agrees that the requirements of § 23.205 should be revised. It has become apparent that the tests prescribed in § 23.205 result in a combination stall and directional controllability test rather than a one-engine-inoperative stall test. Moreover, the stall requirements are not appropriate for airplanes which have a higher minimum control speed (V_{MC}) than stall speed. As indicated in the minimum control speed requirements set forth in § 23.149, the airplane is not required to be capable of maintaining directional control below 1.2 V_S, with maximum power, and the other provisions of Part 23 do not envision continued flight investigation below the V_{MC} speed. The flight demonstration specified in § 23.205 would, therefore, require flight investigation outside of the airplane flight envelope as defined by § 23.149. In addition, manufacturers have indicated the difficulty, if not impossibility, of designing an airplane that will meet the requirements of § 23.205.

In view of the foregoing, § 23.205 is amended to incorporate substantially the same requirements for one-engine-inoperative stalls as were in effect immediately prior to May 3, 1962. As amended, § 23.205 will specify only that a multiengine airplane must not display any undue spinning tendency and that it be safely recoverable without applying power under certain stall conditions. Since the regulation will no longer require that the airplane be designed to prevent unintentional spin entry and will no longer require a critical engine inoperative demonstration of lateral and directional control at the stall with the remaining engines at full throttle or maximum continuous power, the Agency believes that the limits of safe single-engine speed should be brought to the attention of the pilots by means of airspeed indicator markings. Moreover, the Agency considers that in view of this amendment, the airplane flight manual must contain procedures (1) for maintaining and recovering control of the airplane with one engine inoperative at speeds above and below V_{MC}, (2) for making a landing and a go-around with one engine inoperative, and (3) for obtaining the best performance with one engine inoperative.

While the industry recommended that the best angle-of-climb speed (V_X) should be included in the marking of the airspeed indicator, the Agency considers that the markings must include the best rate-of-climb speed (V_Y). V_X would be the optimum speed for clearing nearby obstacles under those conditions when the airplane has positive climb. However, V_Y is considered the key performance speed since it is the speed at which the airplane will be able to maintain the highest possible altitude with one engine inoperative. Therefore, § 23.1545(b) has been amended to require that the airspeed indicator be marked to show the one-engine-inoperative best rate-of-climb speed, V_Y, as a blue radial line and the minimum control speed (one engine inoperative), V_{MC}, as a red radial line. Corresponding airspeed information heretofore required on airspeed placards by § 23.1563 (a)(3) and (b)(3) is no longer necessary and these sections are deleted.

The Agency believes that these amendments, together with the present provisions of § 23.149 requiring one-engine-inoperative controllability with takeoff power down to the minimum control speed, V_{MC}, will provide an adequate level of safety for multiengine airplanes.

In view of the immediate need for an effective regulation concerning one-engine-inoperative stalls, further delay in adopting these amendments would be contrary to the public interest. Therefore, good cause exists for making these amendments effective without compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act.

These amendments are made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations (14 CFR Part 23) is amended effective November 11, 1965, as follows:

1. Section 23.205 is amended to read as follows:

§ 23.205 One-engine-inoperative stalls.

A multiengine airplane must not display any undue spinning tendency and must be safely recoverable without applying power to the inoperative engine when stalled with—

(a) The critical engine inoperative;

(b) Flaps and landing gear retracted; and

(c) The remaining engines operating at up to 75 percent of maximum continuous power, except that the power need not be greater than that at which the use of maximum control travel just holds the wings laterally level in approaching the stall. The operating engines may be throttled back during the recovery from the stall.

2. Section 23.1545(b) is amended by adding a new subparagraph (5) reading as follows:

(5) For the one-engine-inoperative best rate-of-climb speed, V_Y, a blue radial line and for the minimum control speed (one engine inoperative), V_{MC}, a red radial line.

3. Section 23.1563 is amended by deleting present paragraphs (a)(3) and (b)(3), by adding the word "and" after the semicolon at the end of paragraphs (a)(2) and (b)(2), and redesignating present paragraphs (a)(4) and (b)(4) as (a)(3) and (b)(3).

4. Section 23.1585 is amended by adding a new paragraph (c) reading as follows:

(c) For multiengine airplanes, the information must include:

(1) Procedures for maintaining or recovering control of the airplane with one engine inoperative at speeds above and below V_{MC}.

(2) Procedures for making a landing with one engine inoperative and procedures for making a go-around with one engine inoperative, if this latter maneuver can be performed safely; otherwise, a warning against attempting the maneuver.

(3) Procedures for obtaining the best performance with one engine inoperative, including the effects of the airplane configuration.

Issued in Washington, D.C., on November 4, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12157; Filed, Nov. 12, 1965; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-WE-107]

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

Alteration of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to alter the Oxnard, Calif., transition area.

On October 18, 1965, the Federal Aviation Agency received formal notification that the Rancho Canejo, Calif., Airport (latitude 34°11'47" N., longitude 118° 54'59" W.) was deactivated and the site was to be turned to industrial use. As a portion of the Oxnard, Calif., transition area was designated to provide protection for approved departure procedures from the Rancho Canejo Airport, the deactivation precludes continuing the assignment of controlled airspace.

Accordingly, action is taken herein to revoke the portion of the Oxnard, Calif., transition area that is based on the Rancho Conejo Airport.

Since the change effected by this amendment is less restrictive in nature than the present requirements and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 71.181 (30 F.R. 2856) is amended by deleting the following: "within a 3-mile radius of the Rancho Canejo, Calif., Airport (latitude 34° 11'47" N., longitude 118°54'59" W.); that airspace."

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

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

Issued in Los Angeles, Calif., on November 4, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-12158; Filed, Nov. 12, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6934; Amdt. 449]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 30 OCT. 1965.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150'; Fac. Class., BMRAZ; Ident., BY; Procedure No. 1, Amdt. 10; Eff. date, 31 July 65; Sup. Amdt. No. 9; Dated, 26 June 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
York VOR	AKY RBn	Direct	2600	T-dn	300-1	300-1	NA
Huntington RBn	AKY RBn	Direct	2600	C-dn	1000-1	1000-1	NA
Huntington LOM	AKY RBn	Direct	2600	A-dn	NA	NA	NA
Crown City Int	AKY RBn	Direct	2600				
Newcombe VOR	AKY RBn	Via ECB R-021	2600				

Procedure turn S side of crs, 290° Outbnd, 110° Inbnd, 2600' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing right turn to 2600', return to Ashland RBn, hold W, right turns, 1 minute, 110° Inbnd.
Facility owned and operated by city. No weather service on field.
MSA within 25 miles of facility: 000°-360°—2600'.

City, Ashland; State, Ky.; Airport name, Ashland Boyd County; Elev., 546'; Fac. Class., MHW; Ident., AKY; Procedure No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 20 July 63

				T-dn*	300-1	300-1	NA
				C-dn	500-1	500-1½	NA
				S-dn-20	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to airport, 199°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing BYI RBn, left climbing turn direct to BYI RBn. Climb to 6000' on 019° crs, within 10 miles.
*Takeoff all runways—Unless otherwise directed by ATC the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Shuttle climb on the R 272° of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.
Direction of flight: E, V4, MCA, 5,500'; SE, V101, MCA, 8,000'.
MSA within 25 miles of facility: 000°-090°—6800'; 090°-180°—11,400'; 180°-270°—8700'; 270°-360°—6100'.

City, Burley; State, Idaho; Airport name, Municipal; Elev., 4150'; Fac. Class., H-SAB; Ident., BYI; Procedure No. 1, Amdt. Orig.; Eff. date, 30 Oct. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Gurley Int	LOM	Direct	3000	C-d#	800-1½	900-1½	900-2
Toney Int	LOM	Direct	2600	C-n#	800-2	900-2	900-2
Owens Int	LOM	Direct	3000	S-d-18*	800-1	800-1	800-1
Princeton Int	LOM	Direct	3000	S-n-18*	800-2	800-2	800-2
Fayetteville Int	LOM (final)	Direct	2600	A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 179°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing LOM, climb to 3000' on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 149° within 20 miles or, when directed by ATC, climb to 3000' on crs of 158° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
*Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1100'—1.3 miles E of airport.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—3000'; 180°-270°—2400'; 270°-360°—2600'.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619'; Fac. Class., LOM; Ident., HS; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 26 Oct. 63

MLT VOR	Millinocket RBn	Direct	2200	T-dn	400-1	400-1	400-1
				C-dn	500-1	500-1	500-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 114° Outbnd, 294° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 294°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MLT RBN, make right-climbing turn to 2200', return to MLT RBN. Hold E, 294° Inbnd, right turns, 1 minute.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 600' smoke stacks, 0.3 mile WSW of airport.
MSA within 25 miles of facility: 000°-090°—4000'; 090°-180°—2500'; 180°-270°—4000'; 270°-360°—6500'.

City, Millinocket; State, Maine; Airport name, Millinocket Municipal; Elev., 408'; Fac. Class., SABH; Ident., MLT; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 11 Jan. 64

SAT VOR	SAT RBn	Direct	2500	T-dn	300-1	300-1	200-½
SAT VOR	SAT RBn (final)	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	NA
				A-dn	800-2	800-2	800-2
				If passage of SAT VOR on final approach not determined, minimums become:			
				C-dn*	700-1	700-1	700-1½
				S-dn-17*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.*
Crs and distance, SAT RBn to airport, 175°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SAT RBn, climb to 2500' on 175° bearing from SAT RBn within 20 miles.
NOTE: Radar Fix over SAT VOR may be used to determine VOR passage on final approach.
Runways 17-35 restricted to 2-engine aircraft and smaller.
*Maintain 2600' until 8 of SAT VOR on final approach. If passage of SAT VOR not determined, minimum altitude over SAT RBn, 2600'.
MSA within 25 miles of facility: 000°-360°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., SABH; Ident., SAT; Procedure No. 2, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 4 Sept. 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	300–1	300–1	200–½
AEX RBn	ESF VOR	Direct	1700	C-dn	400–1	500–1	500–1½
Boyce Int	ESF VOR	Direct	1700	S-dn-32	400–1	400–1	400–1
Larto Int	ESF VOR	Direct	3000	A-dn	800–2	800–2	800–2
V-114	Marks Int	AEX 119/ESF–148.	1700				
Marks Int	Cox Int (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600' within 10 miles of Cox Int.
Minimum altitude over Cox Int on final approach crs, 1300'.
Crs and distance, Cox Int to airport, 328°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Cox Int climb to 1700' and proceed to ESF VOR. Hold NW on ESF, R 331° left turns.
MSA within 25 miles of the facility: 000°–090°—1400'; 090°–180°—1400'; 180°–270°—1700'; 270°–360°—1500'.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 2, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 22 May 65

				T-dn#	700–1½	700–1½	NA
				C-d	1100–1½	1100–1½	NA
				C-n#	1100–2	1100–2	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 050°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing CMK VOR, climb on crs to 2500', intercept POU VOR, R 161° and proceed via POU VOR, R 161° climbing to 3000' to Long Hill Int. Hold NE 3000' 1-minute right turns, crs Inbnd, 257°.
#Runways 8–26 only authorized for night IFR procedures. Runways 8–26 have displaced thresholds.
CAUTION: (1) High terrain all quadrants vicinity of airport. (2) Radio tower, 1020'—1.3 nautical miles E of airport.
MSA within 25 miles of facility: 000°–270°—2500'; 270°–360°—2800'.

City, Danbury; State, Conn.; Airport name, Danbury Municipal; Elev., 457'; Fac. Class., L-BVOR; Ident., CMK; Procedure No. 1, Amdt. 1; Eff. date, 30 Oct. 65; Sup. Amdt. No. Orig.; Dated, 6 Mar. 65

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3800'.
Crs and distance, facility to airport, 109°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing GAG VOR, climb to 4100', turn left, return to GAG VOR.
MSA within 25 miles of facility. 000°–090°—3600'; 090°–180°—3900'; 180°–270°—4200'; 270°–360°—3900'.

City, Gage; State, Okla.; Airport name, Municipal; Elev., 2223'; Fac. Class., BVORTAC; Ident., GAG; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 5 June 65

HSV VOR	Factory Int (final)	Direct	1600	T-dn	300–1	300–1	200–½
Toney Int	HSV VOR	Direct	2600	C-d#	1000–1	1000–1	1000–1½
Grant Int	HSV VOR	Direct	3000	C-n#	1000–2	1000–2	1000–2
Gurley Int	HSV VOR	Direct	3000	S-d-18*	1000–1	1000–1	1000–1
Owens Int	HSV VOR	Direct	3000	S-n-18*	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2
				If aircraft is equipped with two operating VOR receivers or one VOR and one ADF receiver, and Factory Int received, minimums become:			
				C-dn#	800–1½	900–1½	900–2
				S-dn-18*	700–1	700–1	700–1

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'; over Factory Int, 1600'.
Crs and distance, facility to airport, 158°—6.4 miles; Factory Int to airport, 158°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing HSV VOR, climb to 3000' on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 149° within 20 miles.
*Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1100'—1.3 miles E of airport.
MSA within 25 miles of facility: 000°–090°—2900'; 090°–180°—3000'; 180°–270°—2400'; 270°–360°—2600'.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619'; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 10; Eff. date, 30 Oct. 65; Sup. Amdt. No. 9; Dated, 10 Oct. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 316°—9.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.3 miles after passing LRD VOR, climb to 2500' on LRD, R 316° within 20 miles.
CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted. If flight clear of clouds at 2500' is possible after passing LRD VORTAC Inbnd on final approach, aircraft should maintain 2500' until NW of LRD AFB traffic pattern unless descent to a lower altitude is authorized by ATC.
MSA within 25 miles of facility: 000°-360°—2200'.

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev. 524'; Fac. Class., H-VORTAC; Ident., LRD; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 4 Sept. 65

Eagle Int	RAY VORTAC	Direct	3000	T-dn	300-1	300-1	*200-½
Touhy Int	RAY VORTAC	Direct	3000	C-dn	500-1	500-1	500-1½
				S-dn-17R#	400-1	400-1	400-1
				S-dn-17L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to Runway 17L, 177°—4.1 miles; Runway 17R, 185°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing RAY VORTAC, proceed to LN LOM climbing to 2700', or when directed by ATC, intercept RAY VORTAC, R 176° climbing to 3000' within 10 miles, turn left, return to RAY VORTAC.
NOTE: (1) Approach from holding pattern not authorized, procedure turn required.
*300-1 required Runways 17L-35R.
#400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2700'; 180°-270°—3500'; 270°-360°—3000'.

City, Lincoln; State, Nebr.; Airport name, Lincoln Municipal/AFB; Elev., 1198'; Fac. Class., L-BVORTAC; Ident., RAY; Procedure No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 4 Sept. 65

MFR VOR	Evans Creek FM	Direct	6500	T-dn%	300-1	300-1	200-½
Evans Creek FM, V23	MFR VOR (final)	Direct	3900	C-dn	1000-1	1000-1	1000-1½
Evans Creek FM, V23W	MFR VOR (final)	Direct	3900	C-n*	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				If table Int is positively identified, the following minimums apply:*			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 6500' within 10 miles of Evans Creek FM.
Minimum altitude over Evans Creek FM on final approach crs, 6000'; over MFR VOR 3900'; over Table Int, 2900'.
Crs and distance, MFR VOR to airport, 146°—6.3 miles; Table Int to airport, 146°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6500' in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 210° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
MSA within 25 miles of facility: 000°-090°—9000'; 090°-180°—8000'; 180°-270°—7400'; 270°-360°—6500'.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 7; Eff. date, 30 Oct. 65; Sup. Amdt. No. 6; Dated, 21 Nov. 64

				T-dn	400-1	400-1	400-1
				C-dn	600-1	600-1	600-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2
				DME minimums (DME equipment required):			
				C-dn	500-1	500-1	500-1½

Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 2200' within 10 miles.
Minimum altitude over the facility on final approach crs, 2200' (after 5 miles DME Fix, R 318°—906' is authorized).
Crs and distance, facility to airport, 318°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8 miles of MLT VOR, make right-climbing turn to 2200' direct to MLT VOR. Hold SE of MLT VOR, 1-minute right turns, 318° Inbnd.
CAUTION: 600' stacks (0.3 mile WSW of airport).
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2500'; 180°-270°—2500'; 270°-360°—6500'.

City, Millinocket; State, Maine; Airport name, Millinocket Municipal; Elev., 408'; Fac. Class., H-BVORTAC; Ident., MLT; Procedure No. 1, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 12 June 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	800-2	800-2	NA
				T-n	1300-2	1300-2	NA
				C-d	1500-2	1500-2	NA
				C-n	1500-3	1500-3	NA
				S-dn-35	NA	NA	NA
				A-dn	2000-3	2000-3	NA
				After passing MPV RBn or Fan Marker, the following minimums are authorized:			
				C-d	900-2	900-2	NA
				C-n	1300-3	1300-3	NA
				S-d-35	800-2	800-2	NA
				S-n-35	1300-3	1300-3	NA

Procedure turn W side of crs, 175° Outbnd, 355° Inbnd, 3900' within 10 miles.
Minimum altitude over facility on final approach crs, 2657'; if MPV RBn or FM received, 1957'.
Facility on airport. Breakoff point to runway, 347°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MPV VOR (or 5.8 miles after passing MPV RBn), climb straight ahead on MPV VOR, R 355° to 2500' within 5 miles. Make right-climbing turn to 3900' direct to MPV VOR. Hold S of MPV VOR, 1-minute left turns, 355° Inbnd.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: Do not descend below authorized minimum unless airport and landing runway are in clear view. High terrain W of the airport.
IFR departure: Climb on the MPV VOR, R 355° to 2500' within 5 miles. Make right-climbing turn to 3900' direct to MPV VOR. Depart the facility at minimum en route altitude.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—4500'; 180°-270°—5500'; 270°-360°—5500'.

City, Barre-Montpelier; State, Vt.; Airport name, Barre-Montpelier Municipal; Elev., 1157'; Fac. Class., L-BVOR; Ident., MPV; Procedure No. TerVOR-35, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 14 Mar. 64

Steele Int	Clair Int (final)	Direct	2200	T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1
				A-dn#	800-2	800-2	800-2

Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 3000' within 10 miles of Clair Int.
Minimum altitude on final approach crs until passing Clair Int, 2200'.
Crs and distance, Clair Int to VOR, 051°—5.8 miles; breakoff point to Runway 6, 060°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 3000' on R 040° within 10 miles.
NOTE: This procedure is authorized only for aircraft having two operating VOR receivers and Clair Int received.
#Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—3200'; 180°-270°—2600'; 270°-360°—2600'.

City, Gadsden; State, Ala.; Airport name, Gadsden Municipal; Elev., 564'; Fac. Class., BVOR; Ident., GAD; Procedure No. TerVOR-6, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 28 Mar. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Jacksonville RBn	JAX VOR	Direct	2000	T-dn	300-1	300-2	200-1½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	NA	NA	NA
				If aircraft equipped with operating DME and 5.5-mile DME Fix identified, the following minimums are authorized:			
				C-dn	400-1	500-1	500-1½

Procedure turn E side of crs, 010° Outbnd, 190° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'; over 5.5-mile DME Fix, 700'.
Crs and distance, facility to airport, 160°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing JAX VOR, climb to 1600' on R 159° within 20 miles of JAX VORTAC.
NOTES: (1) Radar available. (2) No weather reporting facilities available.
MSA within 25 miles of facility: 000°-090°—1200'; 090°-180°—1400'; 180°-270°—2100'; 270°-360°—1400'.

City, Jacksonville; State, Fla.; Airport name, Craig Municipal; Elev., 41'; Fac. Class., BVORTAC; Ident., JAX; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 30 Oct. 65; Sup. Amdt. No. Orig.; Dated, 11 Sept. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix, R 333°	7.8-mile DME Fix, R 333°	Direct	6000	T-dn%	300-1	300-1	200-½
7.8-mile DME Fix, R 333°	3.5-mile DME Fix, R 333°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 333°	0-mile DME Fix, R 333°	Direct	3300	S-dn-14	500-1	500-1	500-1
16-mile DME Fix, R 138°	MFR VOR	Direct	6000	A-dn	1000-2	1000-2	1000-2
19-mile DME Fix, R 157°	MFR VOR	Direct	6000				

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5700' within 12 miles.
Minimum altitude over 3.5-mile DME Fix, R 333° on final approach crs, 3900'; over MFR VOR, 3300'; over 2.5-mile DME Fix, R 146°—2500'.
Crs and distance, facility to airport, 146°—6.3 miles; 2.5-miles DME Fix, R 146° to airport, 146°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
Other changes: Deletes transitions via R 315° MFR.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900'; 090°-180°—8600'; 180°-270°—7400'; 270°-360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 21 Nov. 64

15-mile DME Fix, R 316°	8.7-miles DME Fix, R 316°	Direct	6000	T-dn%	300-1	300-1	200-½
8.7-mile DME Fix, R 316°	3.5-miles DME Fix, R 316°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 316°	0-mile DME Fix, R 316°	Direct	3300	S-dn-14	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 3300'; over 2.5-mile DME Fix, R 146°—2500'.
Crs and distance, facility to airport, 146°—6.3; 2.5-miles DME Fix, R 146° to airport, 146°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000' in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900'; 090°-180°—8600'; 180°-270°—7400'; 270°-360°—6300'.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330'; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 30 Oct. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Shafter Int	Famoso Int	Direct	4000	T-dn%	300-1	300-1	200-½
PTV VOR	Famoso Int	Direct	3000	C-dn	500-1	500-1	500-1½
Int of BFL, R 322° and PTV, R 195°	Famoso Int	Direct	3000	S-dn-12L#	400-1	400-1	400-1
Famoso Int	Lerdo Int (final)	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over Lerdo Int on final approach crs, 2000'.
Crs and distance, Lerdo Int to airport, 119°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lerdo Int, climb straight ahead to 1500' within 6 miles, turn right, climb via localizer crs, to Lerdo Int at 3000' or, when directed by ATC, climb to McKittrick Int via R 227° at 3000'.
NOTE: When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3000' from BFL, R 121° clockwise R 352° to position aircraft on BFL, R 296° localizer back crs for a straight-in approach with the eliminations of the procedure turn.
Other change: Deletes transition from Int PTV, R 183° and BFL localizer back crs.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%E and southbound (016° thru 210°) IFR departures must comply with published Bakersfield SID's.

City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 488'; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-12L (back crs), Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 27 May 65

Appleton VOR	E crs ILS (final)	Direct	2600	T-dn**	300-1	300-1	200-1
				C-dn	500-1	500-1	500-1½
				S-dn-28L%*	200-½	200-½	200-¾
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn N side E crs, 096° Outbnd, 276° Inbnd, 2600' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2600'—5.4 miles; at MM, 1093'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' and proceed to CB LOM. Hold W; 1-minute right turns, 096° Inbnd.
*When glide slope not utilized, 500-¾ will apply.
%RVR 2400'. Descent below 1016' not authorized unless approach lights are visible.
**RVR 2400' authorized 28L.

City, Columbus; State, Ohio; Airport name, Port Columbus; Elev., 816'; Fac. Class., ILS; Ident., I-CMH; Procedure No. ILS-28L, Amdt. 12; Eff. date, 30 Oct. 65; Sup. Amdt. No. 11; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Gurley Int	LOM	Direct	3000	C-dn#	900-1½	900-1½	900-2
Toney Int	LOM	Direct	2600	S-dn-18*	300-¾	300-¾	300-¾
Owens Int	LOM	Direct	3000	A-dn	1000-2	1000-2	1000-2
Princeton Int	LOM	Direct	3000				
Fayetteville Int	LOM (final)	Direct	2600				

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2558'—6.2 miles; at MM, 827'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on HSV VOR, R 158°, then turn left to intercept HSV VOR, R 149° within 20 miles or, when directed by ATC, climb to 3000' on crs of 158° from LMM (Ident SV), turn left and return direct to LOM (Ident HS).
*700-1 required when glide slope not utilized. Reduction of landing visibility not authorized.
#CAUTION: Circling approaches avoid high terrain and trees, 1100'—1.3 miles E of airport.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 619'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-18, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 26 Oct. 65

Huntsville VOR	Harrison Int	Direct	3000	T-dn	300-1	300-1	200-½
Decatur VOR	Harrison Int	Direct	2500	C-dn#	900-1½	900-1½	900-2
Princeton Int	LMM	Direct	3000	A-dn	1000-2	1000-2	1000-2

Procedure turn E side of S crs, 179° Outbnd, 359° Inbnd, 3000' within 10 miles of Harrison Int.
No glide slope.
Minimum altitude over Harrison Int on final approach crs, 2500'.
Crs and distance, Harrison Int to approach end of Runway 36, 359°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Harrison Int, climb to 2600' on N crs, ILS (359°) within 20 miles or, when directed by ATC, turn left, climb to 3000' on R 158°, proceed to HSV VOR.
Other change: Deletes MSA's.
#CAUTION: (1) Circling approaches avoid high terrain and trees, 1100'—1.3 miles E of airport. (2) Descent below 2500' not authorized until past Harrison Int Inbnd due to R 210°.

City, Huntsville; State, Ala.; Airport name, Huntsville Madison County; Elev., 619'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS-36 (back crs), Amdt. 2; Eff. date, 30 Oct. 65; Sup. Amdt. No. 1; Dated, 27 June 64

MKC VOR	Platte City Int	Direct	2600	T-dn#	300-1	300-1	200-½
MC LOM	Platte City Int	Direct	2600	C-dn	500-1	500-1	500-1½
Camden Int	Platte City Int (final)	Direct	2200	S-dn-18@$	400-1	400-1	400-1
				A-dn$	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles of Platte City Int.
Minimum altitude over Platte City Int on final approach crs, 2200'.
Crs and distance, Platte City Int to airport, 185°—3.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Platte City Int, turn right, climb to 2700', proceed to FRY RBn.
NOTE: Control tower service and control zone designated during hours 0700–2300 local time daily and by NOTAM.
$No reduction authorized and alternate minimums not applicable during hours control tower service not available.
#RVR 2400' authorized Runway 36.
@400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011'; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-18 (back crs), Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 29 June 63

MKC VOR	MC LOM	Direct	2600	T-dn##	300-1	300-1	200-½
Farley Int	MC LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Lansing Int	MC LOM	Direct	2600	S-dn-36$@#	200-½	200-½	200-¼
Bonner Springs Int	MC LOM	Direct	2600	A-dn$	600-2	600-2	600-2
Camden Int	MC LOM	Direct	2600				
BSP VOR	MC LOM	Direct	3000				

Radar available.
Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2470'—4.4 miles; at MM, 1239'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing MC LOM, climb to 2800' on N crs, MCI localizer and proceed to Camden Int, or when directed by ATC, turn left, climbing to 2700' and proceed to FRY RBn.
NOTE: Control tower service and control zone designated during hours 0700–2300 local time daily and by NOTAM.
$400-1 required, no reduction authorized and alternate minimums not applicable during hours control tower service not available.
@400-¾ required when glide slope not utilized. Reduction below ¾ mile (RVR 4000') not authorized.
#RVR 2400'. Descent below 1211' not authorized unless approach lights are visible.
##RVR 2400' authorized Runway 36.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011'; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-36, Amdt. 3; Eff. date, 30 Oct. 65; Sup. Amdt. No. 2; Dated, 29 June 63

Little Rock VORTAC	LOM	Direct	1800	T-dn	300-1	300-1	*200-½
Bauxite Int	SW crs ILS	011°—2.3 miles	1800	C-dn	500-1	600-1	600-1½
Mabelvale Int	LOM (final)	Direct	1800	S-dn-4**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn N side of crs, 221° Outbnd, 041° Inbnd, 1800' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at LOM, 1800'—4.6 miles; at LMM 500'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on NE crs ILS (041°) within 20 miles or, when directed by ATC, (1) turn right, climb to 2000' and proceed to VORTAC, or (2) turn right, climb to 2000' on R 056° within 20 miles.
NOTE: Visibility reduction below ¾ mile not authorized.
*300-1 required for takeoff Runways 17, 35, 32.
**500-1 required when glide slope not utilized. Visibility reduction below ¾ mile not authorized.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS-4, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 29 May 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Medford VOR	MF LOM	Direct	6500	T-dn%	200-1	300-1	200-½
Gold Hill Int	MF LOM	Direct	6500	C-dn	700-1	700-1	700-1½
Klamath Junction Int	MF LOM	Direct	8000	S-dn-14	200-1½	200-1½	200-1½
Talent Int	MF LOM	Direct	8000	A-dn	1000-2	1000-2	1000-2
15-mile DME Fix and N crs, MFR Loc	Evans Creek FM (final)	Direct	*6500				

Procedure turn E side N crs, 320° Outbnd, 140° Inbnd, 6500' within 10 miles of Evans Creek FM.
Minimum altitude at glide slope intercept Inbnd, 6000'.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000'—14.6; at OM, 2860'—4.7 miles; at MM, 1550'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MF OM, make immediate climbing right turn, climbing direct to MF OM, thence continue climb to 6500' in a 1-minute right turn holding pattern S of MF LOM on the localizer crs.
NOTE: (1) Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM, and further, the aircraft must be able to arrive over MF LOM at 2860' on-top. (2) When authorized by ATC, DME may be used between R 216° MFR VOR clockwise to R 333° MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000' is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330'; Fac. Class., ILS; Ident., I-MFR; Procedure No. ILS-14, Amdt. 9; Eff. date, 30 Oct. 65; Sup. Amdt. No. 8; Dated, 27 May 65

Oklahoma City VOR	TWO RBn	Direct	3100	T-dn	300-1	300-1	200-½
Oklahoma City LOM	TWO RBn	Direct	3100	C-dn	400-1	500-1	500-1¼
Cashion Int	TWO RBn	Direct	3100	S-dn-17*	300-1	300-1	300-1
Bethany Int	TWO RBn (final)	Direct	2300	A-dn	800-2	800-2	800-2
Edmond Int	TWO RBn (final)	Direct	2300				

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3100' within 10 miles. Beyond 18 miles not authorized.
No glide slope.
Minimum altitude over TWO RBn on final approach crs, 2300'.
Crs and distance, TWO RBn to Runway 17, 171°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing TWO RBn, climb to 2800' on S crs, ILS within 20 miles or on crs, 171° from TWO RBn within 20 miles or, when directed by ATC, make immediate right turn, climb to 2500' and proceed direct to OKC VOR.
*300-¾ authorized, except for 4-engine turbojet aircraft, with high-intensity runway lights.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-(back crs), Amdt. 11; Eff. date, 30 Oct. 65; Sup. Amdt. No. 10; Dated, 10 Apr. 65

SEA VOR	SZ LOM	Direct	2000	T-dn#	300-1	300-1	200-½
PAE VOR	SZ LOM	Direct	2000	C-dn	500-1	500-1	500-1¼
Burton VHF Int	SZ LOM	Direct	2000	S-dn-16#%	200-½	200-½	200-½
Lofall VHF Int	SZ LOM	Direct	2000	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000' within 10 miles.
Final approach from holding pattern at SZ LOM not authorized, procedure turn required.
Minimum altitude at glide slope intercept Inbnd, 1709'.
Altitude of glide slope and distance to approach end of runway at OM, 1672'—4.1 miles;* at MM, 632'—0.8 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700' direct to SE LOM or, when directed by ATC turn right, climb to 2000' on R 228° SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591' located immediately N and NE of airport.
%400-1 required when glide slope not utilized. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Distance indicated is to the displaced threshold.
##RVR 2400'. Descent below 628' not authorized unless approach lights are visible.
#RVR 2400' authorized Runway 16.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428'; Fac. Class., ILS; Ident., I-SZI; Procedure No. ILS-16, Amdt. 6; Eff. date, 30 Oct. 65; Sup. Amdt. No. 5; Dated, 5 June 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
060° 060°	360° 360°	Within: 10 miles 25 miles	2800 3000	Surveillance approach T-dn C-dn S-dn* A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for approach to Runways 1, 5, 32: Climb straight ahead to 3000' within 10 miles and proceed to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd. For approach to Runways 14, 19, 23: Climb straight ahead to 3000' within 10 miles and proceed to BSV VOR. Hold S, 1-minute right turns, 008° Inbnd.

NOTE: No IFR operations authorized for Runways 9 and 27.

CAUTION: Smoke stack, 1335'—2.5 miles SE, Runway 32. Antenna, 1410'—4.5 miles S, Runway 1.

*Runways 1, 19: 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

*Runway 1: 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

*Runway 23: 400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228'; Fac. Class., and Ident., Akron Radar; Procedure No. 1, Amdt. 4; Eff. date, 30 Oct. 65; Sup. Amdt. No. 3; Dated, 14 Aug. 65

All directions	Radar site	Within: 20 miles	1600	Surveillance approach T-dn C-dn S-dn-3, 12, 30, 21, 35.** S-dn-17 A-dn	300-1 400-1 400-1 500-1 800-2	300-1 500-1 400-1 500-1 800-2	200-½ 500-1½ 400-1 500-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' straight ahead, then proceed to HOU VOR. Aircraft on any direct crs to HOU VOR may descend to 750' from 5-mile Radar Fix.

**400-½ authorized for Runway 3, except for 4-engine turbojet aircraft, with operative ALS.

**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

*Radar control must provide 3-mile or 1000' vertical separation from the following obstructions:

Obstruction	MSL altitude	HOU VOR Radial	Distance NM
Tower	1235	159	11.0
Tower	1051	240	11.5
Tower	751	291	11.4
Tower	753	309	6.0
Tower	1549	238	13.1

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 50'; Fac. Class. and Ident., Houston Radar; Procedure No. 1, Amdt. 13; Eff. date, 30 Oct. 65; Sup. Amdt. No. 12; Dated, 17 Apr. 65

060° 000°	360° 360°	Within: 10 miles 20 miles	2500 5500	Precision approach T-dn# C-dn S-dn-16§,## A-dn	300-1 500-1 200-½ 600-2	300-1 500-1 200-½ 600-2	200-½ 500-1½ 200-½ 600-2
				Surveillance approach T-dn C-dn S-dn-34§ A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 34: Climb to 2000' direct to SZ LOM or, when directed by ATC, turn left, climb to 2000', intercept R 225° of Seattle VOR, thence to Burton Int. Runway 2: Left turn, climb to 3000' direct to SZ LOM or, when directed by ATC, turn left, climb to 2000', intercept R 225° of Seattle VOR, thence to Burton Int. Runway 16: Climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R 225°, thence to Burton Int. Runway 20: Left turn, climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R 225°, thence to Burton Int.

CAUTION: Terrain and trees to 591' located immediatly N and NE of airport.

##RVR 2400'. Descent below 628' not authorized unless approach lights are visible.

#RVR 2400' authorized Runways 16 and 34.

§400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428'; Fac. Class. and Ident., Seattle-Tacoma Radar; Procedure No. 1, Amdt. 12; Eff. date, 30 Oct. 65; Sup. Amdt. No. 11; Dated, 5 June 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

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

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

[F.R. Doc. 65-10334; Filed, Nov. 12, 1965; 8:49 a.m.]

[Docket No. 7016; Amdt. No. 103-1]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Transportation of Gasoline in Alaska; Aircraft Operated in Other Than Scheduled Passenger-Carrying Operations

The purpose of this amendment is to delete the notification requirement in § 103.33(a) which requires small aircraft operators, who operate entirely within the State of Alaska in other than scheduled passenger-carrying operations, to notify the Administrator of the type of aircraft, registration number, and area of operation when transporting certain quantities of gasoline.

The notification requirement formerly appearing in Special Regulation No. 447 (SR 447) was designed to enable the Administrator to obtain sufficient information upon which to base a determination of whether the substance of SR 447 authorizing the operation under consideration should be incorporated in the permanent body of the regulations. The information received by the Agency as a result of this notice has been evaluated, and SR 447 has been incorporated in the permanent body of the Federal Aviation Regulations as § 103.33(a). Since the notification requirement of § 103.33(a) has fulfilled its original purpose, retention of this requirement is no longer necessary.

Deletion of the notification requirement in § 103.33 in no way relaxes the additional requirements of paragraph (a) that operations under this section occur only when necessary to meet the needs of the passengers and where air transportation is the only practical means of transportation.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, § 103.33(a) of Part 103 of the Federal Aviation Regulations (14 CFR § 103.33 (a)) is amended to read as follows:

§ 103.33 Transportation of gasoline in Alaska; aircraft operated in other than scheduled passenger-carrying operations.

* * * * *

(a) The particular operation must be necessary to meet the needs of the passengers, and air transportation must be the only practical means of transportation.

* * * * *

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

Issued in Washington, D.C., on November 5, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-12159; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets C-328 et al., o.]

PART 13—PROHIBITED TRADE PRACTICES

Abby Kent Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist orders and orders setting effective date of orders to cease and desist, Abby Kent Co., Inc. (New York, N.Y.), et al., Dockets C-328 et al., August 9, 1965]

Consent orders requiring 55 wearing apparel manufacturers, respondents named in Appendix A attached hereto, docket numbers C-925 through C-979, to cease discriminating among their competing customers in the payment of advertising and promotional allowances, in violation of section 2(d) of the Clayton Act; and orders setting effective date of 243 identical cease and desist orders, respondents named in Appendix B attached hereto, previously issued with effective date postponed until further order of the Commission against other industry members, all 298 identical cease and desist orders were made effective simultaneously on August 9, 1965, and the firms directed to file reports of compliance.

The orders to cease and desist and orders setting effective date of orders to cease and desist, including further order requiring reports of compliance therewith, are as follows:

CEASE AND DESIST ORDERS—RESPONDENTS NAMED IN APPENDIX A

It is ordered That each respondent named in appendix A, a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered That each respondent named in appendix A herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

ORDERS SETTING EFFECTIVE DATE OF ORDERS TO CEASE AND DESIST, PREVIOUSLY ISSUED—RESPONDENTS NAMED IN APPENDIX B

It is ordered That the orders, docket Nos. C-328 through C-490, issued on May 1, 1963 [28 F.R. 5417], and modified by an order of June 28, 1963, which postponed the effective date until further order of the Commission, be, and they hereby are, effective this date;

It is ordered That the orders, docket Nos. C-540 through C-566, issued on August 12, 1963 [28 F.R. 9432], be, and they hereby are, effective this date;

It is ordered That the orders, docket Nos. C-639 through C-671, issued on December 27, 1963 [29 F.R. 1721], be, and they hereby are, effective this date;

It is ordered That the order, docket No. C-717, issued on February 27, 1964 [29 F.R. 3565], be, and it hereby is, effective this date;

It is ordered That the orders, docket Nos. C-769 through C-775, issued June 30, 1964 [29 F.R. 10504], be, and they hereby are, effective this date;

It is ordered That the order, docket No. C-794, issued on July 17, 1964 [29 F.R. 11495], be, and it hereby is, effective this date;

It is ordered That the order, docket No. C-803, issued on August 3, 1964 [29 F.R. 12114], be and it hereby is, effective this date;

It is ordered, That the orders, docket Nos. C-834 through C-836, issued on September 18, 1964 [29 F.R. 13892], be, and they hereby are, effective this date;

It is ordered, That the order, docket No. C-841, issued on September 29, 1964 [29 F.R. 14170], be and it hereby is, effective this date;

It is ordered, That the order, docket No. 8633, issued on November 10, 1964 [29 F.R. 15811], be, and it hereby is, effective this date;

It is ordered, That the orders, docket Nos. 8625, 8626, and 8632, issued on January 18, 1965 [30 F.R. 3878], be, and they hereby are, effective this date;

It is ordered, That the order, docket No. C-882, issued on February 23, 1965 [30 F.R. 4712], be, and it hereby is effective this date;

It is ordered, That the order, docket No. 8630, issued on April 9, 1965 [30 F.R. 8043], be, and it hereby is, effective this date.

It is further ordered, That each respondent named in appendix B herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: August 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

APPENDIX A

Following is a listing of the 55 respondents named in cease and desist orders (New York City unless otherwise indicated):

(C-925) Aansworth, Ltd., 1407 Broadway.
(C-926) Guttman Knitwear Creations, Inc., 1407 Broadway.
(C-927) Society Brand Division of Hart Schaffner & Marx, 36 South Franklin Street, Chicago, Ill.
(C-928) House of Jamison, Inc., 498 Seventh Avenue.
(C-929) Alison Ayres, Inc., 1400 Broadway.
(C-930) Alper-Schwartz Co., Inc., 530 Seventh Avenue.
(C-931) Audrey Lee Classics, Inc., 1359 Broadway.
(C-932) Stanley Blacker, Inc., 2200 Arch Street, Philadelphia, Pa.
(C-933) Blouses By Vera, Inc., 417 Fifth Avenue.
(C-934) Brentwood Sportswear Co., 19th and Allegheny, Philadelphia, Pa.
(C-935) Campus Casuals of California, 1200 South Hope Street, Los Angeles, Calif.
(C-936) Christian Dior-New York, 498 Seventh Avenue.
(C-937) Arthur Cole Associates, Inc., 498 Seventh Avenue.
(C-938) Davenshire, Inc., 930 South Rolff Street, Davenport, Iowa.
(C-939) Diane Young Sportswear, Inc., 525 Seventh Avenue.
(C-940) Handmacher-Vogel, Inc., 533 Seventh Avenue.
(C-941) Huntington Manufacturing Co., Inc., 312 West Randolph Street, Chicago, Ill.
(C-942) Joseph & Feiss Co., 2149 West 53d Street, Cleveland, Ohio.
(C-943) Junior Sophisticates Co., Inc., 498 Seventh Avenue.
(C-944) Junior Theme, Inc., 1400 Broadway.
(C-945) R. Kolodney & Co., Inc., 450 Capitol Avenue, Hartford, Conn.
(C-946) Lamm Brothers, Inc., Gleneagles Court, Baltimore, Md.
(C-947) Leslie Fay, Inc., 1400 Broadway.
(C-948) Linker & Herbert, Inc., 205 West 39th Street.
(C-949) New York Manufacturing Corp., 214 West 39th Street.
(C-950) Mam'selle Dress, Inc., 498 Seventh Avenue.
(C-951) Marlene Industries Corp., 141 West 36th Street.
(C-952) Mister Pants, Inc., 550 Seventh Avenue.
(C-953) Modella, Inc., 205 West 39th Street.
(C-954) Old Colony Knitting Mills, Inc., 40 Glen Avenue, Newton Center, Mass.
(C-955) Pat Fashions, Inc., 1370 Broadway.
(C-956) Petrocelli Clothes, Inc., 28 West 23d Street.
(C-957) Publix Shirt Corp., 350 Fifth Avenue.
(C-958) Queen Knitting Mills, Inc., 2701 North Broad Street, Philadelphia, Pa.
(C-959) Rosanna Knitted Sportswear, Inc., 1410 Broadway.
(C-960) Russ Togs, Inc., 1372 Broadway.
(C-961) H. A. Seinsheimer Co., 400 Pike Street, Cincinnati, Ohio.
(C-962) Shipmates Sportswear, Inc., 1307 Washington Avenue, St. Louis, Mo.
(C-963) Jerry Silverman, Inc., 530 Seventh Avenue.
(C-964) Smart-Maid Coat & Suit Corp., 545 Eighth Avenue.
(C-965) Stern-Siegman-Prins Co., Inc., 3122 Gillham Plaza, Kansas City, Mo.
(C-966) Susan Laurie, Inc., 902 Broadway.
(C-967) T.P. Industries, Inc., 1375 Broadway.
(C-968) United Sheeplined Clothing Co., Inc., 804 Broadway, Long Branch, N.J.
(C-969) The Villager, Inc., 330 North 12th Street, Philadelphia, Pa.
(C-970) Westbury Fashions, Inc., 1400 Broadway.
(C-971) M. Wile & Co., Inc., 77 Goodell Street, Buffalo, N.Y.
(C-972) Zelinka-Matlick, Inc., 512 Seventh Avenue.
(C-973) Mattique, Ltd., 1410 Broadway.
(C-974) Sporteens, Inc., 1407 Broadway.
(C-975) Gotham Knitting Mills, Inc., 1407 Broadway.
(C-976) Beacon Frocks, Inc., 1385 Broadway.
(C-977) Lady Carol Dresses, Inc., 1400 Broadway.
(C-978) George Small, Inc., 1375 Broadway.
(C-979) Boys' Tone Shirt Co., Inc., 350 Fifth Avenue.

Following is a listing of the 243 respondents cited in the previously issued but postponed orders which the Commission put into effect on this date (again, addresses are New York City unless otherwise stated):

(C-328) Abby Kent Co., Inc., 1400 Broadway.
(C-329) Adelaar Bros., Inc., 525 7th Avenue.
(C-330) All State Garment Corp., 205 West 39th Street.
(C-331) Alps Sportswear Manufacturing Co., Inc., 65 Bedford Street, Boston, Mass.
(C-332) The Bernhard Altmann Corp., 100 West 40th Street.
(C-333) Aquascutum Imports, Inc., 2 East 37th Street.
(C-334) Aquascutum Co., Ltd., 2 East 37th Street.
(C-335) Andrew Arkin, Inc., 530 Seventh Avenue.
(C-336) Aronoff & Richling, Inc., 1400 Broadway.
(C-337) Cay Artley Apparel, Inc., 232 Levergood Street, Johnstown, Pa.
(C-338) S. Augstein & Co., 15-58 127th Street, College Point, Long Island, N.Y.
(C-339) Ballantyne Sweaters, Ltd., 40 East 34th Street.
(C-340) Barmon Brothers Co., Inc., 893 Broadway, Buffalo, N.Y.
(C-341) Ben Barrack Dresses, Inc., 498 Seventh Avenue.
(C-342) Ben Barrack Petites, Inc., 498 Seventh Avenue.
(C-343) The Beaumart Co., 498 Seventh Avenue.
(C-344) Beaver Shirt Manufacturing Co., Inc., 350 Fifth Avenue.
(C-345) Beldoch Popper, Inc., 1410 Broadway.
(C-346) Bermuda Knitwear Corp., 1410 Broadway.
(C-347) Biltwell Co., Inc., 1128 Washington Avenue, St. Louis, Mo.
(C-348) Biltwell Slacks, Inc., 1324 Santee, Los Angeles, Calif.
(C-349) Blairmoor Knitwear Corp., 33-00 Northern Boulevard, Long Island City, N.Y.
(C-350) Braemar Knitwear (U.S.A.), Ltd., 1407 Broadway.
(C-351) Sue Brett, Inc., 1400 Broadway.
(C-352) British Vogue, Inc., 1410 Broadway.
(C-353) Robert Bruce, Inc., 2867 East Allegheny Avenue, Philadelphia, Pa.
(C-354) Candy Frocks, Inc., 501 Seventh Avenue.
(C-355) Streamline Garment Corp., 530 West First Street, Greensburg, Ind.
(C-356) Casualcraft, Inc., 350 Fifth Avenue.
(C-357) David A. Church Co., Inc., 47 Greenpoint Avenue, Brooklyn, N.Y.
(C-358) Climatic, Inc., 1 Jackson Place, Yonkers, N.Y.
(C-359) Martha Clyde, Inc., 525 Seventh Avenue.
(C-360) Joseph H. Cohen, Inc., 71 Fifth Avenue.
(C-361) Cotton Club Frocks, Inc., 275 Seventh Avenue.
(C-362) Country Set, Inc., 1520 Washington Avenue, St. Louis, Mo.
(C-363) Carol Crawford, Inc., 1400 Broadway.
(C-364) David Crystal, Inc., 498 Seventh Avenue.
(C-365) Dalton of America, Inc., 6611 Euclid Avenue, Cleveland, Ohio.
(C-366) Darlene Knitwear, Inc., North Commercial Street, Manchester, N.H.
(C-367) H. Daroff & Sons, Inc., 2300 Walnut Street, Philadelphia, Pa.
(C-368) Davidow Suits, Inc., 550 Seventh Avenue.
(C-369) Defiance Manufacturing Co., Inc., 350 Fifth Avenue.
(C-370) Jacques deLoux, Inc., Sellersville, Pa.
(C-371) Derby Sportswear, Inc., 1333 Broadway.
(C-372) Donmoor-Isaacson, 1115 Broadway.
(C-373) Donwood, Ltd., 1407 Broadway.
(C-374) Dorset Knitwear, Ltd., 381 Park Avenue South.
(C-375) Dotti Original, Inc., 525 Seventh Avenue.
(C-376) Eagle Clothes, Inc., 1107 Broadway.
(C-377) Eagle - Freedman - Rodelheim Co., Fifth and Juniper Streets, Quakertown, Pa.
(C-378) Elder Manufacturing Co., 13th and Lucas Avenue, St. Louis, Mo.
(C-379) Esquire Sportswear Manufacturing Co., 43 West 23d Street.
(C-380) Excello Shirts, Inc., 390 Fifth Avenue.
(C-381) Exmoor Knitwear Co., Inc., 40 Spring Street, Haverstraw, N.Y.
(C-382) Stanley M. Fell, Inc., 2073 East Fourth Street, Cleveland, Ohio.
(C-383) Fordham-Bardell Shirt Corp., 212 Fifth Avenue.
(C-384) French Knitwear Co., Inc., 1407 Broadway.
(C-385) Gant of New Haven, Inc., 162 James Street, New Haven, Conn.
(C-386) Garland Knitting Mills, 117 Bickford Street, Jamaica Plain, Mass.
(C-387) Jerry Gilden Fashions, Inc., 498 Seventh Avenue.
(C-388) Globe Knitwear Co., Inc., 831 Arch Street, Philadelphia, Pa.
(C-389) Gordon & Ferguson Co., 250 East Fifth Street, St. Paul, Minn.
(C-390) Grunwald-Marx, 932 Wall Street, Los Angeles, Calif.
(C-391) Harper Shirt Co., Inc., 350 Fifth Avenue.
(C-392) B. W. Harris Manufacturing Co., 396 Sibley Street, St. Paul, Minn.
(C-393) Haspel Brothers, Inc., 2527 St. Bernard Street, New Orleans, La.
(C-394) Hayette, Inc., 498 Seventh Avenue.
(C-395) Haymaker Sports, Inc., 498 Seventh Avenue.
(C-396) Helga, 722 Los Angeles Street, Los Angeles, Calif.
(C-397) Highlander Sportswear, Inc., 135 Monroe Street, Newark, N.J.
(C-398) Hochenberg & Gelb, Inc., 915 Broadway.
(C-399) Jane Holly, Inc., 525 Seventh Avenue.
(C-400) Henry I. Siegel Co., Inc., 16 East 34th Street.
(C-401) Hortex Manufacturing Co., Inc., 100 South Cotton Street, El Paso, Tex.
(C-402) House of Perfection, Inc., 45 West 36th Street.
(C-403) House of Worsted-Tex, Inc., 2300 Walnut Street, Philadelphia, Pa.
(C-404) F. Jacobson & Sons, Inc., 390 Fifth Avenue.
(C-405) Juniorite, Inc., 1407 Broadway.
(C-406) Kadet, Kruger & Co., 216 West Adams Street, Chicago, Ill.
(C-407) The Kaynee Co., Greenville, S.C.
(C-408) William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N.J.
(C-409) Lackawanna Pants Manufacturing Co., Inc., 300 Brook Street, Scranton, Pa.
(C-410) Lawrence of London, Ltd., 512 Seventh Avenue.

(C-411) The H. D. Lee Co., Inc., 117 West 20th Street, Kansas City, Mo.
(C-412) Rhoda Lee, Inc., 525 Seventh Avenue.
(C-413) Lehigh Trouser Co., 514 South Main Street, Wilkes-Barre, Pa.
(C-414) Levin & Co., Inc., 1350 Broadway.
(C-415) Londontown Manufacturing Co., 3600 Clipper Mill Road, Baltimore, Md.
(C-416) Loomtogs, Inc., 1410 Broadway.
(C-417) MacShore Classics, Inc., 1410 Broadway.
(C-418) Majestic Specialties, Inc., 340 Claremont Avenue, Jersey City, N.J.
(C-419) Major Blouse Co., Inc., 525 Seventh Avenue.
(C-420) The Majer Brand Co., Inc., 200 Fifth Avenue.
(C-421) Masket Bros. Sport Wear, Inc., 498 Seventh Avenue.
(C-422) Lynne Manufacturing Co., 27-01 Bridge Plaza North, Long Island City, N.Y.
(C-423) Abby Michael, Ltd., 1407 Broadway.
(C-424) Michaels Stern & Co., Inc., 87 North Clinton Avenue, Rochester, N.Y.
(C-425) Miller Manufacturing Co., Inc., 915 Main Street, Joplin, Mo.
(C-426) Morrison Knitwear, Inc., 130 Palmetto Street, Brooklyn, N.Y.
(C-427) Nelly De Grab, 533 Seventh Avenue.
(C-428) Nelly Don, Inc., 3500 East 17th Street, Kansas City, Mo.
(C-429) Nelson-Caine, 1400 Broadway.
(C-430) Newman & Newman, 11 East 26th Street.
(C-431) Palm Beach Co., 426 East Fourth Street, Cincinnati, Ohio.
(C-432) Park-Storyk Corp., 1407 Broadway.
(C-433) Pattullo-Jo Copeland, Inc., 498 Seventh Avenue.
(C-434) Pauker Boyswear Corp., 25 West 31st Street.
(C-435) Peerless Robes & Sportswear, Inc., 350 Fifth Avenue.
(C-436) Fashions by Blauner, Inc., 134 West 37th Street.
(C-437) Pickwick Knitting Mills, Inc., 49 Junius Street, Brooklyn, N.Y.
(C-438) Plymouth Manufacturing Co., 500 Harrison Avenue, Boston, Mass.
(C-439) Milton Saunders Co., 525 Seventh Avenue.
(C-440) Princess Peggy, Inc., 1001 Southwest Adams Street, Peoria, Ill.
(C-441) Rabhor Robes, Inc., South Norwalk, Conn.
(C-442) Ratner Manufacturing Co., 730 13th Street, San Diego, Calif.
(C-443) Rona Dresses, 1400 Broadway.
(C-444) S. Rudofker's Sons, Inc., 22d and Market Streets, Philadelphia, Pa.
(C-445) Rugby Knitting Mills, Inc., 1490 Jefferson Avenue, Buffalo, N.Y.
(C-446) Sagner, Inc., South Wisner Street, Frederick, Md.
(C-447) Savoy Knitting Mills Corp., 801 Meadow Street, Allentown, Pa.
(C-448) Abe Schrader Corp., 530 Seventh Avenue.
(C-449) Alfred Shapiro, Inc., 240 Madison Avenue.
(C-450) Shelby Manufacturing Co., 1350 Broadway.
(C-451) M & D Simon Co., 700 St. Clair Avenue West, Cleveland, Ohio.
(C-452) Miss Smart Frocks, Inc., 501 Seventh Avenue.
(C-453) Smartee, Inc., 45 East 12th Street.
(C-454) Sorority Frocks, Inc., 120 West 28th Street.
(C-455) Sport Kraft, Inc., 413 West Third Street, Lewes, Del.
(C-456) Sportsville Men's Wear, Inc., 16 East 34th Street.
(C-457) Sigma Fashions, Inc., 1400 Broadway.
(C-458) Talbott, Inc., 1407 Broadway.
(C-459) Tellshire, Inc., 270 West 38th Street.
(C-460) Thomson Co., 405 Park Avenue.
(C-461) Timely Clothes, Inc., 1415 Clinton Avenue, North, Rochester, N.Y.
(C-462) Towncliffe, Inc., 512 Seventh Avenue.
(C-463) Triton Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.
(C-464) Troy Shirt Makers Guild, Inc., 71 Lawrence Street, Glens Falls, N.Y.
(C-465) Usona Shirt Co., 230 Fifth Avenue.
(C-466) Weber and Lott, Inc., 525 Seventh Avenue.
(C-467) Weber Originals, Inc., 525 Seventh Avenue.
(C-468) Margo Walters, Inc., 1400 Broadway.
(C-469) Wentworth Manufacturing Co., Blanding Street, Lake City, S.C.
(C-470) White Stag Manufacturing Co., 5100 Southeast Harney Drive, Portland, Oreg.
(C-471) Wolfson & Greenbaum, Inc., 132 West 36th Street.
(C-472) Wright Manufacturing Co., Toccoa, Ga.
(C-473) Ben Zuckerman, Inc., 512 Seventh Avenue.
(C-474) The Enro Shirt Co., Inc., 4300 Leghorn Drive, Louisville, Ky.
(C-475) Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La.
(C-476) Glen Mfg., Inc., 320 East Buffalo Street, Milwaukee, Wis.
(C-477) Ilene Manufacturing Co., Inc., 525 Seventh Avenue.
(C-478) Jolee, Inc., 250 West 39th Street.
(C-479) M. J. Levine, Inc., 250 West 39th Street.
(C-480) Kelita, Inc., 1407 Broadway.
(C-481) Malcolm Kenneth Co., 11 Leon Street, Boston, Mass.
(C-482) Kimberly Knitwear, Inc., 1410 Broadway.
(C-483) Leathermode Sportswear, Inc., 357 Kossuth Street, Bridgeport, Conn.
(C-484) Mode de Paris, Inc., 58 Second Street, San Francisco, Calif.
(C-485) New Era Shirt Co., 316 North 18th Street, St. Louis, Mo.
(C-486) Raab-Meyerhoff Co., 350 Fifth Avenue.
(C-487) Ronnie Fashions, Inc., 1400 Broadway.
(C-488) M. C. Schrank Co., 17-21 Broad Street, Bridgeton, N.J.
(C-489) Norman Wiatt Co., 124 East Olympic Boulevard, Los Angeles, Calif.
(C-490) Wonderknit Corp., 112 West 34th Street.
(C-540) Baracuta, Inc., 16 East 40th Street.
(C-541) Blue Jeans Corp., 130 West 34th Street.
(C-542) College-Town Sportswear, 35 Morrisey Boulevard, Boston, Mass.
(C-543) Davis Sportswear Co., Inc., 5 Franklin Street, Lawrence, Mass.
(C-544) Gail Byron Frocks Co., Inc., 463 Seventh Avenue.
(C-545) Giritown, Inc., 35 Morrisey Boulevard, Boston, Mass.
(C-546) C. F. Hathaway Co., 10 Water Street, Waterville, Maine.
(C-547) Junior Accent, Inc., 498 Seventh Avenue.
(C-548) Century Sportswear Co., Inc., 20 Boylston Street, Boston, Mass.
(C-549) Jonathan Logan, Inc., 3901 Liberty Avenue, North Bergen, N.J.
(C-550) The Manhattan Shirt Co., 1271 Avenue of the Americas.
(C-551) Novelty Veiling Co., Inc., 675 Sixth Avenue.
(C-552) Petite Lady Dress Co., Inc., 1375 Broadway.
(C-553) Phillips-Van Heusen Corp., 417 Fifth Avenue.
(C-554) Rosecrest, Inc., 24 Binford Street, Boston, Mass.
(C-555) Boris Smoler & Sons, Inc., 3021 North Pulaski, Chicago, Ill.
(C-556) Alice Stuart, Inc., 525 Seventh Avenue.
(C-557) Sunnyvale, Inc., 1350 Broadway.
(C-558) Tanner of North Carolina, Inc., Rutherfordtown, N.C.
(C-559) Warshauer & Franck, Inc., 75 Kneeland Street, Boston, Mass.
(C-560) Westover Fashions, Inc., 1400 Broadway.
(C-561) Boston Maid, Inc., 560 Harrison Avenue, Boston, Mass.
(C-562) Devonbrook, Inc., 1400 Broadway.
(C-563) R. and M. Kaufman, Inc., 41 Holbrook Street, Aurora, Ill.
(C-564) Linsk of Philadelphia, Inc., 3111 West Allegheny Avenue, Philadelphia, Pa.
(C-565) Modern Juniors, Inc., 1407 Broadway.
(C-566) D. F. Rodgers Manufacturing Co., Inc., 1350 Broadway.
(C-639) Adele Fashions, Inc., 1407 Broadway.
(C-640) Blume Knitwear, Inc., 30-02 48th Avenue, Long Island City, N.Y., and a subsidiary at the same address, Impromptu Casuals, Inc.
(C-641) Cluett, Peabody & Co., Inc., 530 Fifth Avenue.
(C-642) Country Tweeds, Inc., 250 West 39th Street.
(C-643) Litt-Gluck Co., 111 West 19th Street.
(C-644) Sy Frankl, Inc., 1350 Broadway.
(C-645) Glensder Corp., 417 Fifth Avenue.
(C-646) The Hadley Corp., Weaverville, N.C.
(C-647) Larry Levine, Inc., 252 West 37th Street.
(C-648) Lord Jeff Knitting Co., Inc., 58-30 64th Street, Maspeth, N.Y.
(C-649) Miss Maude, Inc., 1311 Park Avenue, Hoboken, N.J.
(C-650) Mayflower Dress Co., Inc., 1350 Broadway.
(C-651) Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn.
(C-652) Puritan Skirt & Dress Co., Inc., 144 Moody Street, Waltham, Mass.
(C-653) The Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.
(C-654) Rainfair, Inc., 1501 Albert Street, Racine, Wis.
(C-655) Sportswear Corp. of America, 6516 Page Boulevard, St. Louis.
(C-656) Serbin, Inc., 1280 Southwest First Street, Miami, Fla.
(C-657) Sir James, Inc., 910 South Los Angeles Street, Los Angeles, Calif.
(C-658) Kandahar Sportswear Co., Inc., 8 West 30th Street.
(C-659) Bobbie Brooks, Inc., 3839 Kelley Avenue, Cleveland, Ohio.
(C-660) Gay Gibson, Inc., 2617 Grand Avenue, Kansas City, Mo.
(C-661) The Grove Co., 8300 Manchester Road, St. Louis, Mo.
(C-662) Irwill Knitwear Corp., 1407 Broadway.
(C-663) Kathi Originals, Inc., 1350 Broadway.
(C-664) Lofties Knitting Mills, Inc., 85 De Kalb Avenue, Brooklyn, N.Y.
(C-665) Mademoiselle Modes, Inc., 520 Eighth Avenue.
(C-666) Donkenny, Inc., 1407 Broadway, and a subsidiary at the same address, Melray Blouse Co., Inc.
(C-667) Albert Rosenblatt & Sons, Inc., 1400 Broadway.
(C-668) Economy Blouse Corp., 1407 Broadway.
(C-669) E. D. Winter & Co., Inc., 525 Seventh Avenue.
(C-670) Jack Winter, Inc., 233 East Chicago Street, Milwaukee, Wis.
(C-671) Young Timers, Inc., 520 Eighth Avenue.

(C-717) L'Aiglon Apparel, Inc., 15th and Mount Vernon Streets, Philadelphia, Pa.
(C-769) The Alligator Co., 4153 Bingham Avenue, St. Louis, Mo.
(C-770) Sportswear By Revere, Inc., 11 Lake Street, Wakefield, Mass.
(C-771) Sportempos, Inc., 525 Seventh Avenue.
(C-772) Teal Traina, Inc., 550 Seventh Avenue.
(C-773) Max Wiesen & Sons, Inc., 463 Seventh Avenue.
(C-774) Lanz Originals, Inc., 6150 Wilshire Boulevard, Los Angeles, Calif.
(C-775) Smoler Bros., Inc., 2300 Wanansia Avenue, Chicago, Ill.
(C-794) Fashion Park, Inc., 432 Portland Avenue, Rochester, N.Y.
(C-803) National Togs, Inc., 1370 Broadway.
(C-834) Cotton City Wash Frocks, Inc., 1350 Broadway.
(C-835) Premier Knitting Co., Inc., 1410 Broadway.
(C-836) Regal Knitwear Co., Inc., 1333 Broadway.
(C-841) Chestnut Hill Industries, Inc., 2025 McKinley Street, Hollywood, Fla.
(C-882) The Kramer Co., 1405 Broadway.
(D. 8625) Brandford Co., Inc., 1410 Broadway.
(D. 8626) Brownie Knitting Mills, Inc., 120 East 23d Street.
(D. 8630) Nancy Greer, Inc., 1400 Broadway.
(D. 8632) Barclay Knitwear Co., Inc., 1239 Broadway.
(D. 8633) Boepple Sportswear Mills, Inc., 1410 Broadway.

[F.R. Doc. 65-12204; Filed, Nov. 12, 1965; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Miscellaneous Amendments

On July 22, 1965, a notice of proposed rule making was issued by the Commission. Such notice was published in the FEDERAL REGISTER on July 27, 1965, and provided that the Commission proposed to consider an amendment of § 303.3 (Rule 3) of Part 303, rules and regulations under the Textile Fiber Products Identification Act so as to (1) provide that § 303.3 (Rule 3) relates to fibers present in amounts of less than 5 percent of the total fiber weight of the textile fiber product rather than to fibers present in amounts of 5 percent or less in order to properly reflect the application of section 4(a)(1) and 4(a)(2) of the Textile Fiber Products Identification Act as indicated by the title of the June 5, 1965, amendment thereto (79 Stat. 124) and (2) to specify the manner and form of disclosure of fibers present in amounts of less than 5 percent where such fibers have a clearly established and definite functional significance where present in the amount contained in the product so as to fall within the provisions of the June 5, 1965, amendment (79 Stat. 124) to section 4(a)(1) and 4(a)(2) of the Textile Fiber Products Identification Act. The notice further provided that interested parties could participate by submitting their written views, arguments or other data to the Federal Trade Commission on or before August 18, 1965, and that written rebuttal could be submitted until August 30, 1965. A draft of the proposed amendment was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments, or other data in writing and written rebuttal thereto as provided in the notice. All views, arguments, and data presented have been made a part of the record.

After due consideration of the proposed amendment and all pertinent information and material relating thereto, including suggested revisions, deletions and additions thereto and all views, arguments and other data submitted, the Commission has determined to amend § 303.3 (Rule 3) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purposes above specified. The Commission has further determined to amend § 303.6 (Rule 6), paragraph (a) of § 303.10 (Rule 10), paragraph (a) of § 303.16 (Rule 16), and paragraph (a) of § 303.42 (Rule 42) of Part 303, rules and regulations under the Textile Fiber Products Identification Act, so as to make such provisions consistent with paragraph (a) of amended § 303.3 (Rule 3).

Section 303.3 (Rule 3) of the rules and regulations under the Textile Fiber Products Identification Act shall hereafter read:

§ 303.3 Fibers present in amounts of less than 5 percent.

(a) Except as permitted in paragraph (b) of this section and section 4(b)(1) and 4(b)(2) of the Act, as amended, no fiber present in the amount of less than 5 per centum of the total fiber weight shall be designated by its generic name or fiber trademark in disclosing the constituent fibers in required information, but shall be designated as "other fiber." Where more than one of such fibers are present in a product they shall be designated in the aggregate as "other fibers."

(b) Where a textile fiber present in a textile fiber product in the amount of less than 5 per centum of the total fiber weight of the product has a clearly established and definite functional significance where present in the product in the amount contained in such product so as to fall within the provisions of section 4(b)(1) and 4(b)(2) of the Act, as amended, relating to the disclosure of fibers having such functional significance and it is desired to disclose the presence of such fiber by generic name or fiber trademark name, the generic name of such fiber, the percentage by weight of the fiber in the total fiber content of the product, and the functional significance of the fiber shall be set out in the required fiber content disclosure, as for example:

96 percent Acetate.
4 percent Spandex for elasticity.

In making such disclosure all of the provisions of the Act and regulations setting forth the manner and form of disclosure of fiber content informaiton including the provisions of §§ 303.17 (Rule 17) and 303.41 (Rule 41) relating to the use of generic names and fiber trademarks shall be applicable.

Section 303.6 (Rule 6) of the rules and regulations under the Textile Fiber Products Identification Act shall hereafter read:

§ 303.6 Generic names of fibers to be used.

(a) Except where another name is permitted under the Act and regulations, the respective generic names of all fibers present in the amount of 5 per centum or more of the total fiber weight of the textile fiber product shall be used when naming fibers in the required information; as for example: "cotton," "rayon," "silk," "linen," "nylon," etc.

(b) Where a textile fiber product contains the hair or fiber of a fur-bearing animal present in the amount 5 per centum or more of the total fiber weight of the product, the name of the animal producing such fiber may be used in setting forth the required information, provided the name of such animal is used in conjunction with the words "fiber," "hair," or "blend;" as for example:

80 percent Rabbit hair.
20 percent Nylon.

or

80 percent Silk.
20 percent Mink fiber.

(c) The term "fur fiber" may be used to describe the hair or fur fiber or mixtures thereof of any animal or animals other than the sheep, lamb, Angora goat, Cashmere goat, camel, alpaca, llama or vicuna where such hair or fur fiber or mixture is present in the amount of 5 per centum or more of the total fiber weight of the textile fiber product and no direct or indirect representations are made as to the animal or animals from which the fiber so designated was obtained; as for example:

60 percent Cotton.
40 percent Fur fiber.

or

50 percent Nylon.
30 percent Mink hair.
20 percent Fur fiber.

(d) Where textile fiber products subject to the Act contain (1) wool, (2) reprocessed wool, or (3) reused wool in amounts of 5 per centum or more of the total fiber weight, such fibers shall be designated and disclosed as wool, reprocessed wool, or reused wool as the case may be.

Paragraph (a) of § 303.10 (Rule 10) of the rules and regulations under the Textile Fiber Products Identification Act, "Fiber Content of Special Types of Products," shall hereafter read:

§ 303.10 Fiber content of special types of products.

(a) Where a textile product is made wholly of elastic yarn or material, with minor parts of non-elastic material for structural purposes, it shall be identified as to the percentage of the elastomer, together with the percentage of all textile coverings of the elastomer and all other yarns or materials used therein.

Where a textile fiber product is made in part of elastic material and in part of other fabric, the fiber content of such

fabric shall be set forth sectionally by percentages as in the case of other fabrics. In such cases the elastic material may be disclosed by describing the material as elastic followed by a listing in order of predominance by weight of the fibers used in such elastic, including the elastomer, where such fibers are present by 5 per centum or more with the designation "other fiber" or "other fibers" appearing last when fibers required to be so designated are present. An example of labeling under this paragraph is:

Front and back non-elastic sections:
50 percent Acetate.
50 percent Cotton.
Elastic: Rayon, cotton, nylon, rubber.

* * * * *

Paragraph (a) of §303.16 (Rule 16) of the rules and regulations under the Textile Fiber Products Identification Act, "Arrangement and Disclosure of Importation on Labels," shall hereafter read:

§ 303.16 Arrangement and disclosure of information on labels.

(a) The information with respect to textile fiber products required to be shown and displayed upon the label shall be that which is required by the Act and Regulations, including the following:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permissive ornamentation, in amounts of 5 per centum or more and any fibers disclosed in accordance with paragraph (b) of § 303.6 (Rule 6) shall appear in order of predominance by weight with any percentage of fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last.

(2) The name, provided for in § 303.19 (Rule 19), or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

(3) If such textile fiber product is an imported product, the name of the country where such product was processed or manufactured.

* * * * *

Paragraph (a) of § 303.42 (Rule 42) of the rules and regulations under the Textile Fiber Products Identification Act, "Arrangement of Information in Advertising Textile Fiber Products," shall hereafter read:

§ 303.42 Arrangement of information in advertising textile fiber products.

(a) Where a textile fiber product is advertised in such manner as to require disclosure of the information required by the Act and regulations, all parts of the required information shall be stated in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence. In making the required disclosure of the fiber content of the product, the generic names of fibers present in an amount 5 per centum or more of the total fiber weight of the product together with any fibers disclosed in accordance with paragraph (b) of § 303.6 (Rule 6) shall appear in order of predominance by weight, to be followed by the designation "other fiber" or "other fibers" if a fiber or fibers required to be so designated be present.

* * * * *

(Sec. 7, 72 Stat. 1717; 15 USC 70e)

Issued: November 9, 1965.

Effective. Thirty days after publication in FEDERAL REGISTER.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-12165; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Sterile Antibiotic Ointment; Final Order

In the matter of amending the antibiotic regulations to provide for tests and methods of assay and certification of sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment:

No comments were submitted in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of September 17, 1965 (30 F.R. 11922). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That the amendments be adopted as proposed, and as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f))

Dated: November 8, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

Parts 141e and 146e are amended by adding thereto the following new sections.

§ 141e.433 Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.409(a)(1). Its content of bacitracin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of bacitracin per gram that it is represented to contain.

(2) *Polymyxin B content.* Proceed as directed in § 141e.409(a)(2), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (3) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin B (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin B is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.411(a)(2). Its content of neomycin is satisfactory if it contains not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except:

(1) In lieu of diluting fluid A, prepare the following:

(i) *Diluting fluid.* Dispense 100-milliliter portions of isopropyl myristate into 250-milliliter flasks and sterilize by dry heat at 200° C. for 2 hours.

(ii) *Rinse medium.* Using ingredients that conform to the standards prescribed in the U.S.P. or N.F. if the name of any such ingredient appears in either compendium, prepare, sterilize, and dispense in flasks either of the following:

Peptic digest of animal tissue	2.5 gm.
Pancreatic digest of casein	2.5 gm.
Beef extract	3.0 gm.
Polysorbate 80	10.0 ml.
Sodium chloride	30.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.9 ± 0.1 after sterilization.

or

Peptic digest of animal tissue	5.0 gm.
Beef extract	3.0 gm.
Polysorbate 80	10.0 ml.
Sodium chloride	30.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.9 ± 0.1 after sterilization.

The medium may be prepared as described in this subdivision, or a dehydrated mixture may be used if it is composed of the same ingredients and yields a medium comparable thereto.

(2) Add 27.5 grams of sodium chloride, 1.0 gram of ascorbic acid, and 0.5 gram of polysorbate 80 to each liter of medium A.

(3) Add 30.0 grams of sodium chloride, 1.0 gram of ascorbic acid, and 0.5 gram of polysorbate 80 to each liter of medium E.

(4) Prepare the sample for filtration, and filter as follows: From each of 10 immediate containers aseptically transfer 0.1 gram to 100 milliliters of isopropyl myristate in a 250-milliliter flask which has previously been heated to a temperature of 47° C. Repeat the process, using 10 additional containers. Swirl both of the warmed flasks to dissolve the ointment. Immediately filter the solutions through two separate membrane filters. Rinse each filter five times with 100 milliliters of the rinse medium described in subparagraph (1)(ii) of this paragraph. (Some of the rinse medium should be added to the membranes before filtration and during the filtration procedure since the membranes should not be allowed to dry. Approximately 0.2 milliliter of the rinse medium is sufficient to moisten the membrane prior to filtration.)

(c) *Moisture.* Proceed as directed in § 141a.8(b) of this chapter.

§ 146e.433 Sterile bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment; sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment.

(a) *Standards of identity, strength, quality, and purity.* Sterile bacitracin-neomycin sulfate-polymixin B sulfate ophthalmic ointment is composed of bacitracin, neomycin sulfate, and polymyxin B sulfate in a petrolatum base. Sterile bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ophthalmic ointment is composed of bacitracin, neomycin sulfate, polymyxin B sulfate, and hydrocortisone acetate in a petrolatum base. Each gram of ointment contains 500 units of bacitracin, 3.5 milligrams of neomycin, 10,000 units of polymyxin B, and if it is represented to contain the steroid, either 5 milligrams or 10 milligrams of hydrocortisone acetate. They are sterile. Their moisture content is not more than 1 percent. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a). The neomycin sulfate used conforms to the standards prescribed therefor by § 148i.1(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed therefor by § 148p.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U.S.P., and which shall not be larger than the ⅛-ounce size.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____," the blank being filled in with the date that is not more than 12 months after the month during which the batch was certified.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks and (unless they were previously submitted) the date(s) on which the latest assays of the antibiotics used in making such batch were completed, the quantity of each ingredient used in making the batch, the date on which the latest assays of the drugs comprising such batch were completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(ii) The bacitracin used in making the batch: Potency, toxicity, pH, and ash content.

(iii) The neomycin sulfate used in making the batch: Potency, toxicity, pH, and identity.

(iv) The polymyxin B sulfate used in making the batch: Potency, toxicity, pH, residue on ignition, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than seven packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 packages collected at regular intervals throughout each filling operation.

(ii) The bacitracin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(iii) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(iv) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(v) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 200 grams, except if a steroid is used, such package shall contain approximately 100 milligrams.

(4) Neither the results referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph nor the samples referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph are required if such results or samples have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3) (ii), (iii), (iv), and (v) of this section; $7.00 for each package in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $12.00 for all packages in the sample submitted for the initial sterility test, and $24.00 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

[F.R. Doc. 65-12201; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Labeling Requirements, Antibiotic-Containing Drugs for Use in Milk-Producing Animals; Extension of Effective Date

There was published in the FEDERAL REGISTER of May 26, 1965 (30 F.R. 7041), an amendment to § 148.5 *Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling* with an effective date of August 24, 1965. The amendment provided that the milk-

rejection time in the label warning statement be also expressed in terms of the number of milkings, which had hitherto been required to be expressed only in terms of hours.

The Food and Drug Administration is in receipt of representations from the industry that the presently effective date will result in a significant economic loss through the destruction of label stocks not necessary in the interest of the public health. The Commissioner has considered the matter and concluded that an advancement of the effective date of the amendment to May 1, 1966, will not adversely affect the public health.

This order is effective on the date of signature.

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

Dated: November 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12202; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart A—Origin and Establishment

MEANING OF TERM "COMMISSIONER"

Section 200.4 is revoked as follows:

§ 200.4 Meaning of term "Commissioner". [Revoked]

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

Issued at Washington, D.C., November 8, 1965.

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

[F.R. Doc. 65-12185; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 254—PROVISIONING SCREENING

The Assistant Secretary of Defense (Installations and Logistics) approved the following on October 18, 1965:

Sec.
254.1 Purpose.
254.2 Scope and application.
254.3 Background.
254.4 Definitions.
254.5 Policy.

AUTHORITY: The provisions of this Part 254 issued under section 2202 of Title 10, U.S.C.

§ 254.1 Purpose.

This part establishes policy governing the application of provisioning screening within the Department of Defense in furtherance of the policies and objectives cited in Department of Defense Instruction 3232.4, "Policy and Principles Governing Provisioning of End Items of Materiel," April 2, 1956, Department of Defense Instruction 5100.42, "Provisioning Relationships With the Defense Supply Agency," September 14, 1965; Department of Defense Directive 4130.2, "Development, Maintenance, and Utilization of the Federal Catalog System Within the Department of Defense," December 4, 1963; Department of Defense Instruction 4100.32, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961; Department of Defense Instruction 4140.3, "Management of Materiel in Long Supply," January 11, 1956.

§ 254.2 Scope and application.

The provisions of this part apply to initial provisioning, as defined in Department of Defense Instruction 3232.4, "Policy and Principles Governing Provisioning of End Items of Materiel," April 2, 1956, of all weapon systems, support systems and equipments requiring materiel maintenance and supply support by the Army, Navy, Air Force, Marine Corps, the Defense Supply Agency, and the National Security Agency (hereinafter referred to collectively as "DoD Components").

§ 254.3 Background.

An important objective of the Department of Defense is to limit the entry of items into the DoD Supply System to only those necessary to support operational requirements, Department of Defense Instruction 4100.32, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961. Most of the items added to the supply system enter through the provisioning process. In recognition of this fact, DoD provisioning screening procedures have been developed. To date, these procedures have been used on a permissive basis while experience was being gained in uniform screening operations and data formats. The master Federal Catalog Data files at the Defense Logistics Services Center (DLSC), DSA are the basic source of data used for provisioning screening and validation of existing Federal Stock Numbers (FSNs). When duplicate or interchangeable items are revealed through provisioning screening, (1) a potential arises for the utilization of existing DoD supply system assets in long supply, as defined by Department of Defense Instruction 4140.3, "Management of Materiel in Long Supply," January 11, 1956, in lieu of new procurements, and (2) the need for processing new items into the DoD supply system is eliminated.

§ 254.4 Definitions.

(a) Provisioning screening is an operation within the provisioning process whereby manufacturers' part numbers are screened against data maintained in the master Federal Catalog Files for purposes of revealing their association with existing Federal Stock Numbers (FSNs), and the validation of existing FSNs. Provisioning screening also provides for the screening of data files on assets in long supply for materiel utilization purposes.

(b) Manufacturers' Part Numbers are those numbers used by manufacturers (individual companies, firms, corporations, or Government activities) to identify items of production, or a range of items of production. Manufacturers control the design characteristics and the production of these items by means of engineering drawings and inspection requirements.

§ 254.5 Policy.

(a) Provisioning screening will be applied by DoD components to all items being considered for procurement during the provisioning process to determine the availability of existing FSNs and additional DoD logistic information, including the availability of assets in long supply.

(b) For each item being considered for procurement during provisioning, DoD components will:

(1) Submit directly to DLSC, or arrange for contractors to make direct submissions of, the uniform provisioning screening data in accordance with Military Specification MIL-P-84000, "Provisioning Screening Data to be Furnished by Government Suppliers." The requirements for this specification and any supplementary data needed by DoD components will be cited on DD Form 1423, "Contractor Data Requirements List," for inclusion in all contracts where provisioning screening data are to be prepared by contractors. This specification will be supplemented as required by DoD components.

(2) Submit, or arrange for the submission of, either the manufacturer's code and part number and/or the FSN, when available, for validation.

(3) Designate the provisioning activity or another DoD activity and/or the contractor that are to receive the applicable Federal Catalog File data revealed from provisioning screening.

(4) Specify the time limits within which provisioning screening must be accomplished to meet the requirements of each submitting activity.

(5) Assure the nonavailability of DoD assets in long supply prior to taking procurement action when provisioning screening reveals existing FSNs, and the FSNs are validated by the provisioning activity.

(c) The following items will be excluded from the provisioning screening requirements of this part:

(1) Those items excluded from the Federal Catalog System by subsection VI B of DoD Instruction 4140.3, "Manage-

ment of Materiel in Long Supply," January 11, 1965.

(2) Items assigned manufacturers' part numbers, government specifications and type numbers which are not item identifying (i.e., numbers that do not identify specific items of production or items of supply).

(3) Items assigned part numbers by manufacturers who have not been assigned Federal Supply Codes in DoD Cataloging Handbook H4-1.

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

[F.R. Doc. 65-12176; Filed, Nov. 12, 1965; 8:46 a.m.]

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Conditions of Contributions; Certification

Paragraph (a) of § 1801.4 is revised to read as follows:

§ 1801.4 **Conditions of contributions.**

* * * * *

(a) *Certification.* The making of a request for a contribution shall constitute a certification by the State (and political subdivision, where applicable) that the necessary funds to provide the State's share are available or will be available before Federal funds are disbursed; that the civil defense equipment, regarding which a contribution is requested, is needed by the applicant civil defense organization, over and above its other-than-civil defense needs, in order to meet its requirements under civil defense operational plans approved by OCD (local plans are approved as part of the State plans); and that the State (and political subdivision, where applicable) will comply with OCD regulations (Code of Federal Regulations, Title 32, Subtitle A, Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army) and with criteria set forth in the Federal Civil Defense Guide pertaining to Federal contributions for civil defense equipment (Part F, Chapter 5, Appendix 1 and related guidance material).

* * * * *

(64 Stat. 1250, 1255, 50 U.S.C. App. 2253, 2281; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799-1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, published 10 April 1964, 29 F.R. 5017)

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

WILLIAM P. DURKEE,
Director of Civil Defense.

[F.R. Doc. 65-12178; Filed, Nov. 12, 1965; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Direction 1]

M-11A—COPPER AND COPPER-BASE ALLOYS

Dir. 1—Ammo Strip Set-Aside

This direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

Sec.
1. What this direction does.
2. Definitions.
3. Rules for the placement and acceptance of certified orders for ammo strip.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; Sec. 1, P.L. 88-343, 78 Stat. 235.

Section 1. What this direction does.

This direction contains rules for placement and acceptance of certified orders for ammo strip (as defined). It establishes a set-aside for ammo strip which is separate from the set-aside for other copper-base alloy strip shown in Schedule A to this Order M-11A. It permits an ammo strip producer (as defined) who is also a producer of cups (as defined) to place certified orders with other ammo strip producers if he has filled his set-aside and needs additional ammo strip to fill ACM orders for cups which he has accepted.

Sec. 2. Definitions.

As used in this direction:

(a) "Cups" mean military ammunition cups and discs.

(b) "Ammo strip" means the types of copper-base alloy strip used in the production of cups.

(c) "Ammo strip producer" means a producer of copper controlled materials who has production capacity and/or capability to produce ammo strip.

(d) "ACM order" means authorized controlled material order.

Sec. 3. Rules for the placement and acceptance of certified orders for ammo strip.

Notwithstanding the provisions of section 8(c) and section 9(b) of this order, the following rules shall apply to the placement and acceptance of certified orders for ammo strip:

(a) Each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January–June 1965, both inclusive) as shown in Table 1 of this direction by the applicable percentage shown in that table. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside provided in Schedule A to this order, revised as of August 16, 1965, for brass mill products—alloyed—plate, sheet, strip, and rolls.

(b) Each ammo strip producer must accept certified orders for ammo strip from producers of cups; provided, however, that he need not accept such certified orders for delivery in any month in which the total cup weight of ACM orders which he has accepted for cups, together with the total weight of certified orders for ammo strip accepted by him for delivery in that month to other producers of cups, exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section.

(c) Each producer of cups who is also an ammo strip producer may place with other ammo strip producers certified orders for delivery of ammo strip in any month to the extent that the total cup weight of ACM orders for cups which he has accepted exceeds the weight of ammo strip which he is required to reserve pursuant to paragraph (a) of this section. Certified orders for ammo strip placed with other ammo strip producers in any one month by producers of cups must be restricted in quantity to the net weight of such cups.

(d) The provisions of section 10(c) and Schedule III to DMS Regulation 1 relating to mill lead times and sections 10(e) and 11(a) and Schedule IV to DMS Regulation 1 relating to minimum mill quantities which apply to the placement and acceptance of ACM orders for copper-base alloy strip shall apply to the placement and acceptance of certified orders for ammo strip.

(e) All certified orders placed pursuant to this direction shall be certified as follows:

Certified for national defense use for manufacture of cups under Direction 1 to BDSA Order M-11A.

This certification constitutes a representation to the supplier of the ammo strip and to BDSA that the ammo strip ordered is required by the purchaser to be used in his production of cups to fill ACM orders.

(f) Each producer of ammo strip who accepts certified orders for ammo strip pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for copper-base alloy plate, sheet, strip and rolls which is not an ACM order or a certified order.

This direction shall become effective November 15, 1965.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

TABLE 1 OF DIRECTION 1 TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES (SEE SEC. 3 OF THIS DIRECTION), BASE PERIOD JANUARY–JUNE 1965, BOTH INCLUSIVE

Calendar quarter, 1966	Percentage set-aside of average monthly shipments in base period of copper-base alloy plate, sheet, rolls, strip (excluding ammo strip), and cups
1st quarter	17
2d quarter	19
3d quarter	24
4th quarter	26

[F.R. Doc. 65-12184; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.8—Price Negotiation Policies and Techniques

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

Section 9–3.807–2(b), *Price analysis*, is deleted.

Section 9–3.807–3(b)(2), *Requirements for cost or pricing data*, is deleted and replaced by § 9–3.807–3, *Requirements for cost or pricing data*.

§ 9–3.807–3 Requirements for cost or pricing data.

(a) The requirements of 1–3.807–3(a) should not be applied to cost-type operating contracts; on-site service contracts of a continuing nature; fixed-price research contracts with educational institutions; or architect-engineer contracts where lump sum or CPFF fees are based on Government estimates of construction costs. They are applicable when the architect-engineer fee is based on the architect-engineer's estimates of cost of services.

(b) Managers of Field Offices shall take the necessary steps to assure AECPR 9–3.8 and FPR 1–3.8 are followed with respect to procurements under (1) cost-type research contracts with educational institutions, and cost-type architect-engineer and construction contracts, where the estimated cost of procurement activities under such contracts exceeds $100,000 annually; and (2) to procurements under cost-type operating contracts and on-site service contracts of a continuing nature. Contracts subject to this paragraph shall include paragraph (a) (or equivalent language) and paragraph (b) of the Subcontracts and Purchase Orders clause in AECPR 9–7.5006–29 with respect to the contractor's obligation for requiring subcontractors to furnish cost or pricing data, and for including the article in AECPR 9–3.814–50 in subcontracts when certified cost or pricing data is required in the award of or modification to the subcontract.

Section 9–3.807–4, *Certificate of current cost or pricing data*, is deleted.

Section 9–3.807–52, *Authority to waive "price data" and "cost or pricing data"*, is deleted.

Section 9–3.807–52, *Authority to waive requirements of 1–3.807*, is revised to read as follows:

§ 9–3.807–52 Approvals and waiver.

(a) Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, approve the findings required by 1–3.807–1(b)(1)(ii)(C) and 1–3.807–3(f)(1).

(b) Field Office Managers, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, waive the requirements for cost or pricing data under the circumstances set forth in 1–3.807–6 and 1–3.807–3(b) provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Office of the Controller and other Headquarters staff.

Section 9–3.814–50, *Subcontractor cost or pricing data clause*, is added.

§ 9–3.814–50 Subcontractor cost or pricing data clause.

The following clause shall be inserted in all subcontracts under the prime contracts referred to in 9–3.807–3(b) where such subcontracts are over $100,000, and in all modifications over $100,000 to such subcontracts even though the original amount of the subcontract is $100,000 or less:

COST OR PRICING DATA

(a)(1) The Subcontractor agrees to submit, under the situations described in (2) below, unless exempted under the exceptions set forth in (3) below, and shall require each Sub-subcontractor under this subcontract to submit cost or pricing data, and to certify that, to the best of his knowledge and belief, such cost or pricing data are accurate, complete, and current.

(2) The cost or pricing data called for under (1) above shall be submitted prior to (i) the award of each sub-subcontract the price of which is expected to exceed $100,000 and (ii) the pricing of each change or modification to this subcontract or to a sub-subcontract under this subcontract for which the price adjustment is expected to exceed $100,000.

(3) Cost or pricing data need not be furnished pursuant to this paragraph (a) where (i) the price or price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; or (ii) the Subcontractor has not been required to furnish cost or pricing data and to certify that it is accurate, complete, and current.

(4) In submitting the cost or pricing data, the Subcontractor shall use the form of certificate set forth in paragraph (b) below and certify that the data are accurate, complete, and current as of a date prior to and as close as practicable to the date of award of the subcontract or to the date of the price adjustment of any change or modification. Such cost or pricing data and certificate of current cost or pricing data shall be submitted by subcontractors to the Prime Contractor (or to their immediate next higher tier subcontractor, for delivery to the prime contractor). Such data and certificates shall become a part of the prime contract records.

(b) The certificates required by this clause shall be in the form set forth below. The Subcontractor shall be required to submit the certificate as soon as practicable after agreement is reached on the contract price. For definitions of cost or pricing data, and other requirements applicable to the certificate, see FPR 1–3.807–3 and FPR 1–3.807–4.

SUBCONTRACTOR'S CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data submitted to the prime contractor in support of _____ are accurate, complete, and current as of the date of execution of this certificate.

Firm_____
Name_____
Title_____

_____
(Date of execution)

(c) For purposes of verifying that cost or pricing data required to be submitted and certified to are accurate, complete and current, the Commission or any of its authorized representatives shall until 3 years after final payment under this subcontract have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with computations and projections used therein which were available to the subcontractor as of the date of execution of his certificate of current cost or pricing data, and such other data, including books, records, and other documents generated during the subcontract period which the Commission or any of its authorized representatives consider necessary to verify that the data submitted were accurate, complete, and current.

(d) Whenever the price of any change or modification to this subcontract is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the Subcontractor agrees to furnish the Contractor cost or pricing data and shall certify, using the certificate set forth in paragraph (b) above, that to the best of his knowledge and belief such cost or pricing data are accurate, complete, and current as of a date prior to and as close as practicable to the date of agreement of the price adjustment.

(e) Whenever the Subcontractor was required to furnish a certificate of current cost or pricing data, either during negotiation of this contract or pursuant to the provisions of this clause, or whenever a Sub-subcontractor hereunder was required to furnish such a certificate pursuant to the provisions of this clause or of a clause in the subcontract, and the Prime Contractor determines that the price of this subcontract, including any profit or fee, or that any price adjustment negotiated for any change or modification to this subcontract, has been increased by any significant sums because such cost or pricing data was inaccurate or incomplete or was not current as of the date set forth in the certificate applicable to such data, such price or price adjustment shall be reduced accordingly and the subcontract shall be modified in writing to reflect such reduction.

(f) The Subcontractor agrees to insert paragraph (c) without change [1] and the substance of paragraphs (a), (b), (d), (e), and (f) of this clause in each sub-subcontract hereunder in excess of $100,000, and in each sub-subcontract of $100,000 or less at the time of making a change or modification thereto in excess of $100,000.

(g) Failure of the Contractor and the Subcontractor to agree on any of the matters in paragraph (e) above shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this subcontract.

Revise the first paragraph of the Note under paragraph (g) of § 9-7.5006-1, *Accounts, records, and inspection*, to read as follows:

§ 9-7.5006-1 Accounts, records, and inspection.

(g) * * *

* * * * *

NOTE: If the prime contract contains a "defective cost or pricing data" clause this paragraph (g) shall be modified by adding the following:

* * * * *

Add the following paragraph (b) to AECPR 9-7.5006-29, *Subcontracts and purchase orders*, and renumber the present paragraph (b) as (c):

§ 9-7.5006-29 Subcontracts and purchase orders.

* * * * *

(b) In addition to, and without derogation of any rights under paragraph (a) of this clause and any other provision in this contract, the Contractor shall require Subcontractors to furnish cost or pricing data, and to include in such subcontracts the clause set forth in AECPR 9-3.814-50, except as otherwise directed or approved by the Commission.

NOTE: This paragraph (b) is to be used only when the contract is subject to the provisions of 9-3.807-3(b).

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

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 3d day of November 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-12156; Filed, Nov. 12, 1965; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Death Gratuity

1. In § 3.261(a), subparagraph (20) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension Pub. Law 86-211 (veterans, widows and children)	See
(a) Income:					
* * *	* * *	* * *	* * *	* * *	* * *
(20) Veterans Administration payments:					
Pension	Excluded	Included	Excluded	Excluded	
Compensation and dependency and indemnity compensation.	do	Excluded	do	do	
World War I adjusted compensation.	do	Included	do	Included	
U.S. Government life insurance or National Service life insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.	do	do	do	Excluded	
Servicemen's group life insurance.	do	do	do	Included	
Servicemen's indemnity	do	do	do	Excluded	
Death gratuity (P.L. 89-214)	do	do	do	Included	
Subsistence allowance (38 U.S.C. ch. 31).	Included	do	Included	do	
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded	
Special allowance under 38 U.S.C. 412.	Excluded	Included	do	Included	
Statutory burial allowance	do	Excluded	do	Excluded	
Accrued	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.	

* * * * * * *

2. In § 3.500, paragraph (x) is added to read as follows:

§ 3.500 General.

* * * * *

(x) *Death gratuity* (§ 3.1853(b)). Date of last payment.

3. In Part 3, Subpart D, Waiver of Overpayments, is redesignated Subpart E, Waiver of Overpayments, and a new Subpart D, Death Gratuity, is added to read as follows:

Subpart D—Death Gratuity

Sec.
3.1850 Basic requirements of service and death.
3.1851 Amount payable.
3.1852 Eligible persons.
3.1853 Conditions of eligibility.

AUTHORITY: The provisions of this Subpart D issued under 72 Stat. 1114; 38 U.S.C. 210; sec. 3, Pub. Law 89-214, 79 Stat. 886.

§ 3.1850 Basic requirements of service and death.

A death gratuity is payable under the conditions outlined in this subpart in the case of each veteran who died on or after January 1, 1957, and before September 29, 1965, while in active service. The term "veteran" includes a person who died while in such service.

(a) *Service.* The veteran's service must meet the requirements of § 3.6 except paragraph (c)(4).

(b) *Death.* Death must have occurred:

(1) As a direct result of actions of hostile forces;

(2) As a direct result of an accident involving a military or naval aircraft, or an aircraft under charter to the Department of Defense, Army, Navy or Air Force;

(3) As a direct result of the extra hazard of military or naval service; or

(4) While performing service for which incentive pay for hazardous duty or special pay is authorized by 37 U.S.C. 301, 304, or 310.

(c) *Extra hazard.* This means a risk greater than that ordinarily encountered in civilian life.

§ 3.1851 Amount payable.

(a) *General.* The amount of the death gratuity will be $5,000, reduced by the total of the following:

(1) The amount of U.S. Government life insurance or National Service life insurance paid or payable to any beneficiary on account of the death of the veteran, and

(2) The amount of death compensation or dependency and indemnity compensation received on account of the death of the veteran by the person or persons who receive the death gratuity.

(b) *Members of class.* Where one or more members of an eligible class of dependents have not submitted a timely claim or, having made claim, do not waive future rights to death compensation or dependency and indemnity compensation as required by § 3.1853(b), or fail to complete a claim for death gratuity, the share otherwise payable to that person or persons may be paid to the other member or members of the class. The share of a person who has not waived such future rights will not be paid until the expiration of the period allowed for submitting or for completing a claim.

§ 3.1852 Eligible persons.

(a) *Precedence.* The death gratuity may be paid to the living person or persons first listed as follows:

(1) The veteran's widow or widower, as defined in §§ 3.50, 3.51, and 3.52 who has not remarried before payment of the death gratuity;

(2) The veteran's child or children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

[1] The words "subcontractor" and "subsubcontractor" may, however, be changed to describe the contractual relationship in lower tier subcontracts.

(3) The parent or parents of the veteran (in equal shares) as defined in § 3.59.

(b) *Person next entitled to precedence.* Any person next entitled to precedence will not become eligible to receive death gratuity if, during the entire period ending September 28, 1966, there is an eligible person in a class having a higher order of precedence.

(c) *Payee deceased or widow disqualified.* No person has a vested right to death gratuity and entitlement is subject to the requirement that the person shall be alive and eligible to receive payment. Where a check has been issued and the payee dies or a widow remarries before negotiating the check, the death gratuity is payable to any other person or persons in the same class of eligibility, or if there are no other persons in the same class of eligibility, to the person or persons next entitled to precedence. Payment will not be authorized until the unnegotiated check has been returned and canceled.

§ 3.1853 Conditions of eligibility.

Payment of the death guatuity is subject to the following requirements:

(a) *Claim.* A claim from the eligible person must be received before September 29, 1966.

(b) *Waiver.* The eligible person must waive all future rights to death compensation and dependency and indemnity compensation on account of the death of the veteran. Waiver by an eligible person in order to receive the death gratuity will not serve to increase the rate of death compensation or dependency and indemnity compensation payable to any other person in the same class of eligibility.

(c) *Completion of claim.* The provisions of § 3.109 requiring the submission of evidence within 1 year from the date of request are applicable to claims for the death gratuity.

These VA Regulations are effective September 29, 1965.

Approved: November 4, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-12183; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

COUNTY REFERENDA FOR TRANSFERS OF UPLAND COTTON ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), as amended by the Food and Agricultural Act of 1965 (Public Law 89-321; 79 Stat. 1187; November 3, 1965).

(a) The purpose of this amendment is to establish procedure for holding a referendum in each county having upland cotton allotments to determine whether transfers of upland cotton allotments by sale or lease out of the county to other counties in the State shall be authorized under section 344a of the act.

(b) Since it is expected that such county referenda will be held on November 23, 1965 in conjunction with the upland cotton marketing quota referendum for the 1966 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249, 29 F.R. 16184, 30 F.R. 2521, 2588, 6144) are amended by adding the following new section at the end thereof:

§ 717.17 County referenda for transfers of upland cotton allotments.

(a) *Authority.* (1) Subsection (b)(ii) of Section 344a of the Act provides as follows:

(ii) no farm allotment may be sold or leased for transfer to a farm in another county unless the producers of cotton in the county from which transfer is being made have voted in a referendum within three years of the date of such transfer, by a two-thirds majority of the producers participating in such referendum, to permit the transfer of allotments to farms outside the county, which referendum, insofar as practicable, shall be held in conjunction with the marketing quota referendum for the commodity;

(2) This provision permits transfer of allotment by sale or lease under subsection (a)(1) of section 344a out of a county if the referendum vote is favorable. If the referendum to be held in 1965 carries in a county; transfers of allotment by sale or lease may be made to to other counties in the State to take effect during 1966, 1967 or 1968. If the referendum to be held in 1965 does not carry in a county, no transfers of allotment by sale or lease may be made out of such county and a referendum would be required in 1966 with respect to transfers of allotment by sale or lease to other counties in the State to take effect during 1967, 1968 or 1969. Transfers of allotment by an owner to any other farm owned or controlled by him in the same State authorized under subsection (a)(2) of section 344a may be made across county lines without regard to any referendum which applies only to sale and lease transfers undr subsection (a)(1) of section 344a.

(b) *Applicability.* The provisions of §§ 717.1 to 717.14 shall be applicable, insofar as practicable, to the county referenda for transfers of upland cotton allotments under section 344a of the Act except that:

(1) The Deputy Administrator shall prescribe the necessary forms and ballots to be used and may authorize the modification of marketing quota referendum Forms MQ-4, 6, 7, and 8 for use in the county referenda,

(2) The voting eligibility requirements pertaining to upland cotton in § 717.3(a)(1) shall be applicable,

(3) The limitation in § 717.3(b)(1) that a person shall be entitled to only one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested shall not be applicable and in lieu thereof the limitation on voting shall be as follows:

(i) No person shall be entitled to more than one vote in any county referendum regardless of the number of farms in which the person is interested which are located in the county,

(ii) An eligible voter shall be entitled to one vote in each county in which he is eligible to vote in the county referendum.

(Secs. 344a, 375, 79 Stat. 1187, 52 Stat. 66, as amended; 7 U.S.C. 1344a, 1375)

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

Signed at Washington, D.C., on: November 9, 1965.

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

[F.R. Doc. 65-12160; Filed, Nov. 12, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1965

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (29 F.R. 18149, 30 F.R. 2206, 2397, 4314, 10183, 12329 and 13010) is to revise the determination of sugar requirements for the calendar year 1965 and to establish quotas and direct-consumption limits thereof consistent with such requirements pursuant to the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Act enacted November 8, 1965, hereinafter referred to as the "Act".

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It is necessary to increase the

estimate of requirements for the calendar year 1965 by 611,783 short tons, raw value, to a total of 9,911,783 short tons, raw value. This change in requirements will permit the increases in quotas provided for by the Act, as recently amended. Such requirements are consistent with the needs of the market and permit establishing the following quotas as required by Sec. 202 of the amended Act:

3,025,000 tons for the Domestic Beet Sugar Area; 1,100,000 tons for the Mainland Cane Sugar Area; 1,136,753 tons for Hawaii and 1,073,000 tons for the Republic of the Philippines. Quotas for all foreign countries other than the Republic of the Philippines would remain unchanged as established by Amendment 5 of this Regulation (30 F.R. 12329). The quota for Hawaii is increased by this amendment to 1,136,753 short tons, raw value, pursuant to Sec. 202(a)(2)(B) of the Act, because the 1964 crop production of Hawaii resulted in there being 26,753 tons of sugar available for marketing in excess of the 1964 quota for that area.

Effective date. This action increases the quotas for the Domestic Beet Area, Mainland Cane Area, Hawaii and the Republic of the Philippines by 375,000, 205,000, 8,783, and 23,000 short tons, raw value, respectively. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the United States be able as soon as possible to make plans based on changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended, by amending §§ 811.30, 811.31 and 811.33 as follows:

1. Section 811.30 is amended to read as follows:

§ 811.30 Sugar Requirements, 1965.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1965 is hereby determined to be 9,911,783 short tons, raw value.

2. Section 811.31 is amended by amending paragraph (a)(1) to read as follows:

§ 811.31 Quotas for domestic areas.

(a)(1) For the calendar year 1965 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2), as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	No limit
Mainland cane sugar	1,100,000	No limit
Hawaii	1,136,753	33,898
Puerto Rico	1,140,000	148,677
Virgin Islands	15,232	0

* * * * *

3. Section 811.33 is amended by amending paragraph (b) thereof to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(b)(1) For the calendar year 1965 the quota for the Republic of the Philippines is 1,073,000 short tons, raw value, and the quantity established in subparagraph (2) of this paragraph. Of the quantity 1,073,000 short tons, raw value, 59,920 short tons, raw value, may be filled by direct-consumption sugar.

(2) In addition to the quantity of 1,073,000 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph, a quantity of 105,216 short tons, raw value, representing a proration of quota deficits as provided in § 811.32, is added to and established as a part of the quota for such country. Such quantity of 105,216 short tons, raw value, of sugar may be imported during the period of October 1, 1965, through December 16, 1965, only as raw sugar in accordance with procedures set forth in Part 817 of this chapter.

* * * * *

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, and as further amended by the Act enacted November 8, 1965)

Effective date. Date of signature.

Issued at Washington, D.C., this 9th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12212; Filed, Nov. 9, 1965; 4:53 p.m.]

[Sugar Reg. 814.3, Amdt. 6]

PART 814—ALLOTMENT OF SUGAR QUOTA MAINLAND CANE SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended and extended by the act enacted November 8, 1965 (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 814.3 (30 F.R. 4746 and 7945), which established allotments for the Mainland Cane Sugar Area for the calendar year 1965.

This amendment is necessary to allot a portion of the larger quota for the area of 1,100,000 short tons, raw value, established by Sugar Regulation 811, amendment 7 for 1965 which was published in the FEDERAL REGISTER on November 13, 1965.

New provisions in Section 205 of the Sugar Act Amendments of 1965, authorize the Secretary, in determining allotments, to give special consideration to any processor of sugarcane as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area and to increase the marketing allotments of such processors by a total quantity not to exceed 16,000 short tons, raw value. To give consideration to the new provisions, 16,000 tons of the quota is not allotted in § 814.3(a) of this amendment and is withheld for subsequent allocation on the basis of the record of a hearing to be held at the earliest practical date. Any part of this withheld quantity not allocated pursuant to the new provisions will be allocated on the basis of this order.

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.3 (30 F.R. 7945). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the office of the Federal Register.

Pursuant to provisions of section 205 (a) of the Act and in accordance with paragraph (e) of § 814.3 of this chapter, paragraph (a) of such § 814.3 is amended to read as follows:

§ 814.3 Allotment of the 1965 Sugar Quota for the Mainland Cane Sugar Area.

(a) The 1965 sugar quota for the Mainland Cane Sugar Area of 1,100,000 short tons raw value, less 16,000 short tons, raw value, withheld for subsequent allocation, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	9,605
Alma Plantation, Ltd.	9,659
J. Aron & Co., Inc.	15,357
Billeaud Sugar Factory	10,162
Breaux Bridge Sugar Coop.	8,790
Wm. T. Burton Industries, Inc.	7,512
Caire & Graugnard	5,871
Cajun Sugar Cooperative, Inc.	16,047
Caldwell Sugars Cooperative, Inc.	13,951
Catherine Sugar Co., Inc.	5,236
Columbia Sugar Co.	7,726
Cora-Texas Mfg. Co., Inc.	6,977
Dugas & LeBlanc, Ltd.	13,467
Duhe & Bourgeois Sugar Co.	10,774
Erath Sugar Co., Ltd.	7,265
Evan Hall Sugar Coop., Inc.	21,506
Frisco Cane Co., Inc.	3,047
Glenwood Coop., Inc.	15,067
Helvetia Sugar Coop., Inc.	11,301
Iberia Sugar Coop., Inc.	18,406

Processors	Allotments (short tons, raw value)
LaFourche Sugar Co.	17,653
Harry L. Laws & Co., Inc.	12,566
Levert-St. John, Inc.	14,541
Louisa Cooperative	11,032
Louisiana State Penitentiary	2,200
Louisiana State University	150
Meeker Sugar Coop., Inc.	10,592
Milliken & Farwell, Inc.	12,771
M. A. Patout & Son, Ltd.	14,992
Poplar Grove Planting & Refining Co	8,703
Reserve Sugar Co.	3,735
Savoie Industries	13,447
St. James Sugar Coop., Inc.	17,331
St. Mary Sugar Coop., Inc.	13,608
South Coast Corp.	72,469
Southdown, Inc.	41,092
Sterling Sugars, Inc.	24,661
J. Supple's Sons Planting Co., Inc.	5,322
Valentine Sugars, Inc.	12,535
Vida Sugars, Inc.	5,536
A. Wilbert's Sons Lbr. & Sh. Co.	9,068
Young's Industries, Inc.	7,844
Louisiana subtotal	549,574
Atlantic Sugar Association	24,600
Florida Sugar Corp.	12,137
Glades Co. Sugar Growing Coop., Association	37,482
Okeelanta Sugar Refinery, Inc.	75,163
Osceola Farms Co.	42,357
South Florida Sugar Co., Inc.	9,749
Sugarcane Growers Coop. of Florida	93,717
Talisman Sugar Corp.	23,711
United States Sugar Corp.	215,510
Florida subtotal	534,426
Unallotted	16,000
Total, all mainland cane	1,100,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119; and as further amended by the Act enacted November 8, 1965)

Issued at Washington, D.C. this 9th day of November 1965.

Effective date. Date of signature.

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

[F.R. Doc. 65-12213; Filed, Nov. 9, 1965; 4:55 p.m.]

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

[Grapefruit Reg. 59]

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

Limitation of Shipments

§ 905.472 Grapefruit Regulation 59.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (§§ 51.750-51.783 of this title).

(2) Grapefruit Regulation 58 (30 F.R. 11683) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which does not grade at least U.S. No. 1 Golden;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(4) During any week of the aforesaid period, any handler may ship a quantity of white seedless grapefruit, grown in Regulation Area II, which does not meet the grade requirements prescribed in subparagraph (3)(i) of this paragraph if (i) the number of standard packed boxes of such grapefruit, which do not meet the grade requirements of subparagraph (3)(i) of this paragraph, does not exceed 15 percent of the total standard packed boxes of such grapefruit shipped by such handler during the same week, and (ii) such grapefruit, which do not meet the grade requirements of subparagraph (3)(i) of this paragraph, grade at least U.S. No. 2 and also meet the requirements of the U.S. No. 1 grade as to shape (form) and color.

(5) During any week of the aforesaid period, any handler may ship a quantity of pink seedless grapefruit, grown in Regulation Area II, which does not meet the grade requirements provided in subparagraph (3)(i) of this paragraph if (i) the number of standard packed boxes of such grapefruit, which do not meet the grade requirements of subparagraph (3)(i) of this paragraph, does not exceed 15 percent of the total standard packed boxes of such grapefruit shipped by such handler during the same week, and (ii) such grapefruit, which do not meet the grade requirements of subparagraph (3)(i) of this paragraph, grade at least U.S. No. 2 and also meet the requirements of the U.S. No. 1 grade as to shape (form) and color.

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

Dated: November 10, 1965.

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

[F.R. Doc. 65-12264; Filed, Nov. 12, 1965; 8:57 a.m.]

[Orange Reg. 50]

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

Limitation of Shipments

§ 905.473 Orange Regulation 50.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 30 F.R. 13933) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, but not including Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges but not including Murcott Honey oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title) or in Regulation 105–1.02 of the regulations of the Florida Citrus Commission.

(2) Orange Regulation 49 (30 F.R. 11683) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least Florida Special No. 1 grade for oranges (including tangelos, Temples, and Murcott Honey oranges);

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos.

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

Dated: November 10, 1965.

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

[F.R. Doc. 65–12263; Filed, Nov. 12, 1965; 8:56 a.m.]

[Tangerine Reg. 29]

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

Limitation of Shipments

§ 905.474 Tangerine Regulation 29.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 9, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., e.s.t., on Monday of one calendar week and ending at 12:01 a.m., e.s.t., on Monday of the following calendar week; and trems relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 29 (30 F.R. 12636) is hereby terminated at 12:01 a.m., e.s.t., November 15, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(4) During any week of the aforesaid period, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (3) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

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

Dated: November 10, 1965.

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

[F.R. Doc. 65–12262; Filed, Nov. 12, 1965; 8:56 a.m.]

[Navel Orange Reg. 85]

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

Limitation of Handling

§ 907.385 Navel Orange Regulation 85.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., October 31, 1966, no handler shall handle any Navel oranges, grown in District 1, District 3, or District 4, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

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

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

Dated: November 9, 1965.

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

[F.R. Doc. 65–12172; Filed, Nov. 12, 1965; 8:46 a.m.]

[Navel Orange Reg. 86]

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

Limitation of Handling

§ 907.386 Navel Orange Regulation 86.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and

good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 10, 1965.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., November 21, 1965, are hereby fixed as follows:

(i) District 1: 263,736 cartons;
(ii) District 2: unlimited movement;
(ii) District 3: 7,908 cartons;
(iii) District 3: 7,908 cartons;
(iv) District 4: 95,350 cartons.

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

(Secs. 1–49, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 10, 1965.

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

[F.R. Doc. 65-12309; Filed, Nov. 12, 1965; 12:02 p.m.]

[Lemon Reg. 188]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.488 Lemon Regulation 188.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set fourth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 14, 1965, and ending at 12:01 a.m., P.s.t., November 21, 1965, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 93,000 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: November 10, 1965.

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

[F.R. Doc. 65-12310; Filed, Nov. 12, 1965; 12:03 p.m.]

[Grapefruit Reg. 28]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.328 Grapefruit Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Fla., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 11, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., November 15, 1965, and ending at 12:01 a.m., e.s.t., November 22, 1965, is hereby fixed at 165,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 12, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–12318; Filed, Nov. 12, 1965; 12:03 p.m.]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 924.204 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1965, through February 28, 1966, will amount to $15,250.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at 26 mills ($0.026) per bushel basket, or equivalent quantity of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable peaches handled during such fiscal year, (2) the committee has already incurred substantial obligations during such year, which began March 1, 1965, and the specification of the expenses and rate of assessment should be completed as soon as practicable so that the committee may meet its obligations, and (3) the rate of assessment herein fixed will automatically apply to all such peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: November 9, 1965.

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

[F.R. Doc. 65–12209; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Order Regulating Handling

Sec.

AUTHORITY: The provisions of this Part 967 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 967.0 Findings and determinations.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., July 28–30, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of celery grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

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

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the Florida Celery Committee, the administrative agency provided for in the order, can be organized and start to function as soon as possible. In this manner, it will be possible, should the circumstances warrant, for regulations to be formulated and issued in order to effectuate the declared policy of the act so that producers will be in a position to obtain the benefits of this program on as much of their 1965–66 crop of celery as is possible.

The provisions of the order are well known to handlers of celery grown in the production area by reason of the following facts: (1) the public hearing, at which evidence was received from the industry and upon which this order is based, was held at Orlando, Florida, July 28–30, 1965; (2) the recommended decision and the final decision were published in the FEDERAL REGISTER on September

30, 1965 (30 F.R. 12474), and October 28, 1965 (30 F.R. 13708), respectively; (3) copies of the regulatory provisions of the order were made available, prior to or during the course of the referendum which was held during the period November 1 through November 3, 1965, to determine whether producers of celery in the production area favor or approve issuance of this order, to all known parties who may be subject thereto; and (4) all known handlers in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this order. Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations that may be issued thereunder. Therefore, good cause exists for not delaying the effective date hereof beyond the date hereinafter set forth (5 U.S.C. 1003).

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

(1) A marketing agreement regulating the handling of celery grown in Florida upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the celery covered by this order) who, during the period beginning August 1, 1964, and ending July 31, 1965, both dates inclusive, handled not less than 50 percent of the volume of celery covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1964, through July 31, 1965) were engaged, within the production area specified in this order, in the production of celery for market, such producers having also produced for market at least two-thirds of the volume of celery represented in such referendum.

It is therefore ordered, That, on and after the effective date hereof, all handling of celery grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 967.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 967.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, as amended, 7 U.S.C. 601–674).

§ 967.3 Person.

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

§ 967.4 Celery.

"Celery" means all varieties and types of celery, *apium graveolens*, grown in the production area.

§ 967.5 Production area.

"Production area" means all territory in the State of Florida.

§ 967.6 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of celery.

§ 967.7 Handler.

"Handler" means any person (except a common or contract carrier of celery owned by another person) who handles harvested celery on behalf of a producer or on his own behalf.

§ 967.8 Handle.

"Handle" means to purchase harvested celery from a producer or to sell or transport harvested celery within the production area or between the production area and any point outside thereof.

§ 967.9 Marketing year, fiscal year or season.

"Marketing year," "fiscal year" or "season" means the 12 months from August 1 to the following July 31 inclusive, or such other period which the committee, with the approval of the Secretary, may establish.

§ 967.10 Committee.

"Committee" means the Florida Celery Committee established pursuant to § 967.25 of this part.

§ 967.11 Crate.

"Crate" means celery crate No. 3601 or its equivalent.

§ 967.12 Base Quantity.

"Base Quantity" means the number of crates of harvested celery determined by the committee pursuant to § 967.37 for a producer.

§ 967.13 Marketable Quantity.

"Marketable Quantity" means the total amount of celery which should be handled in a current season.

§ 967.14 Marketable Allotment.

"Marketable Allotment" means with respect to each producer the amount of harvested celery which may be purchased from, or handled on behalf of, such producer.

§ 967.15 Uniform Percentage.

"Uniform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities as provided in § 967.38.

FLORIDA CELERY COMMITTEE

§ 967.25 Establishment and membership.

A Florida Celery Committee consisting of 15 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part.

§ 967.26 Eligibility.

Each member and alternate of the committee shall be, at the time of his selection and during his term of office, a producer, or an employee of a producer, a handler, or an employee of a handler, in the group for which selected.

§ 967.27 Nominations.

Nominations for committee members and alternates may be made in the following manner:

(a) Growers in each group, as provided in paragraph (d) of this section, may nominate persons for each member and alternate position in their respective group.

(b) (1) Nominations for the initial committee may be presented to the Secretary by any agency or group. Such nominations shall be accompanied by information on the manner and time of nominations, and the respective group from which each nominee is to be selected.

(2) For succeeding committees, a meeting of producers shall be held in the production area to nominate members and alternates to the committee. The incumbent committee shall hold such meeting or cause it to be held prior to July 1 of each year. Nominations thereat shall be certified to by the committee and submitted to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary. If such nominations are not made in the manner specified by July 1, the Secretary may select representatives for such positions without nominations.

(c) At each such meeting, the eligibility of each producer, and each handler shall be recorded for purposes of determining participation in respective groupings.

(d) Five groups shall be established from which nominations and committee selections shall be made, as follows:

Group 1—South Florida District: Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucie, Okeechobee, Highlands, Indian River, Glades, Hendry, and Palm Beach Counties—five (5) members and their alternates.

Group 2—Central Florida District: Orange, Seminole, Lake, Polk, Osceola, Brevard, and Volusia Counties—three (3) members and their alternates.

Group 3—West Coast-North Florida District: All the counties not embraced in Groups 1 and 2—two (2) members and their alternates.

Group 4—The producer or producers whose celery was handled by the handler who handled in the previous or current season, whichever is applicable, the second largest volume of celery—two (2) members and their alternates.

Group 5—The producer or producers whose celery was handled by the handler who han-

died in the previous or current season, whichever is applicable, the largest volume of celery—three (3) members and their alternates.

(e) Each producer is entitled to cast only one vote for each position in the group wherein he produced celery for market in the current season and possesses a Base Quantity. If a producer has so qualified in more than one group, he may elect the group in which he shall vote but he can vote for nominees in only one group. Any producer in Group 4 or Group 5 shall not be entitled to vote for nominees in other groups.

§ 967.28 Alternate members.

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

§ 967.29 Procedure.

(a) At an assembled meeting all votes shall be cast in person and twelve (12) members (including alternates acting for absent members) of the committee shall constitute a quorum. Decision of the committee shall require the concurring vote of at least 75 percent of the members and alternates in attendance and entitled to vote.

(b) If both a member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate present from the same group to serve in the place of the member.

(c) The committee may provide for meeting by telephone, telegraph, or any other means of communication. All votes shall be recorded in the minutes of each meeting so as to reflect how each member or alternate voted.

§ 967.30 Powers.

The committee shall have the following powers:

(a) To administer this sub-part in accordance with its terms and provisions;

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

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

(d) To recommend to the Secretary amendments to this sub-part.

§ 967.31 Duties.

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

(a) To select from among its members and alternates such officers and subcommittees, and to adopt such rules or bylaws for the conduct of its business as it deems necessary;

(b) To employ necessary personnel, including professional and technical services, fix their compensation and terms of employment;

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

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

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

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

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

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

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

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

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

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 967.32 Selection and term of office.

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

(b) *Term of office.* The term of office of each committee member and alternate shall be for a period of one year beginning August 1 and ending the following July 31. Committee members and alternates shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 967.33 Vacancy.

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

§ 967.34 Expenses.

Members and alternates of the committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in attending committee and subcommittee meetings and in the performance of their duties under this part.

VOLUME LIMITATIONS

§ 967.35 Marketing policy.

(a) As soon as practical, but no later than June 15 of each year, the committee shall meet, consider, and adopt a marketing policy for the ensuing marketing season. Committee considerations shall include probable celery acreage, celery production within the production area and in competing areas, the quantity of celery which should be made available for market during the ensuing season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations, the committee may recommend to the Secretary a Marketable Quantity for the ensuing season.

(b) Prior to November 1 of each year, the committee shall review the marketing policy and as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity. Notice of the initial marketing policy for a marketing season and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

(c) For the season in which this marketing order becomes effective, the marketing policy may be adopted and the Marketable Quantity may be recommended for the current season as soon as practical after the organization of the committee.

§ 967.36 Marketable Quantity.

(a) Whenever the committee recommends and the Secretary finds on the basis of such recommendations or other information, that limiting the total quantity of celery to be handled during a marketing season, or revising a Marketable Quantity previously established, would tend to effectuate the declared policy of the act, he shall establish the Marketable Quantity which handlers may handle as first handlers for such season, or revise a previously established Marketable Quantity.

(b) When a Marketable Quantity is established for any season, no handler may handle any harvested celery during such season unless (1) it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.38, and (2) such producer authorized the first handler thereof to purchase or otherwise handle it.

§ 967.37 Base Quantities.

(a) Upon the request of the committee, after the effective date of this marketing order, each producer of celery shall register with the committee and furnish to it a report of the number of crates of harvested celery sold by him or on his behalf, broken down by crates, handlers and seasons for the seven (7) seasons, 1958–59 through 1964–65.

(b) A Base Quantity for each registered producer shall be determined by selecting (1) the greatest number of crates of harvested celery sold by him or on his behalf during one of the four seasons, 1961–62 through 1964–65, or (2) the average of the greatest number of

crates of celery sold by him or on his behalf during any two of the seven seasons, 1958–59 through 1964–65. A Base Quantity shall be issued by the committee denoting this amount. In the case of producers who prior to September 30, 1965, had made firm and substantial commitments for the production of celery and were actually engaged in the production thereof but who have no Base Quantities as determined on base period sales or whose Base Quantities based on such sales clearly are not representative of such commitments, the committee shall, by rules approved by the Secretary, provide for the assignment or adjustment of Base Quantities to such producers consistent with such commitments and as will be equitable to all producers.

(c) The committee may recommend rules pertaining to producers who wish to obtain, hold, or transfer Base Quantities or Marketable Allotments. Such rules shall be subject to approval of the Secretary and may require producers to file reports and information with respect thereto, including but not limited to quantities marketed in the representative period, their qualifications as producers, as well as particulars on sale and handling of celery as a result of any Base Quantities or Marketable Allotments that may be issued to them.

(d) (1) Each marketing season the committee, with approval of the Secretary, may set aside a reserve for persons who request an increase in their Base Quantities or who have no Base Quantity.

(2) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent by the committee.

(3) Each person filing an application hereunder for adjustment in or a new Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers. The result shall be the Uniform Percentage for any given season unless changed by a revised Marketable Quantity.

(b) The Marketable Allotment for each producer shall be established by the committee by multiplying his Base Quantity by the appropriate Uniform Percentage. The resulting amount shall be his Marketable Allotment for a season. The committee shall notify each producer of his allotment.

(c) After a producer has been notified of his Marketable Allotment, he shall, in turn, notify the committee, on forms furnished by it, the handler or handlers who will first handle all or a portion of his Marketable Allotment for the ensuing season, as well as the number of crates each such handler will so handle. This information shall be sent by the committee to the respective handlers.

(d) If the committee recommends and the Secretary approves, that no season's Marketable Quantity be established, the Marketable Allotment of each producer shall be unlimited.

(e) The Base Quantities of all producers whose Base Quantities are 37,500 crates or less shall be eliminated from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)). The Uniform Percentage for such producers will always be 100 percent except when the Uniform Percentage calculated in this section (§ 967.38(a)) exceeds 100 percent in which event the higher percent shall be used.

§ 967.39 Transfers.

(a) Producers' Base Quantities or Marketable Allotments, or both, may be transferred upon appropriate requests therefor, pursuant to § 967.37 and upon approval of the committee.

(b) Any producer with a Base Quantity may request a transfer of all or a portion of his Base Quantity for a specified period of time.

(c) Any producer with a Marketable Allotment may request a transfer of all or a portion of his Marketable Allotment during a current season.

(d) Producers must advise the committee, prior to final approval of a transfer, that a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (c) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount they may handle as first handlers thereof for the current season, based upon the number of crates involved in the transfer, as well as issue revised Marketable Allotments to the producers involved.

Expenses and Assessments

§ 967.40 Expenses.

The commitee may incur such expenses as the Secretary finds reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning, and for such other purposes as the Secretary determines appropriate under this part. To assist the Secretary, the committee shall submit a budget of expenses and prospective revenue to him for each season, with explanations therefor, and recommendations as to the rate of assessment for such fiscal year.

§ 967.41 Assessments and requirements for payment.

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

§ 967.42 Accounting.

At the end of a fiscal year, funds in excess of such year's expenses may be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 967.40. Funds in excess of those necessary to pay expenses and those placed in the operating reserve shall be refunded pro rata to handlers from whom such funds were collected.

Reports and Records

§ 967.45 Reports.

Upon request of the committee, with the approval of the Secretary, each producer and handler shall furnish to the committee such reports and information as may be necessary to enable it to exercise its powers and perform its duties under this part. Such reports may include, but are not necessarily limited to the following:

(a) Reports by any or all handlers on the number of crates of harvested celery purchased from or handled on behalf of any or all producers during any prior or current season;

(b) Reports by any or all producers on the number of crates of harvested celery sold by such producers during any prior or current season or the current quantities available for sale by such producers;

(c) Reports by any or all producers on the number of crates of harvested celery sold to or through any or all handlers during any prior or current period.

§ 967.46 Records.

Each producer and handler shall maintain and make available upon request, such records pertaining to celery handled by him as will substantiate the reports required by the committee. All such records shall be maintained for not less than one year after the termination of the marketing season to which such records relate.

§ 967.47 Verification of reports and records.

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

§ 967.48 Confidential information.

All reports, data, or information obtained by the committee constituting a trade secret or disclosing the trade position, financial condition, or business operations of particular producers or handlers shall be kept in the custody and under the control of one or more committee employees and shall be treated as confidential. Compilations of general reports from data submitted by producers or handlers are authorized, subject to prohibition of disclosure of individual producers' or handlers' identities or operations.

MISCELLANEOUS PROVISIONS

§ 967.50 Compliance.

No person may handle celery except in conformity with the provisions of this part.

§ 967.51 Right of the Secretary.

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

§ 967.52 Derogation.

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

§ 967.53 Agents.

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

§ 967.54 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 967.55.

§ 967.55 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of celery for market; provided, that such majority have, during such period produced for market more than 50 percent of the volume of such celery produced for market, but such termination shall be effective only if announced on or before August 1 of the then current fiscal year.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 967.56 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in possession of, or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 967.41 over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 967.57 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 967.58 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler, or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent except for acts of dishonesty.

§ 967.59 Duration of immunities.

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

§ 967.60 Separability.

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

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

Issued at Washington, D.C., this 9th day of November 1965, to become effective November 15, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-12220; Filed, Nov. 12, 1965; 8:49 a.m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Expenses of the Walnut Control Board and Rates of Assessment for 1965-66 Marketing Year

Notice was published in the October 27, 1965, issue of the FEDERAL REGISTER (30 F.R. 13650) regarding proposed expenses of the Walnut Control Board for the 1965-66 marketing year and rates of assessment for that marketing year, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the

proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Walnut Control Board, and other available information, it is found that the expenses of the Board and rates of assessment for the marketing year beginning August 1, 1965, shall be as follows:

§ 984.317 Expenses of the Walnut Control Board and rates of assessment for the 1965–66 marketing year.

(a) *Expenses.* The expenses in the amount of $124,100 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1965, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said marketing agreement and this part require that the rates of assessment fixed for a particular marketing year shall be applicable to all assessable walnuts from the beginning of such year; and (2) the current marketing year began on August 1, 1965, and the rates of assessment herein fixed will automatically apply to all such assessable walnuts beginning with that date.

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

Dated: November 9, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-12173; Filed, Nov. 12, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1423—PROCESSED AGRICULTURAL COMMODITIES (DRY AND COLD)

Subpart—Standards for Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities

Sec.
1423.1 General statement and administration.
1423.2 Exceptions.
1423.3 Application requirements.
1423.4 Standards for warehousemen and warehouses.
1423.5 Inspection of warehouses.
1423.6 Basis for approval or disapproval.
1423.7 Other conditions for disapproval.
1423.8 Bonding requirements.
1423.9 Approval of warehouse and duration of approval.
1423.10 Waiver of requirements.

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

§ 1423.1 General statement and administration.

This subpart prescribes the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by Commodity Credit Corporation and the U.S. Department of Agriculture (which two are hereinafter referred to as the "Government") for the storage and handling, under Government storage contracts, of processed agricultural commodities requiring common dry or refrigerated storage (including dairy and poultry products, canned and frozen meat, and honey, but not bulk oils, hereinafter referred to collectively as "processed commodities") either by Commodity Credit Corporation, or by the U.S. Department of Agriculture under section 32 of the Act of June 28, 1937, as amended (7 U.S.C. 612c) or section 6 of the National School Lunch Act (42 U.S.C. 1755), and also prescribes the requirements of the Government for approval of such warehouses. Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information and the necessary application and other forms from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, South, Minneapolis, Minnesota 55410 (hereinafter referred to as "the Minneapolis Office"). A warehouse must be approved by the Minneapolis Office before such warehouse will be used by the Government for the storage and handling of processed commodities. The approval of a warehouse or the execution of a contract with the warehouseman does not constitute a commitment that the warehouse will be used by the Government and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1423.2 Exceptions.

Notwithstanding any other provision hereof:

(a) This subpart is not applicable to storage and handling of processed commodities outside of the limits of the several States of the United States and the District of Columbia, to the purchase of processed commodities in storage for prompt shipment, or to handling of a temporary nature.

(b) Warehousemen licensed under the United States Warehouse Act for the storage and handling of commodities for which approval has been requested will not be required to furnish performance bonds, financial statements, or forms of warehouse receipts in order to be approved hereunder. Warehouses licensed under the U.S. Warehouse Act will not be subject to examinations other than those required by that Act, except for such special examinations as may be necessary. However, all other requirements of this subpart shall be met by such warehousemen seeking approval under this subpart.

(c) If a Certificate of Competency is issued by the Small Business Administration with respect to a warehouseman, the certificate will be accepted as establishing conformance by the warehouseman with the standards prescribed in § 1423.4 (a) (1), (2), (4), and (5); (b) (1); and (d) (1), (2), (3), and (4), and the warehouseman will not be required to furnish bond coverage for deficiency in net worth or working capital.

§ 1423.3 Application requirements.

In applying for approval of a warehouse for storage and handling of processed commodities, the warehouseman must furnish (except as provided in § 1423.2(b)) a completed Form CCC–560, Application for Approval of Warehouse (Processed Commodities); a current financial statement (Form CCC–68, Statement Showing Assets and Liabilities) with appropriate supporting schedules, if applicable; copies of the warehouseman's tariff or, if the warehouseman does not publish a tariff, submit Form CCC–568, Warehouse Tariff Inquiry, certifying that the rates quoted in the contract are not in excess of rates charged other customers; and such other documents or information as may be required by the Government. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or statement may be separate from the financial statement. A financial statement may also be required (except as provided in § 1423.2(b)) with an application for approval of additional storage space under an existing contract. A financial statement shall show the financial condition of the warehouseman as of a date not earlier than 90 days prior to date of the statement.

§ 1423.4 Standards for warehousemen and warehouses.

The Government will consider applications for approval of warehouses upon the basis of the applicant's conformance with the standards prescribed in this section.

(a) The warehouseman shall:

(1) Be an individual, or an existing legal entity organized in good faith to operate a public warehousing business and, if organized in the corporate forms, must have charter authority to conduct a public warehousing business.

(2) Have sufficient experience in, and knowledge of, the warehousing business, as related to the commodity to be stored or handled to enable him to give adequate protection and services for the proper storage and handling of that commodity.

(3) Have satisfactorily complied with all previous contracts with the Government and instructions issued thereunder: *Provided, however,* That this provision shall be applied only to circumstances where (i) applicable regulations of the Government governing suspension and debarment would permit denial of ap-

proval without suspension or debarment action and (ii) suspension or debarment action has not been taken in accordance with applicable regulations.

(4) Have a net worth of at least $10,000 to assure his financial responsibility.

(5) Have sufficient funds available to meet ordinary operating expenses which, if not paid, would cause cessation of operations.

(6) Maintain adequate inventory and operating records.

(7) Make application for approval in the manner specified in § 1423.3.

(8) Furnish surety bonds as may be required under § 1423.8.

(9) Furnish annually, or at such other times as may be required by the Government, a current financial statement supported by such supplemental schedules as may be requested for the purpose of evaluating the financial condition of the warehouseman.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) paragraph (a)(2) of this section, and (2) paragraph (a)(3) of this section.

(c) Owners, directors, responsible officers and employees of the warehouse shall meet requirements of paragraph (a)(3) of this section.

(d) The warehouse shall meet the following requirements:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman who executes the storage contract.

(3) Not be subject to greater than normal risk or fire, flood, or other hazards.

(4) Have such fire-fighting equipment as is customary for the type of warehouse for which approval is sought.

(5) Must be able to load out the total quantity of all processed commodities stored for the Government within forty-five (45) working days. Pier facilities must have load-out equipment for adequate load-out capacity, as determined by the Government, to perform required services.

(6) Where State or local law requires licensing to act as a public warehouseman, the license must be made available or posted in the warehouse or a satisfactory notice of approval must have been received by the Government from the licensing authority.

§ 1423.5 Inspection of warehouses.

Except in the case of a warehouse licensed under the U.S. Warehouse Act for the storage and handling of commodities for which approval has been requested, prior to the time the Government approves a warehouse for the storage and handling of processed commodities, the Government will have the warehouse examined by a warehouse examiner. In addition, the Government will take such other action as it considers necessary to determine whether the requirements of § 1423.4 have been met. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse.

§ 1423.6 Basis for approval or disapproval.

A review and an analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information available from other sources. If, on the basis of this review and analysis, it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. If it is determined that the warehouseman fails to meet the standard set forth in paragraph (a)(4) of § 1423.4, the warehouse will not be approved. If it is determined that one or more of the other standards of § 1423.4 are not met, the applicant may be approved if it is determined that the conditions for the storage and handling of processed commodities within the warehouse provide satisfactory protection for processed commodities and that the services of the warehouseman are required by the Government and additional bond coverage (or acceptable substitute security) is furnished in an amount equal to twice the amount of the bond requirement (other than for deficiency in net worth) under § 1423.8(a)(1) and meeting the other requirements of § 1423.8.

§ 1423.7 Other conditions for disapproval.

Applications shall not be approved (or existing approval continued in effect) in the event that:

(a) The warehouseman (if license is required) is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. Correction of any such condition shall not result in automatic approval of the warehouse and the Government may require the submission of a new application, such additional information as it deems pertinent, and a new inspection of the warehouse to determine whether it meets the requirements of this subpart.

(b) The warehouseman operating the warehouse for which approval is being sought or any of the directors, responsible officers and employees thereof are suspended or debarred from contracting pursuant to regulations of the Government.

§ 1423.8 Bonding requirements.

(a) The performance bond to be furnished to the Government by each warehouseman (except as provided in § 1423.2(b)) shall be on Form CCC-61, Warehouseman's Bond-Processed Commodities. Such performance bonds shall be executed by surety companies which have been approved by the U.S. Treasury Department (Circular No. 570) and which maintain an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(1) A warehouseman who applies for approval of a warehouse for the storage of processed commodities and who fully conforms with all of the standards and other requirements specified in this subpart shall (except as provided in § 1423.2(b)) furnish a surety bond in an amount not less than 5% of the value of the estimated quantity of commodities to be stored. Such bond coverage shall not be less than $5,000 and need not be more than $100,000.

(2) Notwithstanding any other provisions of this subpart, if in the light of all the circumstances relating to the operation of the warehouse, it is determined that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of the Government, additional bond coverage as deemed necessary for such purpose may be required.

(b) Cash, negotiable securities, and legal liability insurance policies may be substituted for bonds on Form CCC-61 under the following conditions.

(1) Cash or negotiable securities may be accepted in lieu of the equivalent amount of required bond coverage. The Government will determine the acceptability of and valuation to be placed on any such securities in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, the cash or securities will be returned to the warehouseman.

(2) Legal liability insurance policies may be accepted in lieu of the equivalent amount of bond coverage running directly to the Government. Such insurance policies, however, must show the Government as the insured and be approved by the Government.

§ 1423.9 Approval of warehouse and duration of approval.

(a) After a warehouse has been approved and the applicable storage contract has been signed by the Government, a copy of such contract will be forwarded to the warehouseman by the Minneapolis office. The warehouse will then be eligible to store and handle Government-owned processed commodities.

(b) The financial condition of, and the amount of bond or substitute security furnished by, approved warehousemen will be reviewed from time to time to determine that the requirements of the Government are being met and the warehouseman shall furnish any additional bond coverage or substitute security which may be determined to be required under the provisions of this subpart. The warehouse will be reexamined from time to time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or the warehouse does not conform with the standards and other requirements set out in this subpart, the Government shall take such appropriate actions as may be necessary to protect the interests of the Government.

(c) Approval of the warehouse will remain in effect until the storage contract is terminated or the warehouseman is suspended or debarred from contracting with the Government under applicable regulations.

§ 1423.10 **Exemption of requirements.**

If warehousing services required in fulfilling responsibilities under the Government's programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, the Government may exempt the applicant from one or more of the provisions of this subpart and may establish other requirements in lieu thereof as determined necessary to safeguard the interests of the Government. The authority provided by this section § 1423.10 shall be exercised only by the Administrator or Acting Administrator, Agricultural Stabilization and Conservation Service, acting for the U.S. Department of Agriculture and acting as Executive Vice President, Commodity Credit Corporation.

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 8, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation, Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12171; Filed, Nov. 12, 1965; 8:46 a.m.]

[Amdt. 1]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

ADMINISTRATION

Statement with respect to the tobacco price support loan program issued July 30, 1965 (30 F.R. 9533), is amended for the purpose of providing that producer associations through which the program is carried out in the field may be required to meet eligibility requirements prescribed generally for cooperative marketing associations used in price support programs. Accordingly § 1464.1705 is revised by amending paragraph (a) thereof to read as follows:

§ 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 (heretofore 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. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price supports prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (30 F.R. 6907), as amended. 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.

(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)

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

Signed at Washington, D.C., on November 9, 1965.

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

[F.R. Doc. 65-12208; Filed, Nov. 12, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Meaning of Term "Bank"

§ 222.119 **Industrial banks as "banks" under Bank Holding Company Act.**

(a) The Board of Governors recently considered (1) whether certain industrial banks are "banks" within the meaning of section 2(c) of the Bank Holding Company Act of 1956, and the interpretation published in 1963 at § 222.116; and (2) if so, whether certain changes in the operations of the institutions would remove them from the "bank" category. Section 2(c) defines "bank" to include "any national banking association or any State bank, savings bank, or trust company * * *."

(b) Classification of industrial banks for purposes of the Holding Company Act is difficult, because they perform some of the functions of commercial or savings banks, particularly in the consumer loan field, but differ from such banks in other respects. It is clear from the legislative history of the Act that Congress did not intend to include all financial intermediaries within the definition of "banks" in section 2(c). The Board concluded, in its 1963 interpretation, that an industrial bank should not be regarded as a "bank" for this purpose * * * unless in a particular case, regardless of the title of the institution or the form of the transaction, it accepts deposits subject to check or otherwise accepts funds from the public that are, in actual practice, repaid on demand, as are demand or savings deposits held by commercial banks.

(c) In the situations recently considered, one of the industrial banks formerly issued "investment certificates" to the public in exchange for funds, and such certificates were repaid, in practice, on demand. Consequently, that institution was a "bank" under the above-cited interpretation of the Board. However, in 1964 it ceased issuing investment certificates in exchange for funds deposited with it and began a gradual program of transferring outstanding certificate accounts of this nature to a savings and loan association. The industrial bank no longer issues new certificates or accepts additional payments on outstanding certificates.

(d) Based on these facts, the Board concluded that the industrial bank in question is no longer accepting funds from the public within the terms of the interpretation quoted above and consequently is no longer a "bank" within the meaning of the Act.

(e) The second situation presented a somewhat different question. In that case the industrial bank accepts what are described as "savings deposits", as permitted by applicable State law. Heretofore, these deposits have been repaid on demand, and for this reason the institution would constitute a "bank" under the above-quoted interpretation. However, the institution proposes to "notify all holders of savings accounts that henceforth such accounts would not be paid [immediately] upon request but that a written notice of withdrawal would be required to be presented" to the institution "for some period of time [not less than 30 days] prior to withdrawal." In order "to cover the emergency cash needs of a holder * * *, [the industrial bank] would loan such holder the cash required not in excess of the balance in the savings account, such loan to be secured by pledge of the savings account and the loan to bear interest at prevailing rates for such loans", but in no event less than 2 percent more than the interest rate currently being paid on the pledged savings.

(f) After the proposed change was put into effect, savings deposits accepted by the industrial bank would no longer be "in actual practice repaid on demand." Accordingly, the Board concluded that, when the proposed change was consummated, the institution would no longer be a "bank" within the purview of the Holding Company Act.

(Interpreta 12 U.S.C. 1841(c))

Dated at Washington, D.C., this 27th day of October 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12164; Filed, Nov. 12, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

[Docket No. AO-353]

GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Decision and Referendum Order With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 28, 1965, after notice thereof published in the FEDERAL REGISTER (30 F.R. 6917) on a proposed marketing agreement and order for regulating the handling of grapefruit grown in the Interior District in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of evidence adduced at the hearing and the record thereof, the recommended decision in this proceeding was filed on October 18, 1965, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65–11325; 30 F.R. 13443). No exception was filed.

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 65–11325; 30 F.R. 13443) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Grapefruit Grown in the Interior District in Florida" and "Order Regulating the Handling of Grapefruit Grown in the Interior District in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1964, through July 31, 1965 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Interior District of Florida in the production of grapefruit for market to ascertain whether such producers favor the issuance of said annexed order.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referendum, and other necesary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: November 8, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Grapefruit Grown in the Interior District in Florida

AUTHORITY: The provisions of this Part 913, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 913.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Lakeland, Fla., June 28, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of grapefruit grown in the Interior District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) This order regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production

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

area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

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

(5) All handling of grapefruit grown in the Interior District, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the said Interior District shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 913.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 913.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 913.3 Person.

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

§ 913.4 Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus Paradisi, MacFadyen, grown in the Interior district in the State of Florida.

§ 913.5 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit owned by another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be so handled.

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

§ 913.7 Standard packed box.

"Standard packed box" means a unit or measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

§ 913.8 Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

§ 913.9 Committee.

"Committee" means Interior Grapefruit Marketing Committee.

§ 913.10 Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

§ 913.11 Interior district or district.

"Interior district" or "district" means the production area comprised of the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward and County Commissioner's Districts One, Two and Three of Volusia County and shall include the portions of the Counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County, thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

§ 913.20 Establishment and membership.

There is hereby established an Interior Grapefruit Marketing Committee. The members and alternates of such committee shall be those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee, selected under Order No. 905 (7 CFR Part 905), whose residence and principal place of business are in the Interior district: *Provided*, That in the event the membership of such committees is not selected as aforesaid, the Secretary may select the members and alternate members of the Interior Grapefruit Marketing Committee until such time as a method for the selection of the membership of such committee is prescribed in the provisions of this Part.

§ 913.21 Inability of members to serve.

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

§ 913.22 Powers of the Interior Grapefruit Marketing Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as provided in this subpart, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

§ 913.23 Duties of the Interior Grapefruit Marketing Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connec-

tion with the administration of this subpart.

§ 913.24 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

§ 913.25 Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members shall constitute a quorum and any decision or action shall require concurrence by a majority of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided for in paragraph (c) of this section.

(c) Not less than 75 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate present who is not acting for any other member may be designated by the chairman of the committee, to serve in the place and stead of the absent member.

(f) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

§ 913.26 Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 913.30 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in § 913.31.

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 913.32 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATION

§ 913.40 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information:

(1) The estimated available crop of grapefruit in the district, including estimated quality;

(2) The estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of;

(3) A schedule of estimated weekly shipments of grapefruit during the ensuing season;

(4) The available supplies of competitive deciduous fruits in all producing areas of the United States;

(5) Level and trend in consumer income;

(6) Estimated supplies of competitive citrus commodities; and

(7) Any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 6 weeks during the 1965–66 fiscal period; or an aggregate of 8 weeks during the 1966–67 fiscal period; or an aggregate of 10 weeks during any subsequent fiscal period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply of grapefruit on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of grapefruit in the production area;

(4) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grape-

fruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments during the 1965–66 fiscal period for more than 6 weeks; or for more than an aggregate of 8 weeks during the 1966–67 fiscal period; or for more than an aggregate of 10 weeks during any subsequent fiscal period. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. Except as provided in paragraph (e) of this section, such prorate base for each handler shall, for the 1965–66 fiscal period, be the quantity of grapefruit shipped by him during the preceding marketing season; for the 1966–67 fiscal period, be the average quantity of grapefruit shipped by him during the two preceding marketing seasons; and for subsequent fiscal periods, be the seasonal average quantity of grapefruit shipped by him during the three preceding marketing seasons.

(e) Any applicant for a prorate base who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and who controls grapefruit and owns or has contracted for the use of packinghouse facilities to pack such grapefruit, shall be considered a new handler. The committee shall compute a prorate base for such applicant based upon his prior shipments of grapefruit, if any, grapefruit under his control, and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler. For the next succeeding fiscal period, the prorate base of such handler shall be the quantity of grapefruit shipped by him during the preceding marketing season, and for the second succeeding marketing season, his prorate base shall be the seasonal average quantity of grapefruit shipped by him during the two preceding marketing seasons.

§ 913.44 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

§ 913.45 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

§ 913.46 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 913.42, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 913.47 Allotment loans.

(a) A person to whom allotments have been issued, except a new handler, may lend such allotments to other persons to whom allotments have also been issued. A new handler may borrow allotments and repay same. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

§ 913.48 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to § 913.42, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS AND RECORDS

§ 913.50 Reports and records.

Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part. Each handler shall maintain for such period of time as the committee shall prescribe, with the approval of the Secretary, such records of grapefruit handled as may be necessary to verify reports submitted pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 913.55 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard

to the provisions of §§ 913.42 through 913.48 and the regulations issued thereunder, ship grapefruit for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

§ 913.56 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to § 913.42 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

§ 913.57 Right of Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 913.58 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 913.59.

§ 913.59 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 913.60 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to § 913.31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers to the extent practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 913.61 Duration of immunities.

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

§ 913.62 Agents.

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

§ 913.63 Derogation.

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

§ 913.64 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee.

§ 913.64 Personal liability.

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

[F.R. Doc. 65-12175; Filed, Nov. 12, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY ET AL.

Delegation of Authority To Determine Nonfeasibility of Using Foreign Currency To Make Payments Under Certain Contracts

The Deputy Secretary of Defense approved the following delegation of authority on October 22, 1965.

There is hereby delegated to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Directors of Defense Agencies, the Director of Defense Research and Engineering, and the Assistant Secretary of Defense (Administration), with the authority to redelegate, the authority vested in the Secretary of Defense by section 637, P.L. 89-213, and section 110, P.L. 89-202, to determine the nonfeasibility of using foreign currencies acquired pursuant to law to make payments under contracts in such countries.

Delegation of authority published at 27 F.R. 10912, November 8, 1962 is hereby superseded and canceled.

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

[F.R. Doc. 65-12177; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-320]

JAMES H. AND LEOLA E. BAUMGARTNER

Notice of Loan Application

James H. and Leola E. Baumgartner, 1137 Montana Street, Coos Bay, Oreg., 97420, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45.3-foot registered length wood trolling vessel to engage in the fishery for tuna and salmon in the Coos Bay area of Oregon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director, Bureau of Commercial Fisheries.

NOVEMBER 9, 1965.

[F.R. Doc. 65-12205; Filed, Nov. 12, 1965; 8:49 a.m.]

National Park Service

[Order 1, Amdt. 2]

CATOCTIN MOUNTAIN PARK, MD.; ADMINISTRATIVE ASSISTANT

Delegation of Authority

Section 1 of Order No. 1 (dated March 11, 1963) is completely revoked and the following inserted in its place:

SECTION 1. *Administrative Assistant.* The Administrative Assistant may issue purchase orders not in excess of $1,500 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824) as amended; 39 Stat. 535, 16 U.S.C., sec. 2; National Capital Region Order No. 1 (28 F.R. 1811))

Dated: November 5, 1965.

EARL M. SEMINGSEN,
Superintendent.

[F.R. Doc. 65-12167; Filed, Nov. 12, 1965; 8:45 a.m.]

Office of the Secretary

WILLIAM C. PORTER, Jr.

Statement of Changes in Financial Interests

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

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

This statement is made as of November 4, 1965.

Dated: November 4, 1965.

WILLIAM C. PORTER, Jr.

[F.R. Doc. 65-12168; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 327]

BENJAMIN WINKLER AND B. W. TRADING CORP.

Order Conditionally Restoring Export Privileges

In the matter of Benjamin Winkler and B. W. Trading Corp., 125 Cedar Street, New York, N.Y., respondents; Case No. 327. By order dated June 6, 1964, effective as of June 26, 1964 (29 F.R. 8150), the above-named respondents were denied all U.S. export privileges for the duration of export controls. The order provided that 1 year after the effective date thereof the said respondents might apply to have the effective denial of export privileges held in abeyance while they remained on probation. The said respondents have filed such an application and have submitted evidence to show their compliance with the terms of said order and other details concerning the nature of their business.

The respondents' application was referred to the Compliance Commissioner. He held a hearing on the matter on October 8, 1965, and received evidence concerning the activities of said respondents since the denial order was entered. He has recommended that an order be entered conditionally restoring export privileges to said respondents.

The undersigned has carefully considered the record herein and is of the opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations.

Accordingly, it is hereby ordered that the export privileges of the above-named respondents be and hereby are restored conditionally, and the respondents are placed on probation for the duration of export controls. The conditions of probation are that the respondents shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondents have knowingly failed to comply with the conditions of probation, said official, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents and deny to said respondents all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking

further action for any violation as may be warranted.

This order shall become effective on November 15, 1965.

Dated: November 8, 1965.

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

[F.R. Doc. 65-12193; Filed, Nov. 12, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

HAWAIIAN SUGARCANE

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the auditorium of the Hilo Electric Light Co., Ltd., on December 2, 1965, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices or rates for the 1966 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

A. A. Greenwood, W. S. Stevenson, C. F. Denny, and F. W. McCoy, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on November 8, 1965.

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

[F.R. Doc. 65-12170; Filed, Nov. 12, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Eastman Chemical Products, Inc., Kingsport, Tenn., 37660, has withdrawn its petition (FAP 4B1371), published in the FEDERAL REGISTER of August 4, 1964 (29 F.R. 11197), proposing an amendment to § 121.2511 *Plasticizers in polymeric substances* to add sucrose acetate isobutyrate to the list of plasticizers in paragraph (b) and further proposing an amendment to § 121.2578 *Hot-melt strippable food coatings* to add cellulose acetate to the list of substances in paragraph (b)(2).

The withdrawal of this petition is without prejudice to a future filing.

Dated: November 8, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12203; Filed, Nov. 12, 1965; 8:49 a.m.]

CIS-N[(1,1,2,2-TETRACHLOROETHYL) THIO]-4-CYCLOHEXENE-1,2-DICARBOXIMIDE

Notice of Establishment of Temporary Tolerances; Correction

In F.R. Doc. 65-11824, published in the FEDERAL REGISTER of November 3, 1965 (30 F.R. 13908), the expiration date "October 2, 1966" should read "October 27, 1966."

Dated: November 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12200; Filed, Nov. 12, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9093 etc.]

REOPENED SERVICE TO SPOKANE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on December 16, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12190; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 13415 etc.]

REOPENED WEST COAST AIRLINES, INC.

"Use It or Lose It" Investigation and Route Realignment; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on December 15, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12191; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 16507]

TRANS-AIR SYSTEM, INC.

Notice of Proposed Approval

Application of Trans-Air System, Inc., for approval of acquisition by merger of Lifschultz Terminal N.Y. Inc. under section 408 of the Federal Aviation Act of 1958, as amended, Docket No. 16507.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 8, 1965.

[SEAL] J. W. ROSENTHAL,
Director, Bureau of Operating Rights.

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD

WASHINGTON, D.C.

Issued under delegated authority

ORDER APPROVING CONTROL RELATIONSHIPS

Application of Trans-Air System, Inc., Docket 16507; for approval of acquisition by merger of Lifschultz Terminal New York, Inc., under section 408 of the Federal Aviation Act of 1958, as amended.

Trans-Air System, Inc. (Trans-Air), has filed an application requesting approval, without a hearing, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of its acquisition by merger of all the assets and going business

of Lifschultz Terminal New York, Inc. (Lifco).[1] Trans-Air, a domestic air freight forwarder, and Lifco, whose primary business is the consolidation of freight shipments for consignees, are both controlled by Sidney B. Lifschultz and family, such control having heretofore been approved by the Board as noted in Order E-22361, June 25, 1965, Docket 15475.

The application states that the reasons for the merger are to improve the financial status of Trans-Air, and to provide it with facilities indispensable to the development of its domestic air freight forwarding business. Its indebtedness to Lifco will be converted into an equity holding in Trans-Air by Lifco stockholders; furthermore, Trans-Air will acquire upwards of $70,000 of current assets, primarily cash, in exchange for Trans-Air stock to Lifco stockholders. Trans-Air will increase its net worth by more than $136,000, by reason of the merger, and will acquire Lifco's primary business of freight consolidation for the strengthening of this necessary function of Trans-Air as a freight forwarder. It is further pointed out that the pre-existing controls by Lifschultz interests will not be affected adversely.

The application also submits that the merger is consistent with and will not adversely affect the public interest, in that it will promote air freight operations and air transportation generally by strengthening Trans-Air's financial position and enabling it more fully to develop the potentials inherent in its operations. Consummation of the merger will not affect the control of an air carrier directly engaged in the operation of aircraft in air operation, will not result in a monopoly, or tend to restrain competition, nor jeopardize another air carrier not a party to the merger.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application it is concluded that Trans-Air is an air carrier, and Lifco is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the merger of Lifco into Trans-Air is subject to that section. However, it has further been concluded that such merger does not affect a carrier directly engaged in the operation of aircraft in air transportation, does not result in a monopoly, and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationship would not be inconsistent with the public interest.

Pursuant to the authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing merger should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered: That the merger of Lifco into Trans-Air, be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal,
Director, Bureau of
Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12192; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. 13823; Order E-22863]

DELTA AIR LINES, INC.

Order for Hearing and Denying and Granting Motions for Consolidation and Expedition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November 1965.

On August 1, 1962, Delta Air Lines, Inc. (Delta) applied for amendment of its certificate for Route 54 so as to eliminate the intermediate point Greenville-Spartanburg, S.C. (Greenville).[2] Delta also applied for, and subsequently received, authority to suspend temporarily its service to Greenville [3] and has not served the point since October 15, 1962, the date the Greenville-Spartanburg area airport was activated.

While the Delta application for suspension was pending, Southern Airways, Inc. (Southern) filed an application proposing extension of its service beyond Knoxville, Tenn., to the new terminal, Charleston, S.C., via the intermediate points Greenville and Columbia, S.C., and contemporaneously applied for temporary exemption authority to operate over this segment.[4]

The Greenville-Spartanburg Airport District filed answers in both Dockets 13813 and 13928 supporting Delta's application for suspension provided that Southern should be granted its requested exemption authority to serve the Greenville-Knoxville segment. Subsequently, Piedmont Aviation, Inc. (Piedmont) applied for authority to serve Greenville as an intermediate point on its segments 1 and 5 [4] and, simultaneously, filed an answer in opposition to Southern's request for exemption authority. For reasons fully set forth in our Order E-18848 we granted Delta's application for temporary suspension of service at Greenville and denied Southern's application for exemption authority to operate nonstop between Greenville-Knoxville.

On October 10, 1962, the Greenville-Spartanburg Airport District and the South Carolina Aeronautics Commission petitioned for reconsideration of Order E-18848 in Dockets 13813 and 13928, requesting that, either the suspension of Delta be denied or that Southern, by exemption, be granted the route extension requested. Concurrently therewith, the petitioners filed in Dockets 13969 and 13927 a motion for expedited hearing on the certificate amendment applications of Southern and Piedmont. By our Order E-19279, February 7, 1963, we denied both the petition for reconsideration and motion for expedited hearing.

On November 23, 1964, the Greenville-Spartanburg Airport Commission and Greenville-Spartanburg Airport District (District) again filed a motion to consolidate the route applications of Delta, Southern, and Piedmont and to expedite the proceedings. In support thereof these civic parties alleged the following, inter alia: Although overall traffic had increased since opening of the regional airport, air traffic to certain points formerly served by Delta had declined,[5] that, rather than drive to Asheville for air service to Knoxville, people drove all the way to Knoxville or used inconvenient circuitous routings via Atlanta; that, since the proposed applications involved new services and/or restoration of a service which had been used, they merited expedition; that traffic volumes in the Greenville markets justified consideration of the applications; that operational changes made by Eastern Air Lines, Inc. (Eastern) since Delta suspended service had created new problems in the Greenville-Nashville, Louisville, St. Louis, and Chicago markets; that the Board should consider the local service needs of Greenville which have been altered by the absence of Delta; and, that the impact of the new airport, the effect on carrier subsidy and the need for more stable route authorizations to relieve uncertainty in airport planning all require early hearing on the applications for local service.

On December 10, 1964, the South Carolina Aeronautics Commission (Commission) filed a petition for leave to intervene in Docket 13927 and a motion to consolidate for hearing and contemporaneous consideration not only Docket 13927 but also several other pending applications.[6] In general, the Commission contended that all these applications sought to modify existing service in the so-called "Piedmont Area"; that the various applications involve adequacy of service between South Carolina's major cities and other cities with which they have a primary community of interest; that separate consideration would disrupt the pattern of service established by the Board in the Piedmont Local Service Area Investigation; [7] that the applications involve substantially the same parties and closely related issues; and, that a consolidated proceeding would be conducive to the proper dispatch of the Board's business and would serve the ends of justice by permitting the Board to have before it an up-to-date and integrated presentation upon which to base a determination of appropriate route assignments in the Piedmont Area.

[1] The application was filed on Sept. 23, 1965 and supplemented by filings on Oct. 7 and 21.

[2] Docket 13823, Aug. 1, 1962.

[3] Docket 13813, July 31, 1962, and Order E-18848, Oct. 1, 1962.

[4] Dockets 13927 and 13928, Aug. 13, 1962.

[4] Docket 13969, Aug. 23, 1962.

[5] According to the parties, the total traffic for the two cities increased from 104,290 passengers in 1961 to 143,630 passengers in 1963. It was estimated that 1964 traffic will amount to 183,000 passengers in and out. On the other hand, traffic between Greenville-Spartanburg and Knoxville, Asheville and Cincinnati declined from a total of 2,000 passengers in 1960 to 1,120 passengers in 1963.

[6] Dockets 13823, 13969, 15702, 14346, 14390, 14387, 14378, 14379, 14388, and 14384. We will not detail the specifics of each of these applications, but will treat with the basic reasons prompting the Commission's motion.

[7] Docket 5713, et al., E-18123, Mar. 19, 1962.

Both Delta (Dec. 3, 1964) and Eastern (Dec. 21, 1964) filed answers strongly opposing the consolidation of the eight additional applications as proposed by the South Carolina Aeronautics Commission.[8]

From our review of all the pleadings and related data we have determined to set down for prompt hearing Delta's application for deletion of Greenville from its certificate. Also, we will grant the motions of the Greenville-Spartanburg Airport Commission and the Greenville-Spartanburg Airport District to the extent that they seek consolidation of the route applications of Southern in Docket 13927 and Piedmont in Docket 13969. All other motions with respect to consolidation and expedition will be denied.[9]

In our Order E-18848 we concluded that Delta's suspension at Greenville should be authorized. In the same order we noted that Greenville/Spartanburg-Knoxville was the principal market in which direct air service would no longer be available after Delta's suspension. The principal thrust of the applications of Southern and Piedmont, as well as the motions of the civic parties, is to provide substitute service in this market. Since we have decided to order a full evidentiary hearing to determine whether Greenville should be deleted permanently from Delta's certificate, we have a proper forum for hearing the applications for substitute service without the necessity for a second hearing which could be duplicative and wasteful of time, effort and money.[10]

While we believe that consideration of the applications of Southern and Piedmont will not inflate the proceeding to unmanageable proportions, we will not entertain consolidation of any other applications as proposed in the motion of the South Carolina Aeronautics Commission filed December 10, 1964. Grant of the Commission's motion would expand the scope of a simple deletion proceeding into a broad area proceeding matching, if not exceeding, in size and complexity the Piedmont Local Service Area Investigation, concluded as recently as 1962, in which we fully considered the air transportation needs of South Carolina and authorized broad new authorities to meet the area's needs. The applications proposed for consolidation involve air service from Baltimore, Washington and Norfolk to Jacksonville, Fla., via various intermediate points in Virginia, North and South Carolina, and Georgia. These applications were filed by Delta, Piedmont and Southern but have marked competitive implications for other carriers, include duplicative new authorizations, are complex and controversial, and would unjustifiably complicate and hinder orderly Board processes and the proper dispatch of the Board's business.

We therefore, find and conclude that, pursuant to section 401(g) of the Federal Aviation Act, as amended, the application of Delta in Docket 13823 for the deletion of Greenville from its certificate for Route 54 be set down for hearing and that the motions for consolidation in this proceeding of Southern's application in Docket 13927 and Piedmont's application in Docket 13969 should be granted. Except as specified herein all other motions for expedition and consolidation shall be denied.

Accordingly, it is ordered, That:

1. A hearing be held on the application of Delta Air Lines, Inc., in Docket 13823 for the amendment of its certificate of public convenience and necessity for its Route 54 so as to delete the point Greenville-Spartanburg therefrom;

2. The motion of the Greenville-Spartanburg Airport Commission and the Greenville-Spartanburg Airport District for consolidation in this proceeding of the applications of Southern Airways, Inc., in Docket 13927 and Piedmont Aviation, Inc., in Docket 13969, is granted;

3. The motion filed by the South Carolina Aeronautics Commission for consolidation and contemporaneous hearing in Docket 13823 of the pending applications in Dockets 13823, 15702, 14346, 14390, 14387, 14388, 14378, 14379, and 14384 is denied; and

4. A copy of this order be served on Delta Air Lines, Inc., Southern Airways, Inc., Piedmont Aviation, Inc., Eastern Air Lines, Inc., the South Carolina Aeronautics Commission, the Greenville-Spartanburg Airport Commission, the Greenville-Spartanburg Airport District, the cities of Greenville and Spartanburg, S.C., the city of Asheville, N.C., and the Assistant Postmaster General for Transportation;

5. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12186; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket No. 16641; Order E-22844]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 4th day of November 1965.

In the matter of joint jet first-class fares proposed by Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., United Air Lines, Inc.; Docket 16641.

By tariff revisions[1] filed October 11, 1965, and marked to become effective November 10, 1965, several trunkline carriers propose, among other things, to increase joint jet first-class fares in certain markets.[2] Certain of the proposals reflect increases over either existing joint fares or existing fares that would apply for the routings involved.

In support of the filing, it is stated that the revisions are proposed for the purpose of adding joint fares and routings to provide additional passenger routing options, to reflect changes in local fares, or to meet competition. No further justification has been submitted; and no complaints have been filed against the proposed tariff revisions.

In the absence of adequate economic justification, and in view of the industry's present earning trend, there appears to be no basis for the increased fares embodied in certain of these proposals. The Board finds that the proposed joint jet first-class fare increases may be unjust and unreasonable, appear unwarranted, and should be suspended and investigated. This finding is consistent with the Board's recent actions regarding other tariff filings proposing fare increases.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including Feb-

[1] Airline Tariff Publishers, Inc., Agent, CAB No. 44.

[2] The markets, routings, and proposed fares involved are:

Market	Routing	Proposed joint fare
Minneapolis/St. Paul-New Orleans.	NW Chicago EA.	$97.40
Minneapolis/St. Paul-West Palm Beach.	UA Chicago EA.	117.30
Charleston, S.C.-Milwaukee.	DL/EA Chicago NW.	71.50
Charleston, S.C.-Minneapolis/St. Paul.	DL/EA Chicago NW.	89.70
Charleston, S.C.-Portland, Oreg.	DL/EA Chicago NW.	180.05
Charleston, S.C.-Seattle.	DL/EA Chicago NW.	180.05

[3] Orders E-22483, E-22587, E-22773, and E-22783.

[4] Appendix and dissenting statement by Member Gillilland filed as part of original document.

[8] The Board's docket contains a letter from Counsel for the Commission stating that the Commission does not object to the Board's favorable consideration of the motion for consolidation and expeditious hearing of the three original applications nor does the Commission object to an expeditious hearing on these applications independently of the Commission's pending motion to consolidate.

[9] We note that the Greenville-Spartanburg Airport District and the Chamber of Commerce of Asheville, N.C., have petitioned for leave to intervene in Piedmont's Docket 15702. Our decision to deny consolidation of this docket in the instant proceeding is without prejudice to any later filing of a petition to intervene in the instant proceeding.

[10] Cf. United Air Lines, Inc., Deletion of Route 34 Points Case, Order E-20931, June 12, 1964.

ruary 7, 1966, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served on Eastern Air Lines, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc., parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-12187; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket Nos. 13508, 14828]

HOUSTON-NEW ORLEANS LOCAL SERVICE INVESTIGATION; TRANS-TEXAS AIRWAYS, INC., SEGMENT 7 RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled cases is assigned to be held on December 8, 1965, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., November 5, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-12188; Filed, Nov. 12, 1965; 8:47 a.m.]

[Docket No. 12137]

NORTH CENTRAL AIRLINES; MADISON-CHICAGO SERVICE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 13, 1965, at 10 a.m., e.s.t. in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For further information, interested persons are referred to the various orders of the Board, the prehearing conference report, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 8, 1965.

[SEAL] BARRON FREDRICKS, *Hearing Examiner.*

[F.R. Doc. 65-12189; Filed, Nov. 12, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1158]

INCUBATION FUND, INC.

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

NOVEMBER 8, 1965.

Notice is hereby given that the Incubation Fund, Inc. ("applicant"), 120 Broadway, New York, N.Y., 10005, a Delaware corporation and an open-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below:

Applicant represents that it has issued no securities, has no stockholders and has no present intention of offering its securities to the public. Applicant also states that a majority of its board of directors has executed a certificate of surrender of corporate franchise pursuant to section 274 of Delaware corporation law, thereby effecting the dissolution of the Incubation Fund, Inc. Applicant further states that it has never done, nor does it intend to engage in business as an investment company.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 26, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12169; Filed, Nov. 12, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-140 etc.]

MARATHON OIL CO. ET AL.

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

NOVEMBER 3, 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 hereof.

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

The Commision 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 December 20, 1965.

By the Commission.

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

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

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.
RI66-140...	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	28	11	Texas Eastern Transmission Corp. (Logansport Field, De Soto Parish, La.) (North Louisiana).	$235	10- 4-65	[2] 11-4-65	4-4-66	[4] [6] 15.75	[3] [4] [5] 17.2366	
	do	29	12	do	578	10- 4-65	[2] 11-4-65	4-4-66	[4] [6] 15.75	[3] [4] [5] 17.2366	
	do	69	11	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	594	10- 4-65	[2] 11-4-65	4-4-66	[4] [7] 15.75	[3] [4] [5] 17.2366	
RI66-141...	Rip C. Underwood, 213 First National Bank Bldg., Amarillo, Tex.		1	Transwestern Pipeline Co. Mocane Laverne Gas Field, (Beaver County, Okla.) (Panhandle Area).	4,190	10- 4-65	[8] 11-4-65	4-4-66	[10] 17.0	[3] [11] 19.5	
RI66-142...	Frederick C. and Ferris F. Hamilton, d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver 2, Colo.	11	1	Transwestern Pipeline Co. (North Hansford Tonkawa Field, Hansford County, Tex.) (R.R. District No. 10).	205	10- 7-65	[8] 11-7-65	4-7-66	[10] 17.0	[3] [11] 19.5	
RI66-143...	Dorchester Gas Producing Co., Post Office Box 750, Amarillo, Tex.	4	2	Panhandle Eastern Pipe Line Co. (Kansas-Hugoton Field, Stevens County, Kans.).	16,250	10-11-65	[2] 1-1-66	6-1-66	11.0	[3] [6] 12.0	
RI66-144...	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex.	3	14	Texas Eastern Transmission Corp. (Delhi Plant, Richland Parish, La.). (North Louisiana).	193	10- 7-65	[8] 11-7-65	4-7-66	[4] [12] 16.8263	[4] [11] [12] 17.2366	
RI66-145...	H. H. Weinert Estate, et al., c/o Edgar Engelke, Post Office Box 231, Seguin, Tex., 78155.	3	10	United Gas Pipe Line Co., (Burnell-North Pettus Fields, Bee, Goliad, and Karnes Counties, Tex.) (R.R. District No. 2).	7,031	10- 4-65	[8] 11-4-65	4-4-66	14.0	[9] [11] 15.485	
RI66-146...	Tidewater Oil Co., Post Office Box 1404, Houston, Tex.	24	17	United Fuel Gas Co. (North Bourg Field, LaFourche and Terrebonne Parishes, La.) (South Louisiana).	3,094	10- 4-65	[2] 11-4-65	4-4-66	[13] [15] 17.0	[4] [14] [15] 18.0	
	do	54	8	Transcontinental Gas Pipe Line Corp. (LeLeux Field, Vermilion Parish, La.) (South Louisiana).	3,426	10- 4-65	[2] 11-4-65	4-4-66	[13] [15] 17.0	[4] [14] [15] 18.0	
RI66-147...	Tidewater Oil Co. (Operator), et al.	25	14	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.) (South Louisiana).	103	10- 4-65	[2] 11-4-65	4-4-66	[13] [15] 17.0	[4] [14] [15] 18.0	
	do	62	10	Transcontinental Gas Pipe Line Corp. (Northwest Gueydan Field, Acadia Parish, La.) (South Louisiana).	1,685	10- 4-65	[2] 11-4-65	4-4-66	[13] [15] 17.0	[4] [14] [15] 18.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.75 cent per Mcf tax reimbursement.
[6] Settlement rate as per order issued June 28, 1962, in Docket Nos. RI60-92, et al. Moratorium period on increased rate filings expired on Dec. 28, 1963.
[7] Settlement rate as per order issued Aug. 9, 1963, in Docket No. G-13532. Moratorium period on increased rate filings expired on Aug. 9, 1965.
[8] The stated effective date is the first day after expiration of the required statutory notice.
[9] Pressure base is 14.65 p.s.i.a.
[10] Subject to a downward B.t.u. adjustment.
[11] Two-step periodic rate increase.
[12] Buyer deducts handling charge of 1.35 cents per Mcf.
[13] Redetermined rate increase.
[14] Increase permitted by settlement order in Docket Nos. G-13310, et al.
[15] Includes 1.0 cent per Mcf tax reimbursement.
[16] Settlement rate approved by Commission order dated June 15, 1962, accepting Tidewater's settlement in Docket Nos. G-13310, et al.

Rip C. Underwood requests that his proposed rate increase be permitted to become effective "immediately". Frederick C. and Ferris F. Hamilton doing business as Hamilton Brothers, Ltd., request an effective date of September 1, 1965, for their proposed rate increase. M. H. Marr requests an effective date of November 1, 1965, and H. H. Weinert Estate, et al., request that their proposed rate increase be allowed to become effective as of October 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

M. H. Marr (Marr) proposes a periodic increase in rate to 17.2366 cents per Mcf at 15.025 p.s.i.a. for the sale of its share of gas to Texas Eastern Transmission Corp. from the Delhi Gasoline Plant, Richland Parish, La. The area increased rate ceiling is 14.0 cents per Mcf plus a maximum of 1.75 cents per Mcf tax reimbursement. Marr's proposed rates include 1.75 cents tax reimbursement and a deduction, by the buyer, of a 1.35 cents handling charge incurred by the buyer between the tailgate of the Delhi Plant and the transmission line. The Commission has previously considered the rate by producers from this plant to be the net rate received at the tailgate of the plant. After deducting the handling charge from the proposed rate of 17.2366 cents, the net rate received at the tailgate is 15.8866 cents, inclusive of tax reimbursement, which is above the applicable area ceiling of 15.75 cents, inclusive of tax reimbursement, and should be suspended as hereinbefore ordered.

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 2.56).

[F.R. Doc. 65-12113; Filed, Nov. 12, 1965; 8:45 a.m.]

[Docket No. G-8851 etc.]

TENNECO OIL CO. ET AL.

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

NOVEMBER 3, 1965.

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 26, 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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a pro-

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

test or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-8851 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.), Post Office Box 2511, Houston, Tex., 77001.	Cities Service Gas Co., Reust Unit, Guymon-Hugoton Field, Texas County, Okla.	11.0	14.65
G-10181 E 10-22-65	Houston Natural Gas Production Co. (Operator), et al. (successor to Emerald Oil & Carbonic Co. (Operator), et al.), Post Office Box 1188, Houston, Tex., 77001.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	13.8733	14.65
G-10670 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Cities Service Gas Co., Eureka Field, Grant, and Alfalfa Counties, Okla.	[1] [2] 13.0	14.65
G-13836 E 10-20-65	Excelsior Oil Corp. (successor to Pan American Petroleum Corp.), 300 North St. Joseph Ave., Hastings, Nebr., 68901.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	12.0	16.4
G-16332 E 9-30-65	Harley R. Qualls & Associates (Operator), et al. (successor to W. H. Sharp (Operator), et al., Petroleum Bldg., Kimball, Nebr.	Kansas-Nebraska Natural Gas Co., Inc., Kirk-Lineb and Kirk "A" Leases, Logan County, Colo.	6.4131	15.025
G-16865 E 10-25-65	Edwin G. Bradley, et al. (successor to Norman V. Kinsey, et al.), 826 Union Center Bldg., Wichita, Kans.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	13.0	14.65
G-17547 (G-13299) C 10-25-65 [3]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[4] 18.5	14.65
G-17791 C 10-22-65	Sohio Petroleum Co. (Operator), et al., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	[5] 17.0	14.65
G-17949 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Cities Service Gas Co., Forsyth Unit, Medicine Lodge North, Barber County, Kans.	12.0	14.65
G-18176 E 9-23-65	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[6] 17.0	14.65
G-18435 C 10-25-65	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[7] 18.5	14.65
G-18620 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Natural Gas Pipeline Co. of America, Frantz Unit, Southeast Boyd Area, Beaver County, Okla.	16.0	14.65
CI60-339 E 9-23-65	do	Panhandle Eastern Pipe Line Co., Blucher Unit, Southwest Greenough Field, Beaver County, Okla.	16.0	14.65

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI60-590 C 10-25-65	Harper Oil Co. (Operator), et al., 904 Hightower Bldg., Oklahoma City, Okla., 73102.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	[1] 16.0	14.65
CI61-526 C 10-25-65	Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major, Dewey, and Woodward Counties, Okla.	[2] 21.565	14.65
CI61-531 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Colorado Interstate Gas Co., Laverne Field, Tonkawa Formation, Harper County, Okla.	[3] 15.0	14.65
CI61-691 C 10-22-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	15.0	14.65
CI61-717 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward, Woods, Dewey, Major, and Alfalfa Counties, Okla.	[4] 15.0 [12] [13] 17.0	14.65
CI61-1584 C 9-14-65 [12]	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Tennessee Gas Transmission Co., Lockhart Field, Starr County, Tex.	16.0	14.65
CI63-1415 E 9-23-65	Tenneco Oil Co. (successor to Wilcox Oil Co.).	Northern Natural Gas Co., Mounsey Unit, Booker East Area, Lipscomb County, Tex.	17.0	14.65
CI63-1435 E 9-23-65	do	Arkansas Louisiana Gas Co., Boyd Unit, North Carter Field, Beckham County, Okla.	[5] 15.0	14.65
CI63-1504 E 9-23-65	do	Arkansas Louisiana Gas Co., Burgett Unit, Southeast Custer City Area, Custer County, Okla.	[6] 15.0	14.65
CI63-1553 E 9-23-65	do	Panhandle Eastern Pipe Line Co., Marcum Unit, Northwest Avard Field, Woods County, Okla.	[7] 15.0	14.65
CI66-28 C 10-25-65	Robert P. Lammerts, c/o Robert N. Berry, attorney, 462 First National Bldg., Oklahoma City, Okla.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	15.0	14.65
CI64-893 9-20-65 [14]	Bodcaw Company (Operator), et al., 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Texas Gas Transmission Corp., Cotton Valley Field, Webster Parish, La.	15.25	15.025
CI66-175 C 10-25-65	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla., 73118.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	17.0	14.65
CI66-326 A 10-19-65	Clark Oil & Refining Corp., 8530 National Ave., Milwaukee, Wis., 53227.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Washington County, Colo.	14.0	16.4
CI66-327 A 10-19-65	Sesco Production Co., Operator, c/o Jerome M. Alper, Esq., 825 18th Street NW., Washington, D.C., 20006.	Lone Star Gas Co., Henderson South Travis Peak and Henderson South Travis Peak "A" fields, Rusk County, Tex.	14.0896	14.65
CI66-328 A 10-20-65	Carlon Oil Co., 12th Floor, Peoples National Bank Bldg., Tyler, Tex.	United Gas Pipe Line Co., Red Branch Field, Northwest Glendale Area, Trinity County, Tex.	12.0	14.65
CI66-329 B 10-20-65	Neal Endder, et al., Post Office Box 126, Belpre, Ohio, 45714.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Depleted	----------
CI66-330 B 10-20-65	Gulf Sands Oil Co. and Alvin Candela, Post Office Drawer 6160, Corpus Christi, Tex.	Banquete Gas Co., A division of Crestmont Consolidated Corp., Gaines Field, San Patricio County, Tex.	Depleted	----------
CI66-331 B 10-11-65	Elmer C. Bentsen (successor to Herbert E. Wollard), Bentsen-Whittington Oil Co., 301 First National Bank Bldg., McAllen, Tex., 78501.	Tennessee Gas Transmission Co., North Ross Field, Starr County, Tex.	Depleted	----------
CI66-332 A 10-22-65	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla., 74102.	Tennessee Gas Transmission Co., West Delta Block 52 Field, Plaquemines Parish, La.	20.625	15.025
CI66-333 B 10-14-65	J. Glenn, Saul J. Glenn and Leonard Seigel, Box 1194, Tulsa, Okla.	Jernigan & Morgan Transmission Co., East Victor Pool, Lincoln County, Okla.	Declined in pressure.	----------
CI66-334 B 10-21-65	Armstrong & Horn, 642 Milam Bldg., San Antonio, Tex.	United Gas Pipe Line Co., Bisconia Field, Bee County, Tex.	Depleted	----------
CI66-335 A 10-22-65	Cabot Corp. (SW), 125 High St., Boston, Mass., 02110.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	16.0	14.65
CI66-336 A 10-25-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer and Le Flore Counties, Okla.	[8] 15.0	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-337 A 10-22-65	Foster Petroleum Corp., Post Office Box 729, Bartlesville, Okla., 74004.	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	11.0	14.65
CI66-338 A 10-25-65	John H. Hill, c/o Gordon L. Llewellyn, attorney, 908 Southland Center, Dallas, Tex., 75201.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	18.0	14.65
CI66-339 B 10-25-65	Jefferson County Co., Warren, Pa.	Pennsylvania Gas Co., acreage in Jefferson County, Pa.	(16)	----------
CI66-340 B 10-25-65	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex., 76107.	West Texas Gathering Co., Emperor Field, Winkler County, Tex.	Depleted	----------
CI66-341 B 10-25-65	Cumberland Gas Co., Post Office Box 2386, Charleston, W. Va., 25328.	Pennzoil Co., Carroll District, Lincoln County, W. Va.	(17)	----------
CI66-342 A 10-26-65	Jones & Pellow Oil Co., et al., 101 Northeast 26th St., Oklahoma City, Okla., 73105.	Panhandle Eastern Pipe Line Co., Valley Center West Area, Dewey County, Okla.	[1] 17.0	14.65
CI66-343 A 10-26-65	Union Drilling, Inc., Post Office Box 281, Washington, Pa.	Equitable Gas Co., Court House and Hackers Creek Districts, Lewis County, W. Va.	25.0	15.325
CI66-344 (G-10411) F 8-12-65	R. W. Lange (successor to James Donoghue (Operator), et al.), Post Office Box 1034, Garden City, Kans.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	15.0	14.65
CI66-345 (CI65-617) F 10-21-65	McWood Corporation (successor to Lawrence Drilling Co.), Oil and Gas Bldg., Post Office Box 330, Abilene, Tex.	Texas Eastern Transmission Corp., Spider Field, De Soto Parish, La.	13.5	15.025
CI66-346 (CI65-766) F 10-13-65	Camerina Petroleum Corp. (successor to GMC Oil & Gas Corp., et al.), 1600 First City National Bank Bldg., Houston, Tex.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	17.0	14.65

[1] Rate in effect subject to refund in Docket No. G-20607; 14.0 cents rate suspended in Docket No. RI65-453.
[2] Subject to deduction of 0.75 cent Mcf for dehydration.
[3] Adds acreage acquired from Sinclair Oil & Gas Co.—Docket No. G-13299.
[4] Includes an estimated adjustment of 1.5 cents for upward B.t.u. content.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Subject to upward B.t.u. adjustment.
[7] Includes an estimated adjustment of 1.5 cents for upward B.t.u. content.
[8] Includes 1.0 cent estimated adjustment for B.t.u. content and 1.045 cents per Mcf tax reimbursement.
[9] Oklahoma "Other" area.
[10] Oklahoma "Panhandle" area.
[11] Both rates subject to upward B.t.u. adjustment.
[12] Consolidated with CI62-1544, et al.
[13] Subject to possible deduction by Buyer for compression and/or treating of gas.
[14] Application to amend certificate to reflect "(Operator), et al."
[15] Buyer may charge up to 1½ cents per Mcf if necessary to bring gas up to its quality specifications.
[16] Producing properties sold to an affiliate, United Natural Gas Co., to become a part of its intrastate gathering system.
[17] Wells are depleted to the extent that service is no longer warranted.

[F.R. Doc. 65-12117; Filed, Nov. 12, 1965; 8:45 a.m.]

[Docket No. RI66-154]

PAN AMERICAN PETROLEUM CORP.

Order Granting Application for Rehearing, Conditionally Accepting Filing, and Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 5, 1965.

Pan American Petroleum Corp. (Pan American) filed an application for rehearing on October 8, 1965, of the Commission's order issued September 10, 1965, rejecting, inter alia, a proposed rate increase from 16.0 cents to 20.5 cents per Mcf [1] tendered on August 13, 1965, by Pan American for the sale of residue gas from gas-well gas and oil-well gas to Transwestern Pipeline Co. under its FPC Gas Rate Schedule No. 329 in the Permian Basin Area of Texas. The contract involved here was executed on March 8, 1962, and thus covers a sale for new gas under Opinion No. 468. Pan American's proposed rate, which exceeds the applicable just and reasonable rate ceilings determined in Opinion No. 468 for the sale of gas in the Permian Basin Area, was rejected for the reasons set forth in the order issued August 26, 1965, in Socony Mobil Oil Company, Inc. (Operator), et al.

On October 20, 1965, subsequent to the issuance of our rejection order, the Tenth Circuit in Skelly Oil Co. v. FPC (C.A. 10 No. 8385 et al.) stayed through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468-A as to Skelly, Phillips and Warren. The Court's order further provided that any member of the Court may grant a similar stay if other petitions for review are filed in or transferred to that Court. Argument was also set for January 7, 1966, on the question of further stay.

Pan American in Case No. 8458 filed in the Tenth Circuit both a petition for review and a motion for stay dated October 25, 1965, of Opinion Nos. 468 and 468-A. Under these circumstances, it is appropriate to grant Pan American's application for rehearing and to suspend its proposed increase for 5 months from the time it would have become effective had it not been rejected. However, we wish to make it clear that we will reject this increase abinitio in the event the stay is dissolved or Opinion Nos. 468 and 468-A are upheld upon judicial review.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329 herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329 is suspended and its use deferred until February 13, 1966, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 20, 1965.

By the Commission.

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

[1] The proposed increased rate is designated herein as Supplement No. 2 to Pan American's FPC Gas Rate Schedule No. 329. Details of the proposed increase are set forth in Appendix A hereof.

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.
RI66-154...	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex., 76101, Attn.: J. K. Smith, Esq.	329	2	Transwestern Pipeline Co. (South Kermit Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$8,910	8-13-65	[1] 9-13-65	2-13-66	[4] 16.0	[5] 20.5	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.

[F.R. Doc. 65-12196; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. RI66-155]

PENROSE PRODUCTION CO. ET AL.

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

NOVEMBER 5, 1965.

On October 6, 1965, Penrose Production Co. et al. (Pencrose),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 4, 1965.
Purchaser and producing area: El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).
Rate schedule designation: Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6.
Effective date: November 6, 1965.[2]
Amount of annual increase: $2,690.
Effective rate: 11.7199 cents per Mcf.[3]
Proposed rate: 71.0992 cents per Mcf.[4]
Pressure base: 14.65 p.s.i.a.

Penrose requests that its proposed rate increase be permited to become effective "immediately". 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 Penrose's rate filing and such request is denied.

Penrose proposes a favored-nation rate increase from 11.7199 cents to 17.-0992 cents per Mcf, amounting to $2,690 annually, for a sale of "old" gaswell gas to El Paso Natural Gas Co., in the Permian Basin Area of New Mexico. The proposed rate exceeds the just and reasonable ceiling of 13.5 cents per Mcf, plus applicable State and local production taxes, prescribed in Opinion No. 468.

Up to September 8, 1964, the interest in certain properties involved with Penrose's proposed rate increase was covered by Mapenza Oil Co. (Mapenza) under a contract dated August 20, 1956. Mapenza did not submit filings to the Commission covering such sale. In 1957, Mapenza authorized Continental Oil Co. (Continental) to make such filings in its behalf (Continental's FPC Gas Rate Schedule No. 85). By assignments dated November 13, 1958, Mapenza transferred its interest to Penrose Production Co., who continued to have the acquired interest covered by Continental, until September 8, 1964, when Penrose submited its own certificate application and rate schedule to continue the sale formerly covered by Continental. The sale involved herein was one of those covered when Continental was made a respondent in Docket No. AR61-1. The fact that the assignee, Penrose, received separate certificate authorization in 1964 and filed its own rate schedule did not have the effect of removing that sale from the area rate proceeding in Docket No. AR61-1.

The just and reasonable rate prescribed by the Permian Basin Opinion No. 468 and the moratorium applicable to all sales covered by Opinion No. 468 is therefore deemed to cover the subject sale. The proposed rate increase is thus subject to rejection. We recognize, however, that the Tenth Circuit in Skelly Oil Co. v. F.P.C. (No. 8385, et. al.) has issued a temporary stay until January 20, 1966, of Opinion Nos. 468 and 468-A, which covers the moratorium provisions of ordering paragraph (H) of Opinion No. 468. While this stay in terms is applicable only to Skelly, Phillips and Warren (who had, as of the time of the court's order, filed petitions for review of Opinions 468 and 468-A), we believe Penrose should be treated similarly to the three large producers who secured court stays. Accordingly, instead of rejecting the Penrose filing at this time, we shall conditionally accept it for filing, and simultaneously suspend the rate increase for a period of 5 months from the date of expiration of the statutory notice. Our acceptance of the instant rate increase is expressly conditioned to provide that the rate increase will be rejected, ab initio, in the event the court stay referred to above is dissolved or Opinion Nos. 468 and 468-A are upheld upon judicial review insofar as ordering paragraph (H) is concerned.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter I], a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 7 to Penrose's FPC Gas Rate Schedule No. 6 is conditionally accepted for filing, as noted above, and is hereby suspended and the use thereof deferred until April 6, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before December 22, 1965.

By the Commission.

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

[F.R. Doc. 65-12197; Filed, Nov. 12, 1965; 8:48 a.m.]

[1] 1605 Commerce Building, Fort Worth, Tex., 76102. Attn: Glenn G. Neill.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Present rate previously suspended and is in effect subject to refund in Docket No. RI65-398.
[4] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 p.s.i.g.).

[Project No. 2550]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License for Constructed Project

NOVEMBER 5, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Michigan Power Co. (correspondence to: J. S. Wells, Vice President, Wisconsin Michigan Power Co., 807 South Oneida Street, Appleton, Wis.) for license for constructed Project No. 2550, known as the Weyauwega Project, located on the Waupaca River in the county of Waupaca, in the city of Weyauwega, Wis.

The existing project consists of: A gravity dam 240 feet long in four sections, including earth sections of 71 and 90 feet in length, a 29-foot long intake section, and a 50-foot spillway section with three tainter gates; a reservoir having 286 acres; a brick powerhouse integral with the intake section housing a 600-horsepower turbine connected to a 400-kilowatt generator; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 21, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12198; Filed, Nov. 12, 1965; 8:48 a.m.]

[Docket No. CP66–131]

TRUNKLINE GAS CO.

Notice of Application

NOVEMBER 4, 1965.

Take notice that on October 27, 1965, Trunkline Gas Co., Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP66–131 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 and the sale in interstate commerce of increased volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to increase its transmission system capacity to 1,040,000 Mcf per day by constructing and operating the following additional facilities:

A. 16.4 miles of 24-inch O.D. pipeline to loop a portion of Applicant's existing main transmission line between Cypress, Tex., and Longville, La.

B. 200.7 miles of 36-inches O.D. pipeline to loop portions of Applicant's existing main transmission lines between Longville, La., and Tuscola, Ill.

C. 4,200 horsepower at a new compressor station to be designated Station No. 313, Centerville, La.

D. 2,000 additional horsepower at existing Compressor Station No. 31, Cypress, Tex.

E. 3,000 additional horsepower at each of the following existing main line compressor stations: Station No. 57, Pollock, La., Station No. 75, Shaw, Miss., Station No. 93, Dyersburg, Tenn., and Station No. 112, Johnsonville, Ill.

F. 2,000 additional horsepower at existing main line Compressor Station No. 121, Tuscola, Ill.

G. 6,000 horsepower at a new compressor station to be designated Station No. 134, North Judson, Ind.

Applicant also seeks to increase the sale of natural gas to the following customers which Applicant states have requested the additional service to commence in November, 1966. Sales to Consumers Power Co. will be made pursuant to Applicant's P–2 rate schedule and the sales to Central Illinois Public Service Co. (CIPSCo) and the other indicated existing customers will be made pursuant to Applicant's G–1, G–2, and SG–1 rate schedules.

Customers	Present contract demand in Mcf	Proposed contract demand in Mcf	Increase in Mcf
Consumers Power Co.	275,000	350,000	75,000
CIPSCo—Effingham, Ill.	6,400	6,800	400
CIPSCo—Newton, Ill.	2,866	3,200	334
CIPSCo—Hoopeston, Ill.	4,000	4,200	200
Cisne, Ill.	580	650	70
Lake County Utility District	2,590	3,100	510

The proposed increase in facilities is estimated to cost $44,745,000, which will be initially financed from funds on hand and short-term bank loans and later with permanent financing through the sale of long-term securities.

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 November 29, 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 procedures 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. 65–12163; Filed, Nov. 12, 1965; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[F.P.R. Temporary Reg. No. 2]

DIRECTOR, UNITED STATES INFORMATION AGENCY

Delegation of Authority

NOVEMBER 8, 1965.

1. *Purpose.* This regulation delegates authority to the Director, U.S. Information Agency to contract for the purchase of auxiliary electric power for the operation of a radio relay station.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(3), 205(d), and 205(e), authority is hereby delegated to the Director, U.S. Information Agency, to enter into a contract, for a period not exceeding 10 years, for the purchase of auxiliary electric power to be used in the operation of the Agency's radio relay station near Dixon, Solano County, Calif.

b. This authority shall be subject to all provisions of law, particularly Title III of said Act, as well as all applicable regulations and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration. In addition, such authority shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

c. The authority delegated herein may be redelegated to any contracting officer or official of the Agency.

d. The Agency shall file a copy of said contract, and any amendments thereto, with the General Services Administration as soon as practicable after the execution thereof.

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

4. *Expiration date.* Unless sooner revoked, this regulation shall expire upon the termination of said contract.

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

NOVEMBER 8, 1965.

[F.R. Doc. 65–12199; Filed, Nov. 12, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 85[

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as 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 52574 (Sub-No. 21 TA), filed November 4, 1965. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Applicant's representative: August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Irvington, N.J., to Martinsburg, W. Va., and Cumberland, Md., under contract with Drake Bakeries, division of the Borden Co., for 180 days. Supporting shipper: Drake Bakeries, division of the Borden Co., 514 Lyons Avenue, Irvington, N.J., 07111, Attention: John Rooney. Send protests to: Walter Grossman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 363 Industrial Building, 1060 Broad Street, Newark, N.J., 07102.

No. MC 76436 (Sub-No. 28 TA), filed November 5, 1965. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky., 40216. Applicant's representative: W. D. Kirkpatrick, Post Office Box 102, Bowling Green, Ky., 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities injurious or contaminating to other lading, and commodities requiring special equipment), between Nashville, Tenn., and Scottsville, Ky., from Nashville, over U.S. Highway 31E to Scottsville, and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: Mr. Ira York, York and Massey, 103 South Court Street, Scottsville, Ky., 42164; Mr. W. R. Strausburg, partner, Strausburg's 5 & 10 Cents Store, 135 East Main Street, Scottsville, Ky., 42164; and, Mr. Koward Cole, treasurer, J. L. Turner & Son, Scottsville, Ky., 42164. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 85255 (Sub-No. 24 TA), filed November 5, 1965. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's representative: Clyde MacIver, Washington Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, hogged fuel, sawdust and shavings*, described as "wood residuals," from Vancouver, Wash., to Wauna, Oreg., for 180 days. Supporting shipper: Crown Zellerbach Corp., Public Service Building, Portland 4, Oreg., Attention: G. A. Abel, northwest traffic manager. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 103378 (Sub-No. 319 TA), filed November 5, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Post Office Box 2966, Jacksonville, Fla., 32204. Applicant's representative: Wm. J. Cleary (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, from Occidental, Fla., to Dothan, Ala., for 180 days. Supporting shipper: The Home Guano Co., Post Office Box 700, Dothan, Ala., 36302. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32204.

No. MC 109397 (Sub-No. 129 TA), filed November 5, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, 315 East Seventh Street Road, Joplin, Mo. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rocket missile motors*, between Nimbus, Calif., and Wallops Station, Wallops Island, Va., for 150 days. Supporting shipper: National Aeronautics & Space Administration, Washington, D.C., 20546. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 113325 (Sub-No. 63 TA), filed November 5, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphates*, in bulk from Long Beach, Calif., to St. Louis, Mo., for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 114533 (Sub-No. 109 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eyeglasses, frames, lenses and parts thereof*, between Detroit, Saginaw, Grand Rapids, Kalamazoo, Mount Clemens, Flint, and Lansing, Mich., on the one hand, and, on the other, Elyria, Ohio, for 180 days. Supporting shipper: American Optical Co., 1561 Howard Street, Detroit 16, Mich. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 1110 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit, accounting and data processing media, business reports and records*, from Detroit, Mich., to Toledo, Cleveland, Akron, Canton, Mansfield, Cincinnati, Dayton, and Columbus, Ohio, for 180 days. Supporting shipper: Automated Systems International/Hughs Dynamics, Inc., 14501 West McNichols Road, Detroit, Mich., 48235. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 114533 (Sub-No. 111 TA), filed November 4, 1965. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit, accounting and data processing media, business reports and records*, from Indianapolis, Ind., to Arlington Heights, Ill., for 150 days. Supporting shipper: Ginn and Co., 205 West Wacker Drive, Chicago, Ill., 60606. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, Chicago, Ill., 60604.

No. MC 117165 (Sub-No. 19 TA), filed November 5, 1965. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, West Relief Highway U.S. 20, Michigan City, Ind. Applicant's representative: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, panels and sheets, and parts, materials and acces-*

sories incidental thereto, on flatbed vehicles, from the site of the plants of United States Plywood Corp. at or near Gaylord, Mich., to points in Ohio, Illinois, Indiana, Pennsylvania, and New York, for 180 days. Supporting shipper: United States Plywood Corp., 127 Main Street, Green Bay, Wis., 54301. Send protests to: District Supervisor Edmunds, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 123934 (Sub-No. 10 TA), filed November 5, 1965. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: D. W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from Marion, Ind., to points in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Foster-Forbes Glass Co., Marion, Ind., 46953. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 124170 (Sub-No. 9 TA), filed November 4, 1965. Applicant: FROST-WAYS, INC., 2450 Scotten, Detroit, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Detroit, Mich., to Altoona, Pa., for 150 days. Supporting shipper: Great Markwestern Packing Co., 1825 Scott, Detroit, Mich. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 127304 (Sub-No. 1 TA), filed November 4, 1965. Applicant: CLEAR WATER TRUCK COMPANY, INC., 410 Fourth National Bank Building, Wichita, Kans., 67202. Applicant's representative: James F. Miller, 7501 Million Road, Shawnee Mission, Kans., 66206. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Trichloromonofluoromethane* (Racon No. 11); *Dichlorodifluoromethane* (Racon No. 12); *Monochlorodifluomethane* (Racon No. 22), from Wichita, Kans., to points in the United States (except Alaska and Hawaii), and *returned, refused or rejected shipments* of the above; and *empty containers* for the above to Wichita, from all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Racon Inc., 6040 South Ridge Road, Post Office Box 7084, Wichita, Kans., 67201. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 127335 (Sub-No. 1 TA), filed November 4, 1965. Applicant: COUSINS, INC., 117 Turk Street, Pontiac, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Oakland, Macomb, and Genessee Counties, Mich., restricted to traffic moving by rail piggyback service, from Milwaukee to Pontiac, Mich., for movement beyond by applicant to destinations in the named Michigan counties and return of empty containers in the reverse direction, subject to same restrictions, for 180 days. Supporting shippers: H. J. Van Hollenbeck, Distributor, Inc., 60 North Rose Street, Mount Clemens, Mich.; Metes & Powers, Inc., 2000 Pontiac Drive, Pontiac, Mich.; and, Tom Heos Beer Distributor, Inc., 145 West Lakeview, Flint, Mich. Send protests to: Gerald J. Davis, Bureau of Operations and Compliance, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 127436 (Sub-No. 1 TA), filed November 5, 1965. Applicant: ROBERT AUSTIN AND ROGER AUSTIN, a partnership, doing business as AUSTIN BROS. TRUCKING, Post Office Box 44, Stottville, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y., 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated glass display cases, glass cabinets, metal and glass shelving and counters, and parts thereof*, when moving with shipments thereof for installation only, under continuing contract with Streater Industries, Inc., Chatham, N.Y., from Chatham, N.Y., to points in Maryland, New Jersey, Virginia, Delaware, Pennsylvania, and the District of Columbia, for 120 days. Supporting shipper: Streater Industries, Inc., Post Office Box N, Chatham, N.Y. Send protests to: Wilmot E. James, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y., 12207.

No. MC 127702 TA, filed November 4, 1965. Applicant: JACK STATON, doing business as BIG "D" MOTOR COMPANY, 915 Southwest Seventh, Oklahoma City, Okla. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla., 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles*, in driveaway and towaway service, from points in Texas and California to points in Oklahoma, for 180 days. Supporting shipper: General Motors Acceptance Corp., 114 Northwest Sixth Street, Oklahoma City, Okla., 73101. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 127703 TA, filed November 5, 1965. Applicant: D&M LUMBER CO., INC., 1930 Charlott, Missoula, Mont., 59801. Applicant's representatives: Worden, Worden, Thane and Robb, Savings Center Building, Missoula, Mont., 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, panel structures, and laminated beams*, from points within a 150-mile radius of Seeley Lake, Mont., to points within a 200-mile radius of Denver, Colo., for 180 days. Supporting shippers: Pyramid Lumber, Inc., Seeley Lake, Mont., 59860; Gray Lumber Co., Seeley Lake, Mont., 59860; KV Lumber Sales, Post Office Box 9363, Denver, Colo., 80209; Geddes & Borngrebe, Inc., 4 South Santa Fe Drive, Denver, Colo., 80223; Roberts & Dybdahl, Inc., 655 Mariposa Street, Denver, Colo., 80204; and, Douglas Plywood Sales Co., Kalispell, Mont., 59901. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 318 U.S. Post Office Building, Billings, Mont., 59101.

By the Commission.

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

[F.R. Doc. 65-12179, Filed, Nov. 12, 1965; 8:47 a.m.]

[Notice 1261]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68202. By order of November 4, 1965, Transfer Board approved the transfer to Dumont Express (1962) Limited, a corporation, Post Office Box 160, Levis, Quebec, Canada of Certificate No. MC-114003 (Sub-No. 1), issued June 4, 1954, to Ball Bros. Transport Limited, 34 Queen Street, Granby, Quebec, Canada, authorizing the transportation over irregular routes of pipe organs and parts thereof, from the United States-Canada international boundary line at Rouses Point, N.Y., North Troy, and Highgate Springs, Vt., and Port Huron, Mich., to points in all States in the United States, and the District of Columbia; and, shipping crates and empty containers, and other such incidental facilities, used in the transportation of pipe organs and parts thereof, from the above points of destination to the above points of origin.

No. MC-FC-68251. By order of November 5, 1965, Transfer Board approved the transfer to Tom Hicks Transfer Company, Inc., Harvey, La., of the Certificates in Nos. MC-63792, MC-63792 (Sub-No. 8) and MC-63792 (Sub-No. 9), issued May 19, 1958, December 20, 1962 and January 29, 1964, respectively, to Howard T. Tellepsen, doing business as Tom Hicks Transfer Company, Harvey, La., authorizing the transportation of: Machinery, equipment, materials, and supplies used in production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, between points in Alabama, Florida, and Georgia, between points in Louisiana and Mississippi, on the one hand, and, on the other, points in Alabama, Florida, and Georgia, between points in Arkansas, Louisiana, and Mississippi, between points in Louisiana, Texas, and Arkansas, between points in Kansas, Oklahoma, and Texas, and between points in Texas, on the one hand, and, on the other, points in New Mexico, Colorado, Utah, and Wyoming; heavy machinery and heavy or cumbersome commodities requiring the use of special equipment, and parts thereof, between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, and Texas; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Monroe and West Monroe, La., to Bastrop, Ruston, and Winnsboro, La. Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La., 70130, attorney for applicants.

No. MC-FC-68271. By order of November 8, 1965, Transfer Board approved the transfer to Aarow Van Lines, Inc., Elizabeth, N.J., of that portion of the operating rights of Elsie E. Matsen and Evelyn M. Matsen, a partnership, doing business as Morris C. Matsen's Southside Fireproof Storage, Racine, Wis., in Certificate No. MC-46907, issued June 11, 1958, authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, New York, and New Jersey. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for transferee. Warren Monroe Dana, 114 Seventh Street, Racine, Wis., attorney for transferor.

No. MC-FC-68279. By order of November 4, 1965, Transfer Board approved the transfer to Murlogg Farm Van Co., Inc., Evansville, Ind., of the operating rights of Helen W. Kellogg, doing business as Murlogg Farm Van Co., Evansville, Ind., in Certificate No. MC-107933, issued September 21, 1951, authorizing the transportation, over irregular routes, of livestock, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, personal effects of attendants, trainers, and exhibitors, and supplies and equipment used in the care and exhibition of such animals, between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Texas, Oklahoma, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, and Arkansas. William L. Mitchell, 315 Old National Bank Building, Evansville, Ind., 47708, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12180; Filed, Nov. 12, 1965; 8:47 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order No. 194-A]

ANN ARBOR RAILROAD CO.

Notice of Order Vacated

Upon further consideration of Pfahler's ICC Order No. 194 (The Ann Arbor Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 194, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., November 8, 1965.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 8, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12181; Filed, Nov. 12, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 9, 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. 40107—*Bituminous fine coal from points in Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2432), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mine origins in Missouri, to Des Moines and West Des Moines, Iowa.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 33 to Western Trunk Line Committee, agent, tariff ICC A-4468.

FSA No. 40108—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 124), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in southwestern and middlewest territories, on the other.

Grounds for relief—Motor-truck competition.

Tariffs—Supplements 27 and 17 to Southern Motor Carriers Rate Conference, agent, tariffs MF-ICC 1312 and 1338, respectively.

FSA No. 40109—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 125), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 12 to Southern Motor Carriers Rate Conference, agent, tariff MF-ICC 1361.

FSA No. 40110—*Grain and grain products between points in Kansas.* Filed by Western Trunk Line Committee, agent (No. A-2433), for interested rail carriers. Rates on grain, grain products, seeds, and related articles, in carloads, between points in Kansas.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12182; Filed, Nov. 12, 1965; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 89th Congress, First Session.

Approved November 7, 1965

H.J. Res. 641 ..... Public Law 89-325

Joint Resolution authorizing Father Flanagan's Boys' Home to erect a memorial in the District of Columbia or its environs.

H.J. Res. 671 ..... Public Law 89-327

Joint Resolution to authorize the President to proclaim the month of November "Water Conservation Month".

H.R. 1778 ..... Public Law 89-326

An Act to amend the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended.

H.R. 5026..... Public Law 89-328

An Act to authorize the Burt County Bridge Commission, a public body politic and corporate in the county of Burt and State of Nebraska, to refund the outstanding revenue bonds of said Burt County Bridge Commission heretofore issued to finance the cost of the construction of a bridge, together with the necessary approaches and appurtenances therefor, from a point located in the city of Decatur, Burt County, Nebr., across the Missouri River to a point located in Monona County, Iowa.

Approved November 8, 1965

H.J. Res. 788..... Public Law 89-340

Joint Resolution establishing that the second regular session of the Eighty-ninth Congress convene at noon on Monday, January 10, 1966.

H.R. 227..... Public Law 89-349

An Act to amend title 38 of the United States Code to entitle the children of certain veterans who served in the Armed Forces prior to September 16, 1940, to benefit under the war orphans educational assistant program.

H.R. 797..... Public Law 89-336

An Act to establish the Whiskeytown-Shasta-Trinity National Recreation Area in the State of California, and for other purposes.

H.R. 4421..... Public Law 89-345

An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Cheyenne, Wyo.

H.R. 5493..... Public Law 89-335

An Act to provide that the flag of the United States of America may be flown for twenty-four hours of each day in Lexington, Mass.

H.R. 5597..... Public Law 89-341

An Act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia.

H.R. 7475..... Public Law 89-338

An Act to name the authorized lock and dam numbered 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry.

H.R. 8310..... Public Law 89-333

"Vocational Rehabilitation Act Amendments of 1965."

H.R. 9567..... Public Law 89-329

Higher Education Act of 1965.

H.R. 9830..... Public Law 89-344

An Act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize reimbursement to a State or political subdivision thereof for sidewalk repair and replacement or to make other arrangements therefor.

H.R. 11135..... Public Law 89-331

"Sugar Act Amendments of 1965"

H.R. 11267..... Public Law 89-342

An Act to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives, to remove certain limitations.

H.R. 11539..... Public Law 89-339

An Act to provide assistance to the States of Florida, Louisiana, and Mississippi for the reconstruction of areas damaged by the recent hurricane.

S. 1004..... Public Law 89-343

An Act to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and services by executive agencies, and for other purposes.

S. 1320..... Public Law 89-347

An Act to amend certain criminal laws applicable to the District of Columbia, and for other purposes.

S. 1758..... Public Law 89-332

An Act to provide for the right of persons to be represented in matters before Federal agencies.

S. 2093..... Public Law 89-330

An Act to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising.

S. 2118..... Public Law 89-346

An Act to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920.

S. 2150..... Public Law 89-348

An Act to discontinue or modify certain reporting requirements of law.

S. 2542..... Public Law 89-334

An Act to amend the Small Business Act.

S. 2679..... Public Law 89-337

An Act to amend the Watershed Protection and Flood Prevention Act, as amended.

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