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Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Education Office
Emergency Planning Office
Farmers Home Administration
Federal Aviation Agency
Federal Communications Commission
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Interstate Commerce Commission
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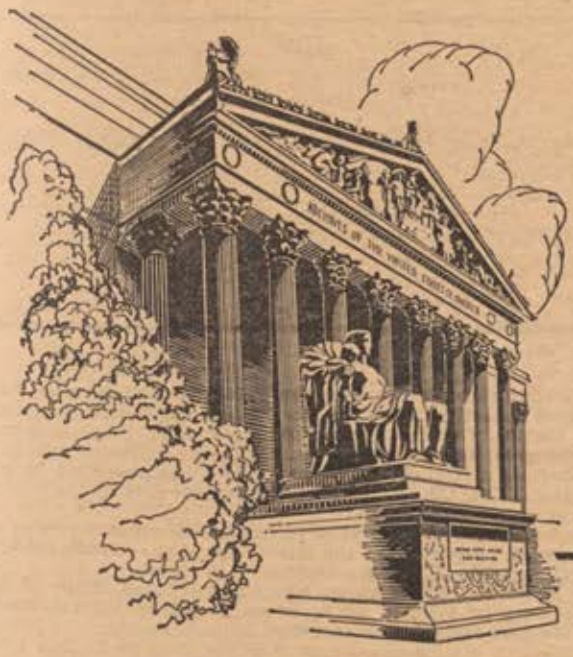

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11260

AMENDING EXECUTIVE ORDER NO. 11185 RELATING TO FACILITATING COORDINATION OF FEDERAL EDUCATION PROGRAMS

WHEREAS there has been created in the Department of Health, Education, and Welfare, under the authority of Section 4(a) of Public Law 89–115, approved August 9, 1965, 79 Stat. 449, the position of "Assistant Secretary (for Education)"; and

WHEREAS it is appropriate that the Assistant Secretary (for Education) perform the function of facilitating the coordination of Federal education programs and be a member, and the chairman, of the Federal Interagency Committee on Education:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 11185[1] of October 16, 1964, entitled "To Facilitate Coordination of Federal Education Programs," be, and it is hereby, amended as follows:

(1) By substituting for the text "Commissioner of Education (hereinafter referred to as the Commissioner)" in Section 1 the following: "Assistant Secretary (for Education) (hereinafter referred to as the Assistant Secretary)".

(2) By substituting for "Commissioner of Education" in the catchline of Section 2 the following: "Assistant Secretary (for Education)".

(3) By substituting for the word "Commissioner" in the first sentence of Section 2 and in Sections 3(c), 3(d), and 4(b) the words "Assistant Secretary".

(4) By substituting for the text "The Committee shall be composed of the Commissioner, who shall be the chairman", in Section 4(c), the following: "The Committee shall be composed of the Assistant Secretary, who shall be the chairman, the Commissioner of Education".

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 11, 1965.

[F.R. Doc. 65-13442; Filed, Dec. 13, 1965; 2:50 p.m.]

[1] 3 CFR 1964 Supp., p. 201; 29 F.R. 14399.

Executive Order 11261

AMENDING EXECUTIVE ORDER NO. 10973 OF NOVEMBER 3, 1961, PROVIDING FOR THE ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), and as President of the United States, it is ordered that Executive Order No. 10973 [1] of November 3, 1961, be, and it is hereby, amended by substituting for Section 304 thereof the following:

"SEC. 304. *United States Information Agency.* (a) The United States Information Agency shall perform all public information functions abroad with respect to the foreign-assistance, aid, and development programs of the United States Government.

"(b) There are hereby delegated to the Director of the United States Information Agency the functions conferred upon the President by sections 221 and 222 of the Act to the extent that those functions relate to informational media guaranties authorized by section 1011 of the United States Information and Educational Exchange Act of 1948 (68 Stat. 862), as amended."

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 11, 1965.

[F.R. Doc. 65-13441; Filed, Dec. 13, 1965; 2:50 p.m.]

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[1] 3 CFR 1959-1963 Comp., p. 493; 26 F.R. 10469.

Executive Order 11262

PLACING ADDITIONAL POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by subsection (f) of section 303 of the Government Employees Salary Reform Act of 1964, and as President of the United States, Executive Order No. 11248 of October 10, 1965, as amended, is further amended as follows:

SECTION 1. Section 1 of that Order, placing certain positions in Level IV of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(4) Executive Secretary, President's Commission on Law Enforcement and Administration of Justice.

SEC. 2. Section 2 of that Order, placing certain positions in Level V of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(4) Director, Bureau of Outdoor Recreation, Department of the Interior.

(5) Assistant to the Secretary of Defense (Legislative Affairs).

LYNDON B. JOHNSON

THE WHITE HOUSE,
December 13, 1965.

[F.R. Doc. 65-13465; Filed, Dec. 13, 1965; 4:58 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.1, 444.4, 444.5, 471.1]

PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

Part 310, Subchapter A, Chapter III, Title 6, Code of Federal Regulations (28 F.R. 9937, 29 F.R. 339, 30 F.R. 565), is revised to prescribe new rates and terms available to insured lenders, to include reference to the Rural Housing Insurance Fund and insured section 502 Rural Housing loans, to define "public body," to make other clarifying changes, and to read as follows:

Sec.
310.1 Definitions.
310.2 General.
310.3 Farm Ownership, Labor Housing, Soil and Water, and section 502 Rural Housing loans to applicants other than public bodies.
310.4 Labor Housing and Soil and Water loans to public bodies.
310.5 Senior Citizens Rental Housing loans.
310.6 Loans resold out of the insurance fund.

AUTHORITY: The provisions of this Part 310 issued under sec. 510, 63 Stat. 437, sec. 339, 75 Stat. 318; 42 U.S.C. 1480, 7 U.S.C. 1989; Orders of Sec. of Agr., 29 F.R. 16210, 16840, 30 F.R. 14049. Additional provisions are cited in parentheses following the sections affected.

§ 310.1 Definitions.

As used in this part, the term:

(a) "Fixed period" means the period during which the holder of an insured loan is not entitled to have the loan purchased by the Government.

(b) "Repurchase agreement" means the provision in the insurance endorsement or other agreement by which the Government agrees to purchase the loan from the holder after the expiration of a specified fixed period.

(c) "Annual charge" means the percentage per annum of the unpaid principal balance of the loan which is retained by the Government out of interest payments on such loans as provided in its loan insurance contract with the holder.

(d) "Insurance endorsement" means Form FHA 440-5, "Insurance Endorsement," or other form of insurance endorsement approved by the Farmers Home Administration, which the Government executes at the time it insures the loan.

(e) "Insurance fund" or "the fund" means the Agricultural Credit Insurance Fund made available under section 309 (a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929(a)), or the Rural Housing Insurance Fund made available under section 517(e) of the Housing Act of 1949 (42 U.S.C. 1487(e)), for the discharge of obligations of the Farmers Home Administration under its insurance endorsements.

(f) "Public body" means a State, Territory, or a possession of the United States, or any political subdivision of such State, Territory, or possession, including districts and divisions thereof, when the interest income derived from obligations issued by such State, Territory, possession or political subdivision, is exempt from Federal income taxation.

(g) "Farm Ownership loan" means a Farm Ownership loan insured under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.).

(h) "Soil and Water loan" means a Soil and Water loan insured under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921 et seq.).

(i) "Labor Housing loan" means a Domestic Farm Labor Housing loan insured under section 514 of the Housing Act of 1949 (42 U.S.C. 1484) or under section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)).

(j) "Senior Citizens Rental Housing loan" means a Senior Citizens Rental Housing loan insured under section 515 (b) of the Housing Act of 1949 (42 U.S.C. 1485(b)) or under section 517(b) of the Housing Act of 1949 (42 U.S.C. 1487(b)).

(k) "Section 502 Rural Housing loan" means a Rural Housing loan insured under section 517(a) of the Housing Act of 1949 (42 U.S.C. 1487(a)).

§ 310.2 General.

(a) Interest rates, annual charges, and lengths of the fixed periods for nonredemption of loans insured by the Farmers Home Administration shall be as prescribed in this Part 310. However, the Administrator of the Farmers Home Administration may, in his discretion, by reason of the condition of the money market generally or in specific instances, or the needs of the program, authorize the insurance of any loan or class of loans with a different rate of interest or annual charge, or a different fixed period, or any combination thereof.

(b) Loans made by lenders other than the United States will be insured at the time of the loan closing. Loans made by the United States out of the insurance fund will be sold to lenders singly or in blocks and will be insured at the time of sale.

(c) The annual charge to be retained by the Government will be the difference, if any, between the per annum interest rate to the lender on the unpaid balance of the loan and the per annum interest rate to the borrower on the unpaid balance of the loan. Such annual charge, if any, will be specified in the insurance endorsement.

§ 310.3 Farm Ownership, Labor Housing, Soil and Water, and section 502 Rural Housing loans to applicants other than public bodies.

(a) For Farm Ownership, Labor Housing, and Soil and Water loans made to applicants other than public bodies, the interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan.

(b) For section 502 Rural Housing loans, the interest rate will be 5 percent to the borrower whose family income is low or moderate, or 5¾ percent to the borrower whose family income is above moderate.

(c) The interest rate to the lender will be either 4¾ percent with a 5-year repurchase agreement, or at the lender's option, 5 percent with a 25-year repurchase agreement.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308, sec. 517, 79 Stat. 498; 42 U.S.C. 1484, 1487, 7 U.S.C. 1927, 1928)

§ 310.4 Labor Housing and Soil and Water loans to public bodies.

For Labor Housing and Soil and Water loans made to public bodies, the interest rate to the lender will be determined by bid. The interest rate to the borrower will be the rate to the lender plus one percent if the rate to the lender is 3 percent or less, or 4 percent if the rate to lender is more than 3 percent but not more than 4 percent. The length of the fixed period will be 5 years.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308, sec. 517(b) 79 Stat. 498; 42 U.S.C. 1484, 1487(b), 7 U.S.C. 1927, 1928)

§ 310.5 Senior Citizens Rental Housing loans.

For Senior Citizens Rental Housing loans, the interest rate to the borrower will be 5¾ percent. The rate to the lender, the annual charge and length of fixed period will be determined by negotiation between the Farmers Home Administration and the buyer.

(Sec. 515(b), 76 Stat. 671, sec. 517(b), 79 Stat. 498; 42 U.S.C. 1485(b), 1487(b))

§ 310.6 Loans resold out of the insurance fund.

Loans previously insured and purchased by the fund may be resold to lenders singly or in blocks and will be reinsured at the time of sale. The interest rate to the lender and the length of the fixed period will be determined by negotiation between the Farmers Home Administration and the buyer. The fixed

period will begin on the date of the Government's reinsurance agreement.

(Sec. 514, 75 Stat. 186, secs. 308, 309, 75 Stat. 308, 309, sec. 515(b), 76 Stat. 671, sec. 517, 79 Stat. 498; 42 U.S.C. 1484, 1485(b), 1487, 7 U.S.C. 1928, 1929)

This order is effective as of November 8, 1965.

Dated: December 10, 1965.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 65-13333; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. 4]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

The regulations for the operation of the National School Lunch Program (28 F.R. 1247) as amended (28 F.R. 1415, 11531, 29 F.R. 311, 14619) are hereby amended as follows:

1. Paragraph (b) of § 210.1 *General purpose and scope* is amended to read as follows:

§ 210.1 General purpose and scope.

* * * * *

(b) The Act authorizes the apportionment of funds to the States for (1) general food assistance, (2) special food assistance, and (3) nonfood assistance, and also authorizes donations of agricultural commodities and other foods acquired by the Department. This part announces the policies and prescribes the regulations with respect to the operation of the general cash-for-food assistance and the special cash-for-food assistance phases of the program (i.e., subparagraphs (1) and (2) of this paragraph) conducted under the National School Lunch Act.

2. Paragraphs (f) and (h) of § 210.2 *Definitions* are amended as follows:

§ 210.2 Definitions.

* * * * *

(f) "FDAO" means Food Distribution Area Office(s), Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

* * * * *

(h) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

* * * * *

3. Section 210.4 *Apportionment of funds to States* is amended to read as follows:

§ 210.4 Apportionment of funds to States.

(a) Any Federal funds made available for general cash-for-food assistance shall be apportioned among the States in accordance with section 4 of the Act on the basis of two factors: (1) The participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, by determining an index for the State by multiplying factors (1) and (2) of this paragraph; second, by dividing this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, by applying the figure thus obtained to the total funds to be apportioned.

(b) For the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa for general cash-for-food assistance shall be $25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.

(c) If any State cannot utilize all the funds apportioned to it for general cash-for-food assistance, or if additional funds are made available under section 3 of the Act for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

(d) A share of the general cash-for-food assistance funds apportioned to any State shall be withheld by C&MS for the nonprofit private schools of that State, if the State Agency does not administer the Program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the general cash-for-food assistance funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

(e) Three percent of any Federal funds made available for special cash-for-food assistance under section 11 of the Act for any fiscal year shall be apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa. The apportionment to each of those States shall be in an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with § 210.9 in those States in the preceding fiscal year bears to the total number of free or reduced-price lunches so served in all those States in the preceding fiscal year. Of the remaining amount made available for special cash-for-food assistance under section 11 of the Act for any fiscal year, not less than 50 percent shall be apportioned among the States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of two factors, (1) the number of free or reduced-price lunches served in accordance with § 210.9 in the preceding fiscal year and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2) of this paragraph; second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned to a State under section 11 of the Act which cannot be used for special cash-for-food assistance together with the remainder of the funds available under section 11 shall be further apportioned on the same basis as the initial apportionment to such States which justify the need for additional funds on the basis of operating experience.

(f) A share of the special cash-for-food assistance funds apportioned to any State shall be withheld by C&MS for the nonprofit private schools of that State, if the State Agency does not administer the Program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the special cash-for-food assistance funds apportioned to the State as the number of free and reduced-price lunches served in accordance with § 210.9 in the preceding fiscal year by all nonprofit private schools participating in the Program in the State bears to the number of free and reduced-price lunches so served during the year by all schools participating in the Program in the State.

4. Section 210.5 *Payments to States* is amended by adding the following paragraph:

§ 210.5 Payments to States.

* * * * *

(b) The special cash-for-food assistance funds apportioned to any State Agency for any fiscal year shall be made available in accordance with the method set forth in this section for general cash-for-food assistance, and to the extent practicable shall be in accordance with the same schedules.

* * * * *

5. Section 210.6 *Matching of funds* is amended by adding the following paragraph:

§ 210.6 Matching of funds.

* * * * *

(f) Notwithstanding the provisions of the foregoing paragraphs of this section, no matching of funds shall be required with respect to special cash-for-food assistance.

6. Paragraph (c) of § 210.8 *Requirements for participation* is amended to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(c) Selection of schools for participation in the Program shall be in accordance with the following:

(1) Schools shall be selected for participation in the general cash-for-food assistance phase of the Program on the basis of need and attendance.

(2) Schools shall be selected for participation in the special cash-for-food assistance phase of the Program on the basis of the following factors: (i) The economic condition of the area from which such schools draw attendance; (ii) the needs of pupils in such schools for free and reduced-price lunches; (iii) the percentage of free and reduced-price lunches being served in such schools to their pupils; (iv) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act and (v) the need of such schools for additional assistance as reflected by the financial position of the school lunch program in such schools. (For the purposes of subdivision (v) of this subparagraph the need for additional assistance shall mean the need for reimbursement at rates above nine cents per Type A lunch.) The need for special assistance out of section 11 funds shall be reviewed annually.

(3) In no event shall any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service.

* * * * *

7. Paragraph (a) of § 210.10 *Reimbursement payments* is amended to read as follows:

§ 210.10 Reimbursement payments.

(a) Reimbursement shall be paid only in connection with lunches meeting the requirements of § 210.9. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, execept that not to exceed 7 cents may be paid if the Type A lunch does not include milk; and the maximum rate of reimbursement shall be 2 cents for a Type C lunch: *Provided, however,* That State Agencies, or FDAO where applicable, are authorized to reimburse from general cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have a high proportion of children unable to pay for their lunches and for which it is determined that additional financial assistance is needed in order that they can meet program requirements; and State Agencies, or FDAO where applicable, are authorized to reimburse from special cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have been selected for participation on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free and reduced-price lunches; (3) the percentage of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools. In the event the funds made available under section 11 of the Act are insufficient to reimburse schools participating in the special cash-for-food assistance phase of the Program for the entire school year, general cash-for-food assistance funds may be used to reimburse claims of such schools for the latter part of the school year.

* * * * *

8. Section 210.16 *Administrative analyses and audits* is amended by adding the following:

§ 210.16 Administrative analyses and audits.

* * * In making administrative analyses or audits for any fiscal year, the State Agency, and OIG in connection with audits of operations under the administration of a State Agency, may disregard any overpayment which does not exceed $5.00 or does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

This amendment shall be effective upon filing with the Office of the Federal Register.

Approved: December 9, 1965.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13372; Filed, Dec. 14, 1965; 8:47 a.m.]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Initial Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1966

Pursuant to section 11 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1966, are apportioned among the States as follows:

State	Initial apportionment	State agency	Withheld for private schools
Alabama	$29,090	$28,460	$630
Alaska	3,725	3,725	
Arizona	12,797	10,681	2,116
Arkansas	18,664	17,799	865
California	20,196	20,196	
Colorado	5,738	4,727	1,011
Connecticut	2,456	2,456	
Delaware	496	490	6
District of Columbia	6,020	6,020	
Florida	39,925	38,510	1,415
Georgia	42,981	42,981	
Guam	141	77	64
Hawaii	3,063	1,498	1,565
Idaho	1,421	1,231	190
Illinois	10,975	10,975	
Indiana	8,007	8,007	
Iowa	7,021	4,976	2,045
Kansas	3,204	3,204	
Kentucky	52,085	52,085	
Louisiana	59,802	59,802	
Maine	5,710	4,141	1,569
Maryland	5,491	3,698	1,793
Massachusetts	12,799	12,799	
Michigan	14,206	10,526	3,680
Minnesota	9,634	7,233	2,401
Mississippi	28,744	28,744	
Missouri	12,505	12,505	
Montana	3,689	2,945	744
Nebraska	5,683	3,662	2,021
Nevada	698	693	5
New Hampshire	2,066	2,066	
New Jersey	7,708	3,819	3,889
New Mexico	14,795	14,795	
New York	196,724	196,724	
North Carolina	37,437	37,437	
North Dakota	3,341	2,223	1,118
Ohio	26,212	19,950	6,262
Oklahoma	17,280	17,280	
Oregon	2,202	2,202	
Pennsylvania	36,931	24,282	12,649
Puerto Rico	57,740	57,740	
Rhode Island	271	271	
South Carolina	38,173	36,969	1,204
South Dakota	5,345	5,345	
Tennessee	49,426	48,613	813
Texas	39,420	36,484	2,936
Utah	5,378	5,321	57
Vermont	1,728	1,728	
Virginia	19,600	18,913	687
Virgin Islands	1,656	1,656	
Washington	5,618	4,622	996
West Virginia	23,016	22,547	469
Wisconsin	10,045	5,853	4,192
Wyoming	459	459	
American Samoa	463	463	
Total	1,030,000	972,608	57,392

(Secs. 2-12, 60 Stat. 230-233, as amended, 76 Stat. 944; 42 U.S.C. 1751-1760)

Dated: December 9, 1965.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 65-13373; Filed, Dec. 14, 1965; 8:45 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1966 Crop

Sec.
850.168 Definitions.
850.169 National acreage requirement, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.
850.170 Administration of proportionate share program.

Sec.

850.171 Subdivision of State acreage allocation.
850.172 Requests for shares.
850.173 Set-aside acreage for new producers and students, appeals and adjustments.
850.174 Establishment of farm bases.
850.175 Eminent domain.
850.176 Establishment of initial shares for old-producer farms.
850.177 Adjustments.
850.178 Establishment of shares for old-producer farms.
850.179 Establishment of shares for reserve acreage farms.
850.180 Establishment of shares for new-producer farms.
850.181 Distribution of unused acreages.
850.182 Notification of shares and right of appeal.
850.183 Notification of excess sugarbeet acreage.
850.184 Redetermination of shares for reconstituted farms.
850.185 Erroneous notice of 1966 share or of excess acreage.
850.186 Eligibility for payment under the Act.
850.187 Shares for farms from acreage allocated for single nonaffiliated factories.

AUTHORITY: §§ 850.168 to 850.187 issued pursuant to sec. 302 of the Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132; P.L. 89-331).

§ 850.168 Definitions.

(a) "Act", "Secretary", "Deputy Administrator", "State Committee", "County Committee", "Producer" and "Operator" shall have the meaning set forth in Part 891 of this chapter.

(b) "DASCO" means Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Old-producer farm" means a farm for which a 1966-crop farm base is established pursuant to § 850.174.

(d) "New-producer farm" means a farm, other than a reserve acreage farm, for which a 1966-crop farm base may not be established pursuant to the provisions of § 850.174.

(e) "Accredited acreage" for any crop year means the acreage of sugarbeets within farm proportionate shares, when applicable, which was either harvested for the extraction of sugar or liquid sugar as determined by the county committee or was determined by a member of the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of § 842.2 of this chapter as shown by the county office records, including any prevented acreage approved for the farm or recorded for the proportionate share area, as the case may be, in accordance with the limitations on the prevented acreage history credit that may be approved pursuant to Part 849 of this chapter, but excluding any acreage used within the acreage committed to a farm pursuant to Part 851 of this chapter, except acreage committed to the Mendota, Calif., locality.

(f) "Reserve acreage" means the acreage committed to a locality in a State and to a farm or farm operator pursuant to Part 851 of this chapter, except acreage committed to the Mendota, Calif., locality.

(g) "Reserve acreage farm" means any farm or farm operator in a personal history area receiving a commitment of acreage for the 1966-crop year from acreage allocated in paragraph (b) of § 850.169. Such commitment shall be not more than the amount of reserve acreage for the crop committed to the farm pursuant to Part 851 of this chapter. For the purposes of this section, a reserve acreage farm in a farm history area shall be entitled to the accredited acreage record, if any, accruing to such farm in excess of the reserve acreage for the crop committed to such farm pursuant to Part 851 of this chapter.

(h) "Base period" means the 1962, 1963, and 1964 crop years, except that the base period for any farm in the Mendota, Calif., locality to which a commitment was made pursuant to Part 851 of this chapter shall be 1963, 1964, and 1965. The accredited acreage record of farms on which sugarbeets were planted pursuant to a commitment of acreage during the period 1963–65 will be used in lieu of the accredited acreage on such farms in the period 1962–64 for purposes of allotting the State acreage allocations to the allotment areas in California.

(i) "Personal history area" means any State or substantial portion thereof in which the personal sugarbeet production history of farm operators was used generally prior to 1962 in establishing shares or where shares were not established prior to 1962 and the State Committee is authorized by DASCO to use personal history.

(j) "Farm history area" means any area which is not a personal history area.

(k) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(l) "1965 formula" means the formula, including the adjustment factor, that was applied to the accredited acreage record of the farm (or farm operator in a personal history area) to determine the 1965 initial share for the farm (or farm operator in a personal history area).

(m) "The 1965 share" means the share initially established for the 1965 farm and for which notice was first given the producer, and includes any adjustment granted under an appeal pursuant to Part 780 of this title.

§ 850.169 National acreage requirement, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.

(a) *National acreage requirement.* A requirement of 1,435,000 acres is hereby established for the 1966 crop of sugarbeets. The acreages shown in paragraphs (b), (c), and (d) of this section are reserved from the foregoing requirement and are allocated as provided in such paragraphs.

(b) *Proportionate share acreages for reserve localities.*

Locality	Acres
Hereford, Tex.:	
Castro, Deaf Smith, and Parmer Counties	[1] 22,230
Curry County, N. Mex.	[2] 2,500
Ottawa, Ohio:	
Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Putnam, and Van Wert Counties	2,415
Idaho Falls, Idaho:	
Bannock, Bingham, Bonneville, Fremont, Jefferson, Madison and Power Counties	8,140
Carrollton-Croswell:	
Michigan (counties of east central Mich.)	4,030
Drayton, N. Dak.:	
Kittson and Marshall Counties, Minn	[2] 12,205
Pembina and Walsh Counties, N. Dak.	[2] 18,795
Drayton locality: total	31,000
Auburn, N.Y.:	
Cayuga, Onandaga, Ontario, Oswego, Seneca, Tompkins, Wayne and Yates Counties	29,500
Phoenix, Ariz.:	
Any county	20,000
Easton, Maine:	
Aroostook County	33,000
Total	152,815

[1] Texas.
[2] New Mexico.
[3] Approximate.

While the commitments of acreage to the foregoing localities pursuant to Part 851 of this chapter specifically enumerated the counties named above, the processor is not precluded from contracting with farms in other counties if such action is necessary to utilize the acreage committed to the locality on the best qualified farms.

(c) *Proportionate share acreages for single plant localities.* To provide any nonaffiliated single plant processor of sugarbeets with an estimated quantity of sugar for marketing of not to exceed 25,000 short tons of sugar, raw value, the following acreage is hereby allocated:

Locality	Acres
The National Sugar Manufacturing Co.:	
Colorado	1,250
Kansas	2,525
Buckeye Sugars, Inc.:	
Ohio	350

The foregoing acreage allocation, hereinafter referred to as "single plant reserve," is in addition to the allotments that may be made to the respective company areas as the result of the subdivision of the State acreage allocations pursuant to § 850.171. Individual farm proportionate shares from the acreage made available pursuant to this section shall be established pursuant to § 850.187.

(d) *Contingency acreage.* Contingency acreage of 1,000 acres is reserved for use by DASCO and may be allocated by him to States to provide acreage otherwise unavailable for increases in shares granted by DASCO on the basis of appeals made to him in accordance

with Part 780 of this title, and for the purpose of rectifying misapplications of these regulations or errors in establishing shares and to provide acreage for other contingencies, the meeting of which are deemed necessary to carry out the objectives of the Act.

(e) *State acreage allocations.* After deducting the acreage as heretofore provided in this section, the balance of the national acreage requirement totaling 1,277,060 is allocated to States as follows:

State	Acres	State	Acres
California	321,945	North Dakota	48,923
Colorado	175,383	Ohio	29,622
Idaho	152,723	Oregon	19,970
Illinois	1,069	South Dakota	10,560
Indiana	57	Texas	6,124
Iowa	3,667	Utah	34,025
Kansas	20,629	Washington	56,312
Michigan	77,862	Wyoming	57,605
Minnesota	113,009		
Montana	63,651		
Nebraska	81,520		
Nevada	2,309		
New Mexico	95		

(f) *Shares for old growers with history in the closed factory district of Nebraska.* Subject to the limitations of available unused acreage from the allotment to the American Crystal Area of Nebraska for the 1966 crop, the State Committee for Nebraska shall take appropriate action to cause the establishment of shares for producers who are forced to discontinue sugarbeet production in such area because of the closing of the beet sugar factory serving the area and who undertake to continue sugarbeet production in another area of the State.

(1) *Action by the State Committee for Nebraska.* The State Committee shall compute a new-producer share for each such producer by applying the 1965 formula used in establishing old-producer shares in the American Crystal Area of Nebraska to the sugarbeet production record in the base period of the land formerly operated by such producer, the personal production record of the operator in the base period, or combination thereof.

(2) *Limitation.* The acreage to be used to establish such new-producer shares for producers who move from the American Crystal allotment area of Nebraska to another area in that State will be limited to the amount of acreage which the Nebraska State Committee determines will not be used for the production of sugarbeets for sugar in the American Crystal allotment area and reduces the allotment to such area by such amount: *Provided*, That any such acreage shall be reduced by the amount of the share, if any, that is permitted to be established pursuant to this Part 850 on the basis of the past production records of the farm such producer will operate in 1966.

§ 850.170 Administration of proportionate share program.

(a) *State Committee responsibilities.* The State Committee shall be responsible for establishing farm shares in accordance with the provisions of this Part 850. In carrying out the program, the committee may obtain recommendations from individual growers, grower organizations, processors and other interested persons at a meeting or meetings to be held by the committee.

(b) *Basic determinations.* The State Committee shall formulate in written form the following determinations:

(1) The subdivision of the State into allotment areas, where applicable.

(2) Level of the set-asides for new producers.

(3) Level of each of the set-asides for appeals and adjustments.

(4) The level of minimum small-producer shares, if determined by the State Committee.

(5) The minimum acreage which the committee determines is economically feasible to plant as a new-producer share and the method of distributing such new-producer shares.

(6) Date beyond which sugarbeets are not normally seeded in allotment areas of State.

(c) *Review by DASCO.* Determinations shall be reviewed by DASCO for conformity with the provisions of this Part 850, shall be subject to the approval of DASCO and shall be available for public inspection in State and county offices. The determinations for each State shall be effective when published in the FEDERAL REGISTER.

§ 850.171 Subdivision of State acreage allocation.

(a) *Allotment areas.* Before establishing shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as the territory served by a beet sugar company, a county or a group of counties.

(b) *Formula.* In making such a subdivision, the State committee shall apply the same formula that was used to establish 1965 crop year area allotments except that in the Mendota, Calif., locality, the formula will be applied to the 1963, 1964, and 1965 accredited acreages. A formula will not be applied to acreage commitments remaining in effect from the National Sugarbeet Acreage Reserve.

(c) *State not subdivided.* If the State acreage allocation is not subdivided, shares will be established directly from such allocation and the State shall be deemed to be one allotment area.

§ 850.172 Requests for shares.

(a) *Filing requests by operator.* Except as provided in paragraph (b) of this section, the operator of a farm for the 1966-crop desiring a share, shall file a written request therefor with the local Agricultural Stabilization and Conservation Service County Office on or before the effective closing date shown in paragraph (f) of this section. In the case of a joint operation, the request for a share shall be made in the names of all such persons by the person (or persons) who bears the major portion of the opportunity of gain or risk of loss. A request for a share with respect to a farm to be operated by a corporation, association or partnership shall be made in the name of the corporation, association or partnership.

(b) *Request filed by persons other than farm operator.* An owner in a farm history area when the operator of his 1966 farm is not known, or in a personal history area a person having an accredited acreage record who does not know what area his 1966 farm will comprise prior to the closing date for filing requests, who desires a share for his farm or prospective farm may file the request required in paragraph (a) of this section. In a personal history area such a request will be considered as a preliminary request.

(c) *Information required.* Except as provided in paragraph (b) of this section, each request shall specify the location of the land, the identity of the farm, and shall include a statement that the person (or persons) signing the request will be the operator of the farm at the time of planting 1966-crop sugarbeets thereon, that he (or they) plan to continue as operator of the farm throughout the 1966-crop season and that he (or they) will promptly notify the county committee of any changes in operations of the farm made during the season. The name of the owner or lessor of the land comprising the farm, if different from the operator thereof, shall also be stated on the request.

(d) *Obtaining request forms.* A request form may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests.

(e) *Effective closing dates.*

State	Closing date
Arizona	May 25, 1966
California:	
Northern area	Dec. 17, 1965
Southern area	Mar. 25, 1966
Colorado	Jan. 28, 1966
Idaho	Jan. 14, 1966
Illinois	Mar. 18, 1966
Indiana	Feb. 11, 1966
Iowa	Feb. 25, 1966
Kansas	Jan. 28, 1966
Maine	Mar. 11, 1966
Michigan	Feb. 11, 1966
Minnesota	Jan. 31, 1966
Montana	Jan. 14, 1966
Nebraska	Jan. 28, 1966
Nevada	Feb. 11, 1966
New Mexico	Feb. 1, 1966
New York	Mar. 11, 1966
North Dakota	Jan. 31, 1966
Ohio	Feb. 11, 1966
Oregon	Jan. 14, 1966
South Dakota	Feb. 11, 1966
Texas	Jan. 21, 1966
Utah	Jan. 28, 1966
Washington	Jan. 7, 1966
Wyoming	Jan. 14, 1966

(f) *Exceptions to closing date.* A request may be accepted after the effective closing date for consideration with respect to available acreage, if the State committee determines that the person desiring a share was prevented from filing by such date due to illness or other reason beyond his control. If, after the expiration of a reasonable time for the acceptance of requests generally following the closing date, the total acreage planted in any State does not exceed the allocation for the State, the proportion-

ate shares for both old and new-producer farms in such State may be revised by the State committee so as to coincide with the planted acreages, except that if the county or State committee determines for a farm that the acreage has not been timely reported in accordance with paragraph (e) of § 850.186, as required under Part 817 of this chapter, or was knowingly incorrectly reported by the farm operator and either such committee determines that the planted acres exceed the proportionate share for the farm, a proportionate share shall not be established to coincide with the planted acreage.

§ 850.173 Set-aside acreage for new producers and students, appeals and adjustments.

(a) *New producers and students.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for new-producer farm shares and for farms operated by students on test plots under accredited agricultural educational programs, except that if the minimum acreage for a new-producer share, as determined pursuant to § 850.170, is in excess of the minimum acreage required to be set aside pursuant to this paragraph, such set-aside will not be required.

(b) *Appeals and adjustments.* Not less than one-half of 1 percent of the State acreage allocation shall be set aside for making adjustments in initial shares as provided in § 850.177 and for adjustments under § 850.180(d) and not less than one-half of 1 percent for making adjustments pursuant to written appeals filed pursuant to Part 780 of this title.

§ 850.174 Establishment of farm bases.

(a) *General.* A farm base shall be determined by the State Committee for each farm (except a reserve acreage farm without an accredited acreage record in the base period, or in 1965, and a 1966 crop new-producer farm) for which a request for a 1966-crop proportionate share is filed pursuant to § 850.172.

(b) *Farm history area—(1) 1966 farm same as 1965 farm.* The 1966-crop farm base for any farm which is constituted the same as for the 1965 crop shall be the 1965-crop share initially established for such farm as adjusted by appeal.

(2) *Reconstituted farms.* The 1966-crop farm base for any farm which is constituted differently than for the 1965 crop shall be determined by applying the 1965-crop formula to the accredited acreage record of such reconstituted farm during the base period.

(3) *Share not established for 1965.* The 1966-crop farm base for a farm with an accredited acreage record in the base period but for which a 1965 share was not established shall be determined in the manner provided in subparagraph (2) of this paragraph.

(c) *Personal history area—(1) 1966 farm same as 1965 farm.* The 1966-crop farm base for any farm which is constituted the same as for the 1965 crop and which is operated by the same person who operated the 1965 farm, shall be the 1965-crop share initially established for such farm as adjusted by appeal.

(2) *Reconstituted farms.* The 1966-crop farm base for any farm which is constituted differently than the operator's 1965 farm shall be determined by applying the 1965-crop formula to the accredited acreage record, except that in the Mendota, Calif., locality by applying the 1965-crop formula to the 1963, 1964, and 1965-crop acreage records.

(3) *Share not established for 1965.* The 1966-crop farm base for a farm operated by a person with an accredited acreage record during the base period but who did not operate a sugarbeet farm in 1965 shall be determined in the manner provided in subparagraph (2) of this paragraph.

(4) *Death, retirement, or incapacity.* In case of death, retirement, or incapacity of an operator having a personal sugarbeet production record during the base period or for whom a new-producer share was established for the 1965 crop, such record and the 1966 farm base which was or could have been established for him pursuant to this section shall accrue to the legal representative of his estate or to a member of his family, if in the 1966-crop year, such legal representative or family member continues the customary sugarbeet operations of the retired, deceased or incapacitated operator.

(5) *Corporations.* In case of the merger or consolidation of two or more corporations for the 1966 crop, the accredited sugarbeet acreage record of any of the constituent corporations shall be credited to the surviving or consolidated corporation if the survivor or consolidated corporations operate land and produce sugarbeets. The farm base in such case shall be the sum of the 1965 shares initially established for the predecessor corporations. The personal sugarbeet production records of individuals or of a partnership forming a corporation may not be credited to such corporation. Upon the dissolution of a corporation, no personal history credits of the corporation shall be transferred to individuals.

(6) *Initiation of joint operation.* Where a person having a personal accredited acreage record during the base period, in an area where such records are used, and another person or persons initiate a joint operation of a farm for the production of the 1966-crop of sugarbeets by a partnership, sharing arrangement or other form of joint enterprise, the farm base shall be established by applying the 1965 formula to an acreage not exceeding the landowner's share of the sugarbeet crops included in the accredited acreage record for the farm during the base period, unless the county committee determines, and a representative of the State committee concurs, that such joint enterprise is conducted exclusively by the immediate members of a family, or that under such joint enterprise the person or persons having the accredited acreage record during the base period share in the control and direction of the sugarbeet operations and bear the major portion of the risk of financial loss or opportunity of financial gain resulting from such operations. If, as aforesaid, the county committee determines and a representative of the State committee concurs that such joint operation of the farm is a family operation or that the person or persons having the accredited acreage record during the base period will share in the control and direction of the sugarbeet operations and bear a major portion of the risk of financial loss or opportunity of gain resulting from such operations, the base for such farm shall be established in accordance with this paragraph (c) and in such case, if more than one person farming the combined operation has a personal accredited acreage record for 1965, the 1966-farm base shall be the sum of the 1965 shares initially established for the 1965 farms operated by these persons.

(7) *Dissolving of partnership.* If a partnership was dissolved prior to the planting of the 1966 crop the accredited acreage record of the partnership shall be credited to the individuals who were members of the partnership, pro rata, on the basis of their respective contributions to such partnership at the time it was formed, or if such dissolved partnership was in existence for at least 3 years, the accredited acreage record of the partnership may be credited to each of the former partners in accordance with a written agreement signed by all of the former partners or their legal representatives. The 1966 farm bases shall be established for the farms operated by the persons credited with such records by applying the 1965 formula to the accredited acreage record for the base period.

(d) *Reserve acreage farms with accredited acreage records.* The 1966 farm base shall equal that portion of the 1965 share initially established for such farm, as adjusted by appeal, based on the accredited acreage record of such farm in the base period. Such farm base shall be computed pursuant to the applicable paragraphs of this section. A farm base will not be established for that portion of the acreage utilized on the farm in previous years under the commitment of reserve acreage.

§ 850.175 Eminent domain.

The share established or which would have been established pursuant to § 850.178 or § 850.179 for any land removed from sugarbeet production by acquisition after the 1962 crop year by a Federal, State or other agency or entity entitled to exercise the right of eminent domain, shall, upon application to the State Committee, be added to the 1966 share, if any, established pursuant to this section for other land within the State owned by the owner of the land so removed. If the removed land did not have a sugarbeet production record in any of the years after the 1962-crop year because of its acquisition, the State Committee shall consider that sugarbeet production would have continued during any one or more of such years on such land except for its acquisition, at the same level as the last year sugarbeets were

produced on the land and on such basis shall determine the share that would have been established for the removed land pursuant to § 850.178.

§ 850.176 Establishment of initial shares for old-producer farms.

(a) *Limitation.* No initial share shall be established for a farm in excess of the requested acreage for such farm.

(b) *Farm bases equal to or smaller than area allotment.* In any allotment area in which the total of farm bases is equal to or smaller than the area allotment less the set-asides of acreage made pursuant to § 850.173, initial shares for farms for which the respective requested acreages are equal to or less than their farm bases shall coincide with the requested acreages and the initial shares for other farms shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases.

(c) *Farm bases exceed area allotment.* In any allotment area in which the total of farm bases exceed the area allotment less the set-asides of acreage made pursuant to § 850.173, initial shares shall be computed by prorating the area allotment less such set-asides to the farms in accordance with their respective bases.

§ 850.177 Adjustments.

Initial shares shall be adjusted by the State Committee, within acreage set aside for adjustments plus any acreage available in excess of initial shares, to the extent determined by it to be necessary to establish a share for each farm which is fair and equitable, as compared with all other farms in the allotment area, by taking into consideration (a) increased 1965-crop plantings because of acreages unused by other growers, (b) availability and suitability of land, (c) area of available fields, (d) crop rotation practices, (e) availability of irrigation water (where irrigation is used), (f) adequacy of drainage, (g) availability of production and marketing facilities and (h) the production experience of the operator.

§ 850.178 Establishment of shares for old-producer farms.

(a) *Initially established share.* The 1966 share for any farm, other than a reserve acreage farm, shall be the initial share determined pursuant to § 850.176 plus the adjustment, if any, made pursuant to § 850.177.

(b) *Tentative share in a personal history area only.* The State Committee shall establish a tentative share pursuant to a request filed by a prospective operator of a farm pursuant to paragraph (b) of § 850.172, pending the filing of a completed request for a share in full detail within 60 days following such closing date or such later date established as provided in § 850.172. The computation of a tentative share shall not constitute the establishment of a share, but will serve simply as a representation that a share may be established upon the filing of a fully completed request for a share in the time and manner as provided in this paragraph (b).

(c) *Subdivided farms.* In any allotment area wherein the State Committee has established a minimum proportionate share for small producers, any farm operated in 1965 and prior years under a joint operation as a single unit shall not have a minimum 1966 share established for each unit if the 1965 farm is subdivided in 1966 and each subdivision will be operated individually by the operators of the jointly operated 1965 farm, unless the county committee determines that the operator of such a subdivision bears all of the operator's share of the risk of financial loss or the opportunity for financial gain on the separate operation.

§ 850.179 Establishment of shares for reserve acreage farms.

(a) *Reserve acreage farms having accredited acreage records.* The 1966 share for a reserve acreage farm having an accredited acreage record during the base period shall be the sum of the initial share determined pursuant to § 850.176 plus the adjustment, if any, made pursuant to § 850.177 and plus the acreage determined pursuant to paragraph (b) of this section.

(b) *Reserve acreage farms.* The 1966 share for a reserve acreage farm other than one for which a share is established pursuant to paragraph (a) of this section shall be the larger of the reserve acreage utilized on the farm for the 1965 crop year or the 1966-crop acreage contracted by the processor from the reserve acreage allocated to localities pursuant to § 850.169(b), but not greater than the acreage limitation specified in such Part 851 of this chapter from allocations of acreage to farms in the locality: *Provided, however,* That the State Committee determines that the operators with whom the processor contracted for acreage from the acreage commitment, pursuant to the allocation established under § 850.169(b), were selected by the processor on a fair and reasonable basis in consideration of the availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the prospective beet growers' records as farmers and the location of the land in relation to the new or expanded facility with respect to which the commitment of acreage was made to the locality. If this determination cannot be made, shares shall be established by the State Committee from the acreage allocated under § 850.169(b) within the limitations provided in Part 851 of this chapter on the basis of the aforesaid considerations.

§ 850.180 Establishment of shares for new-producer farms.

(a) *Limitation on establishment of new-producer shares.* The acreage to be used in establishing shares for new-producer farms shall be that set aside pursuant to § 850.173 and any other unused acreage that the State Committee determines shall be used for that purpose. Except for educational student test plots, a new-producer farm share may not be established for a 1966 farm having an accredited acreage history in the base period or if the 1966 farm is comprised of land that was part or parts of a farm or farms that had an accredited acreage history in the base period even though such part or parts do not have an accredited acreage history. A new-producer share shall not exceed the requested acreage.

(b) *Distribution of new-producer shares.* The State Committee shall determine and specify in the standards and procedures published in the FEDERAL REGISTER the minimum acreage which is economically feasible to plant as a new-producer share. The State Committee shall also determine whether distribution of acreage will be made on the basis of the entire State, allotment areas, or on the basis of counties or groups of counties within the allotment areas. If distribution is made on the basis of counties or groups of counties, such distribution shall be made in multiples of the minimum economic unit of acreage determined above (rounding fractions) on the basis of the 1966-crop farm bases of old-producer farms within such counties or groups of counties or on such other basis as is approved by DASCO and set forth in the standards and procedures published in the FEDERAL REGISTER.

(c) *Basis of rating new-producer requests.* Shares shall first be established for such farms as the State Committee determines are being operated by students as educational test plots. Thereafter, shares shall be established for other farms which are to be operated by new producers during the 1966-crop year. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, the State Committee (or such county committees as are designated by the State Committee in its standards and procedures to rate qualifications of applicants within the county or group of counties subject to review by the State committee), shall rate each request as outstanding, well-qualified or less qualified by taking into consideration (1) the availability and suitability of land, (2) availability of irrigation water (where irrigation is used), (3) adequacy of drainage, (4) the sugarbeet production experience of the operator and (5) the availability of production and marketing facilities. In considering availability of marketing facilities the combined costs of the producer and the processor for transporting beets from the farm to the nearest sugarbeet factory, within broad rate limits, may be taken into account.

(d) *Priority and method of selection.* To be rated as "outstanding" an applicant must have had significant sugarbeet production experience and must rate at least well-qualified on all other items of consideration. If there is sufficient acreage available, minimum shares shall be established for all farms whose operators are rated outstanding. However, if the State Committee determines that the share established for the farm of any such operator does not fully rec-

ognize the production experience of the operator such share may be adjusted from acreage set aside pursuant to paragraph (b) of § 850.173 to a level commensurate with such experience by taking into consideration the factors enumerated above. If there is not sufficient acreage available for new producers within an allotment area, county or group of counties to establish minimum new-producer shares for all farms whose operators are rated outstanding, minimum shares shall be established for those farms whose operators are rated as outstanding and who are selected by lot.

(1) If, after establishing shares for the farms of operators rated as outstanding, there is new-producer acreage remaining, minimum shares shall be established for the farms of all operators rated as well-qualified. If there is not sufficient acreage to establish minimum shares for all the farms of such operators, minimum shares shall be established for those who are selected by lot.

(2) Each drawing by lot shall be supervised by a representative of the State Committee, or by a representative of the county committee designated by the State Committee if the distribution of new-producer acreage is made by counties or groups of counties. Persons who will be included in the drawing shall be given an advance notice and opportunity to attend. The name (or corresponding numbers) shall be placed in a container and shall be indistinguishable to the person making the draws. Before the drawing the person in charge shall announce how the selections will be made.

(e) *Allotment of new-producer acreage.* All acreage set aside for new producers shall be allotted to those rated as outstanding, and well-qualified, if requested, unless the State Committee finds that new-producer farms would then be allotted shares out of proportion to the shares for old-producer farms and obtains the approval of DASCO to allot a lesser acreage. Any unused new-producer acreage shall be available for distribution to other farms.

§ 850.181 Distribution of unused acreages.

(a) Final date for redistribution of unused acreage: Revisions in shares may be made within the allotment area in accordance with procedures established by the State Committee to offset underplantings and failure to plant including acreage available pursuant to §§ 895.1 through 895.6 of this chapter. Such revision may be made during the crop season, but not later than thirty days prior to the beginning of harvest in the allotment area as determined by the State Committee, except that in the northern allotment area of California such redistribution of acreage shall not be made after October 1, 1966, unless a later date is approved by DASCO. Revision may be effected on a sub-area basis, such as counties, sugar factory districts or sugar company territories.

(b) Unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(c) Reduction in shares: In case of a disagreement between producers and a sugarbeet processor with respect to the sugarbeet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause and that the involved acreages should be reallotted by the State Committee to other producers.

§ 850.182 Notification of shares and right of appeal.

(a) *Notification of share.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the share established in response to his request, even if the acreage established is "none." Such notice shall inform him of his right to appeal under Part 780 of this title and each such farm operator shall be notified in writing of any cancellation or adjustment made in the share as provided in this part.

(b) *Notification of tentative share.* In any case in which a tentative share is computed pursuant to a preliminary request for a share, as provided in § 850.172, the person filing the preliminary request shall be furnished a notice which shall inform him that the acreage stated thereon as a tentative share does not constitute the establishment of a farm share for the purpose of payment under the Act, and that a farm share for such purpose may be established only upon the filing of a fully completed request for a share within the time and in the manner as provided in § 850.172.

(c) *Notification of redetermined share.* The farm operator of each farm for which a share is redetermined shall be notified in writing on behalf of the State Committee of the redetermined share and of the right to appeal therefrom as provided in Part 780 of this title.

§ 850.183 Notification of excess sugarbeet acreage.

If the county committee determines that the acreage of sugarbeets for any farm is in excess of the share established for such farm, written notice of such excess acreage and of the eligibility requirements for payment as set forth in § 850.186 shall be furnished to the operator of such farm.

§ 850.184 Redetermination of shares for reconstituted farms.

For the purpose of this section, the division or combination of a farm or farms and the reconstitution of a farm or farms shall be those which give effect to the definition of a farm set forth in Part 822 of this chapter. Shares will be redetermined under the following circumstances:

(a) *Reserve acreage farms.* The reconstitution of farms receiving commitments from the National Sugarbeet Acreage Reserve and the establishment of proportionate shares for such reconstituted farms shall be made as hereinafter provided:

(1) *Combination of farms having commitments prior to 1966.* If two or more farms that received commitments prior to 1966 are combined for the 1966 crop, the share for such combined farm shall be the sum of the shares determined pursuant to § 850.179 for the individual farms.

(2) *Combination of 1966 reserve acreage farms.* If two or more farms having commitments of acreage for the first time in 1966 are combined before planting 1966 beets, the proportionate shares for such farms shall be cancelled and a new share established by the State Committee, for the combined farm, after the processor in the locality to which the commitment of acreage was made has been notified. Such share will not exceed the maximum acreage limitation for commitments of acreage for the farm in the locality. If two or more farms with commitments of acreage for the first time in 1966 are combined after planting, the share for such combined 1966-crop farm shall be the sum of the shares established pursuant to § 850.179.

(3) *Reserve acreage farm combined with accredited acreage farm.* If a farm that received a commitment of reserve acreage prior to 1966 is combined for the 1966 crop with another farm with an accredited acreage record, the share for such combined farm shall be the sum of the shares established pursuant to §§ 850.178 and 850.179(a) for each form.

(4) *New 1966 reserve acreage farm combined with accredited acreage farm before and after planting.* If, before planting, a farm receiving a commitment of reserve acreage for the first time for the 1966 crop is combined with another farm having an accredited acreage record with the result that the combined farm is ineligible for a commitment of reserve acreage, such commitment shall be cancelled. If such combination occurs after planting, the share for such combined farm shall be the sum of the shares established pursuant to §§ 850.178 and 850.179 and in any such case, a farm base and a farm proportionate share shall be determined for the combined farm in accordance with §§ 850.174, 850.176 and 850.178.

(5) *New 1966 reserve acreage farm combined with 1966 new-producer farm.* If a farm receiving a commitment of reserve acreage for the first time for the 1966 crop is combined with another farm for which a new 1966 producer share was established, such new-producer share shall be cancelled.

(6) *Subdivision of a new 1966 reserve acreage farm before planting.* If a farm, in a farm history area, with a commitment of reserve acreage for the first time in 1966 is subdivided before planting, the share shall remain with the part of the farm for which the processor contracts with the operator of such sub-

divided part. In a personal history area, the share shall remain with the operator to whom the share was originally issued.

(7) *Subdivision of new 1966 reserve acreage farm after planting.* When any such farm is subdivided after planting, the share shall be apportioned pro rata to the subdivisions on the basis of the acreage planted to 1966-crop sugarbeets on each subdivision.

(b) *Non-reserve acreage farms.* The reconstitution of farms not involving reserve acreage and the establishment of proportionate shares for such reconstituted farms shall be made as hereafter provided in this paragraph (b).

(1) *Farm subdivided before planting.* When a farm, as constituted at the time the 1966-crop share is established for it, is subdivided prior to planting time, the share established for such farm shall be cancelled and each subdivision shall be credited with the record of accredited acreage thereon during the base period if available or if not available with its pro rata share of such accredited acreage based upon the percentage that the acreage suitable for the production of sugarbeets in such subdivision is of the total acreage suitable for the production of sugarbeets in the farm of which it was a part. A farm base and a share shall be determined for each reconstituted farm in accordance with §§ 850.174, 850.176 and 850.178, subject to the acreage available.

(2) *Combined before planting.* When two or more old-producer farms are combined prior to planting time, the share or shares established therefor shall be cancelled and a farm base and a share shall be established for such combined farm in accordance with §§ 850.174, 850.176, and 850.178, subject to acreage available.

(3) *Subdivision or combination of new-producer farm.* When a 1966 new-producer share is established for a farm and such farm is subdivided or combined with another farm prior to planting, the share or shares shall be cancelled and farm bases and shares shall be redetermined in accordance with §§ 850.174, 850.176, and 850.178 or § 850.180 subject to acreage available. If a 1966 new-producer farm is subdivided or combined with another farm after planting, but prior to harvest, the share or shares for the combined farm shall be added or if subdivided the shares shall be prorated to the subdivisions on the basis of the sugarbeet acreage planted on each subdivision.

(4) *Combination after planting.* Except as provided in paragraph (c) of this section, when a farm, as constituted at the time a 1966-crop share is established for it is combined with another 1966 farm or part thereof subsequent to planting time, but prior to harvest of the 1966-crop beets, the share established for such farm shall be added to the share, if any, established for the farm with which it is combined to establish a share for the combined farm.

(5) *Subdivision after planting.* Except as provided in paragraph (c) of this section when a farm, as constituted at the time a 1966-crop share is established for it, is subdivided and each division becomes a separate farm or part of another farm subsequent to planting time but prior to harvest of the 1966-crop beets, the share established for such farm shall be prorated to the subdivisions on the basis of the acreage planted to 1966-crop sugarbeets on each subdivision. Such prorated portions of the 1966-crop share so determined shall then be added to the 1966-crop share, if any, of the land with which it is combined to establish a share for each such reconstituted farm.

(c) *Improper personal history credit.* (1) If a 1966-crop share was established for a farm with consideration of the personal history of a person who had no interest or did not acquire any interest in such farm as an operator, the share for the farm shall be cancelled and a farm base and share determined for the farm as provided in §§ 850.174, 850.176, and 850.178.

(2) *Improper joint operation.* If the county committee determines that any farm for which the share was established with consideration of the personal history of a person (or persons) is being operated jointly with or is being operated by another person (or persons), excluding a joint operation conducted exclusively by the immediate members of the family of the person contributing the personal acreage history credit; or that any such farm is subdivided into or is combined with one or more than other farms, the State Committee shall be notified of the circumstances and the share for the farm shall be cancelled and a new base and share or bases and shares for the farm, combined farms, or subdivisions of such farm shall be established in accordance with the provisions of §§ 850.174, 850.176, and 850.178.

(3) *Recognition of proper joint operation.* In any case when planting has occurred and the State Committee is satisfied that the foregoing changes in operations described in subparagraphs (1) and (2) of this paragraph were not made as an attempt to transfer a share or share history, it may make an exception and recognize the share as originally established. In determining whether to make an exception, the State Committee shall be guided by whether the person (or persons) whose personal history was considered in establishing the original share for the farm, shares to a major extent in the risk of financial loss or opportunity of gain from the sugarbeet operations and whether the joint enterprise, or transfer of operations to another person (or persons) represents normal, sound operational arrangements which would be undertaken in the absence of sugarbeet acreage controls.

§ 850.185 Erroneous notice of 1966 share or of excess acreage.

(a) *Incorrect notice.* If, through error, a producer is officially notified of a 1966-crop share for his farm greater than the share properly established pursuant to this Part 850, or is furnished an incorrect notice of excess sugarbeet acreage, or if the acreage of sugarbeets is in excess of the share for the farm and a notice thereof is not mailed to the producer, and it is found by the State Committee that such producer, acting solely on the information contained in the erroneous notice or without a notice of excess sugarbeet acreage being mailed to him, marketed 1966-crop sugarbeets from an acreage in excess of the share properly established, the producer will be deemed to be in compliance with the share unless he marketed sugarbeets for sugar from an acreage in excess of the share stated in the erroneous notice or unless it is determined by the State Committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the producer on notice regarding the error in the share or in the existence of the excess acreage.

(b) *Limitation of sugar act payment.* The Sugar Act Payment with respect to the farm shall be limited to the amount of sugar commercially recoverable from the sugarbeets marketed (or processed) from the acreage within the properly established share.

(c) *Correction of share if smaller than correct share.* If the share for any farm was established by the use of incorrect data, resulting in a share smaller than the share that would have been established by the use of correct data, such share shall be increased to the correct level from acreage available within the State acreage allocation or if no acreage is available in such allocation, the case shall be transmitted to DASCO, for appropriate action to correct the error.

§ 850.186 Eligibility for payment under the Act.

(a) Provisions for determining compliance with the conditions for payment provided by the Act, and for determining the facts constituting the basis for any such payment are set forth in Part 891 of this chapter. In addition to fulfilling the conditions for payment prescribed by the Act, a producer must also comply with the provisions of this section to be eligible for payment under the Act.

(b) Compliance with farm share: The acreage of sugarbeets grown on the farm and marketed (or processed) and used for the production of sugar or liquid sugar shall not exceed the share determined for the farm in accordance with this part, except as provided in § 850.185 and except that any sugarbeets grown on acreage in excess of such share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes weight tickets to the county committee evidencing that such sugarbeets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or for the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Notwithstanding the foregoing provisions of this paragraph, the producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where sugar beets were marketed (or processed) for sugar from an acreage on the farm exceeding the share: *Provided,*

That (1) such excess acreage is not more than the larger of two-tenths acre or 1 percent of the share but not in excess of 3 acres, (2) the county committee finds that the operator did not intentionally market (or process) sugarbeets from an acreage in excess of the share for the farm and the State Committee concurs in such findings, and (3) within 1 year from the date of the processing of such excess sugarbeets the producer has arranged for the raw value equivalent of sugar produced from sugarbeets in the Domestic Beet Sugar Area which had not been marketed to fill a quota for such area as provided in Part 816 of this chapter to be made subject to a bond given pursuant to the provisions of Part 816 of this chapter which provides that a condition of such bond shall be that the sugar shall be used for livestock feed. The Sugar Act payment in such case shall be limited to the amount of sugar commercially recoverable from the sugarbeets marketed (or processed) from the acreage within such share.

(c) Certification of acreage: If the operator of any farm, which is located in a county designated in Part 718 of this title, as a county in which farm operators' certification of the acreage and land use may be accepted with respect to sugarbeets in lieu of a farm inspection and measurement, fails to file a timely report as required under such Part 718 of this title or files a timely report showing that the acreage of sugarbeets is within the proportionate share for the farm and it is later determined by the county or State Committee that such acreage is in excess of the proportionate share and was knowingly incorrectly reported by the farm operator, no payment shall be made with respect to such farm.

§ 850.187 Shares for farms from acreage allocated for single nonaffiliated factories.

This section specifies conditions under which 1966-crop sugarbeet farm shares will be established in the allotment areas in the States receiving allocations of acreage pursuant to paragraph (c) of § 850.169 and the utilization of such acreage.

(a) *Allotment areas.* For the National Sugar Manufacturing Company and for Buckeye Sugars, Inc., each of the State committees of Colorado, Kansas and Ohio will establish an allotment area in their State in which farm shares will be established pursuant to this section.

(b) *Area allotments.* An allotment shall be made by the State Committee from the acreage allocated to each State pursuant to paragraph (e) of § 850.169 to the allotment areas established pursuant to paragraph (a) of this section. For the Buckeye Sugars, Inc. area and for the areas in the southern district of Colorado, the base acreages and allotments shall be determined pursuant to paragraph (b) of § 850.171. The base acreages and area allotments for the area in Kansas of the National Sugar Manufacturing Company and other allotment areas in Kansas shall be determined by adding 30 percent of the 1962–63 average accredited acreage and 70 percent of the 1964 accredited acreage and such base acreages shall be factored to the State allocation.

(c) *Set asides for adjustments, appeals, and new-producer shares.* Set asides for new producers, appeals, and adjustments shall not be made from the allotments made pursuant to the single plant reserve provided pursuant to paragraph (c) of § 850.169.

(d) *Requests for shares.* Pursuant to the applicable provisions of § 850.172, requests for shares shall be filed on Form SU–401. Such requests shall state the acreage desired based on the accredited acreage history of the farm in the base period, and the acreage desired from the single plant reserve. In the Buckeye Sugars, Inc. locality, if applicable, the request will also state the acreage desired from the acreage commitment pursuant to paragraph (b) of § 850.169 to the locality. Such requests will state that if the proportionate share for the farm is increased by acreage from the single plant reserve, the person requesting such increase in acreage agrees to deliver all of the sugarbeets produced on the farm to the single nonaffiliated factory in the allotment area and he acknowledges that failure to do so will result in the farm being ineligible for a Sugar Act payment.

(e) *Rating requests.* The county committee, in cooperation with representatives of the processor in the locality, for purposes of utilizing acreage to be made available under the single plant reserve shall rate, in the following order, as outstanding, well-qualified or less-qualified, requests by old producers on the basis of the criteria contained in § 850.177 and requests by operators of new-producer farms on the basis of the criteria contained in § 850.180. In making such ratings, consideration also shall be given to the record of efficiency as a farmer of the person requesting the acreage, the nearness of the farm in relation to the factory and the contractual preference of the processor; and the acreage requested may be reduced on the basis of the criteria considered in rating requests under this paragraph.

(f) *Establishing shares for old producers.* Shares shall be established for old-producer farms pursuant to §§ 850.174 and 850.176 from the area's acreage allotment made pursuant to paragraph (b) of this section subject to increases from the single plant reserve.

(g) *Establishing shares for reserve acreage farms.* Shares shall be established as provided in § 850.179 for farms in the locality supplying sugarbeets to Buckeye Sugars, Inc., which received commitments of acreage under paragraph (b) of § 850.169 subject to increases from the single plant reserve.

(h) *Eligible farms and utilization of acreage allocated from single plant reserve.* An eligible farm is any farm which supplied sugarbeets to National Sugar Manufacturing Co. or to Buckeye Sugars, Inc., in 1965, or a farm which did not supply sugarbeets to either one of these companies or any other processor in 1965 but did supply sugarbeets to one of these companies in 1964, and a new-producer farm which will contract for delivery of 1966-crop sugarbeets to either of these companies. Each State's allocation of the single plant reserve shall be used by the State committee to increase shares established under paragraphs (f) and (g) of this section and to provide shares for new producers in accordance with requests filed as provided in paragraph (d) of this section for an eligible farm and shall be distributed in the following order of priority: (1) Old-producer farms rated as outstanding; (2) new-producer farms rated as outstanding; (3) old-producer farms rated as well-qualified; (4) new-producer farms rated as well-qualified, and (5) reserve acreage farms in the Buckeye Sugars, Inc., locality. If the single plant reserve for use in any of the foregoing priority groups is not sufficient to increase or establish shares for all qualified farms in a group to the extent of acreage requested or determined by the county committee, the farms to which single plant reserve acreage is to be distributed in the priority group shall be selected by the county committee in cooperation with the processor taking into consideration the criteria as provided in paragraph (e) of this section. If the State's acreage allocation of the single plant reserve is not fully utilized after distribution of such acreage to all priority groups as heretofore provided, any such acreage remaining may be distributed to farms in any priority group to which such acreage was distributed in an amount less than requested and to farms for which acreage was requested but which did not qualify for priority.

(i) *Redistribution of unused proportionate share acreage*—(1) *Unused accredited proportionate share acreage.* Unused proportionate share acreage based on accredited acreage made available from the acreage allocation pursuant to paragraph (e) of § 850.169 may be redistributed pursuant to paragraph (a) of § 850.181 to other farms in the same allotment area that can utilize additional acreage.

(2) *Single plant reserve acreage.* Subject to the conditions provided in paragraph (d) of this section, any proportionate share acreage using single plant reserve acreage which is not utilized in full on the farm may be redistributed to other farms in the allotment area receiving an allocation from the single plant reserve. Any such acreage shall not be redistributed by the State Committee to other allotment areas in the State. Any unused single plant reserve acreage allocated to a State may be redistributed by DASCO to the area in another State serving the same nonaffiliated single plant processor of sugarbeets.

(j) *Forfeiture of Sugar Act payment.* Any Sugar Act payment otherwise due a producer on a farm which received an allocation of acreage from the acreage made available from the single plant reserve pursuant to a request as provided in paragraph (d) of this section, shall be forfeited if the sugarbeets produced on such farm are delivered to a processor

other than National Sugar Manufacturing Co. or Buckeye Sugars, Inc.

(k) *Applicability of §§ 850.168 through 850.186.* Where applicable, but subject to the conditions of this § 850.187, the provisions of §§ 850.168 through 850.186 will apply to shares determined pursuant to this section.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. As a condition for payment to producers, section 301(b) of the Act, as modified by section 302(b)(6), provides that there shall not have been marketed (or processed), except for livestock feed or for the production of livestock feed, an amount of sugarbeets grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary pursuant to section 302 of the Act. The term "proportionate share" is the individual farm's share of the total acreage of sugarbeets required to enable the producing area to meet its quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Section 302(a) provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarbeets grown on the farm and marketed (or processed by the producer) for sugar or liquid sugar not in excess of the proportionate share for the farm, if farm proportionate shares are determined by the Secretary.

Subsections (1), (2), and (5) of section 302(b) provide that in determining proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugarbeets marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarbeets; that the Secretary may also, in lieu of or in addition to the past production of farms, take into consideration the sugarbeet production history of a person who was the farm operator during the base period in any State or substantial portion thereof in which he determines that sugarbeet production is organized generally around persons rather than units of land, other than a State or substantial portion thereof wherein personal sugarbeet production history of farm operators was not used generally prior to 1962 in establishing farm proportionate shares. Provision is also made that the Secretary shall insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants or sharecroppers, and of the producers in any local producing area whose past production has been adversely, seriously and generally affected by drought, storm, flood, freeze, disease or insects, or other similar abnormal and uncontrollable conditions.

This year, the Congress amended section 302 of the Act to provide for the reservation for not more than 3 years of the production history of farm operators (or farms) who are unable to utilize all or a portion of their proportionate shares because of a crop-rotation program or for reasons beyond their control and who release such shares. The Act was also amended authorizing the Secretary to reserve from the national sugarbeet acreage requirements for each of the 1966, 1967, and 1968 crops a total acreage estimated to yield not more than 25,000 short tons, raw value, of sugar, to provide any nonaffiliated single plant processor of sugarbeets with an estimated quantity of sugar for marketing of not to exceed 25,000 short tons of sugar, raw value. The statute provides that the Secretary shall allocate such acreage to farms on such basis as he determines necessary to accomplish the purposes for which such acreages are provided.

General. Acreage restrictions were not applicable to the sugarbeet crops of 1961 through 1964. Plantings increased from about 972,000 acres for the restricted 1960 crop to about 1,443,000 acres for the 1964 crop. At the recommendation of sugarbeet grower associations and sugarbeet processors, acreage restrictions were imposed for the 1965 crop at a level of 1,375,000 acres. Of this requirement, 118,815 acres were assigned to localities that received commitments from the national sugarbeet acreage reserve for the crops of 1963 through 1965 to provide sugarbeets for new and substantially expanded old facilities.

Although the Congress this year provided a substantial increase in the quota for the area, existing sugar stocks and farmer interest in acreage make it necessary to restrict 1966 acreages to avoid sugar production greater than that needed to meet quota and carryover requirements.

Informal public hearings. Two informal public hearings were held on the 1966 proportionate share program. The first was held on September 8, 1965, in Denver, Colorado. At this hearing, views and recommendations from interested persons were requested on all matters relating to the establishment of 1966-crop proportionate shares, including the level of the national sugarbeet acreage requirement. A spokesman for all of the sugarbeet growers associations and processors made recommendations on the principal items covered in the Department's press release of August 26, 1965, announcing the hearing. These recommendations were as follows:

1. That the national acreage requirement be established at a level of from 1,325,000 to 1,350,000 acres.

2. That 1,000 acres be set aside for use in rectifying misapplication of the proportionate share regulations, correcting errors in establishing proportionate shares and to meet other similar contingencies, as proposed by the Department.

3. Use of a formula substantially the same as that used under the 1965 program in establishing State base acreages. Under that recommendation, base acreages would generally be computed by adding 30 percent of the 1962–63 average accredited acreages and 70 percent of the 1964 accredited acreages, excluding acreages from the national sugarbeet acreage reserve. The resultant State base acreages would be factored to the national acreage requirement, less the national reserve acreage and the contingency reserve.

4. Objection to the Department's proposal that the foregoing 30–70 formula be used to establish area allotments within States and that 1965 farm shares, as adjusted under appeal, become the 1966-crop farm bases. In lieu thereof, he recommended that each State ASC Committee be permitted to select, subject to the Department's approval, the formula it deemed appropriate.

5. Set-asides, corresponding to those proposed by the Department, for appeals and adjustments and for establishing shares for new producers.

The second hearing was held in Washington, D.C., on November 18, 1965. The purpose of this hearing was to receive views and recommendations for consideration by the Secretary in the reservation and allocation of acreage for nonaffiliated single plant processors, provision for which was made by an amendment to section 302(b) of the Sugar Act approved November 8, 1965. Recommendations were also requested as to the level of the 1966-crop national acreage requirement in light of the most recent estimates of 1965-crop beet sugar production. At this hearing, Buckeye Sugars, Inc., of Ottawa, Ohio, requested 350 acres which it was estimated would, together with regular acreage in the locality, yield a quantity of sugar for marketing of 25,000 short tons, raw value. The National Sugar Manufacturing Co. of Sugar City, Colo., requested 3,100 acres which it was estimated would, together with the regular acreage in the locality, yield a quantity of sugar for marketing of 16,050 tons, raw value. These two companies were specifically mentioned in the legislative history pertaining to this amendment. Their requests were supported by the Beet Sugar Industry. In a brief, one company operating a new beet sugar factory in an area to which a commitment of acreage was made from the national sugarbeet acreage reserve for the 1965 crop made a request for additional acreage for such facility.

A spokesman for the majority of the growers and processors recommended that the 1966-crop national acreage requirement be established at 1,435,000 acres. The California Beet Growers Association and three of the four processors operating in that State recommended that an acreage requirement of not larger than that (1,325,000 to 1,350,000 acres) recommended at the September hearing be established. This lower acreage requirement was recommended so as to lessen the possibility of an undue build-up of beet sugar stocks and to improve returns to sugarbeet growers.

Determination. This determination establishes a national requirement of 1,435,000 acres. In consideration of the acreages that will likely be utilized

within this limitation, the probable yields of sugarbeets per acre and the probable sugar recoveries, this acreage requirement should enable the area to meet its quota and provide a normal carryover inventory within the range contemplated by the Congress at the time the quota for the area was increased (82 to 90 percent of the following year's quota).

The proposals made by the Department at the September hearing in Denver, for administering the program are, generally, embodied into this determination. From the national acreage requirement, 152,815 acres are reserved to establish proportionate shares for farms in localities to which commitments have previously been made from the national sugarbeet acreage reserve for the crops of 1964 through 1966 for new and substantially expanded beet sugar facilities. In accordance with the provisions of subsection 302(b)(9) of the Act, a total of 4,125 acres is reserved from the national requirement and made available for establishing proportionate shares for farms that will supply sugarbeets to the factories of two nonaffiliated single plant processors. Of this total, 3,775 acres are assigned to farms in Colorado and Kansas with the sugarbeets to be processed at the factory of the National Sugar Manufacturing Co. of Sugar City, Colo. It is estimated that this acreage, together with contracting of regular acreage accruing to the factory district from the formula provided herein will permit the production of 16,050 short tons, raw value, of sugar, the estimated maximum quantity that the facility can manufacture. At the November hearing the National Sugar Manufacturing Co. requested 3,100 acres from the reserve based on estimates of accredited acreage which can be contracted in 1966. In the company's brief, submitted pursuant to the hearing, this request was increased to 3,775 acres in light of anticipated 1966 contractings within the total acreage expected to be made available based upon the accredited acreage records in the company areas in Colorado and Kansas. An allocation of 350 acres is made to farms in Ohio that will grow sugarbeets to be processed at the factory of Buckeye Sugars, Inc., of Ottawa, Ohio. It is estimated that this acreage together with regular acreage will permit the production of 25,000 short tons, raw value, of sugar, the maximum authorized under the Act for any one company. With respect to both companies, it is contemplated that only such of the foregoing acreages will be used as will be needed to bring sugar production up to the quantities requested.

In determining State allocations, a base acreage was established for each sugarbeet producing State by giving a weighting of 30 percent to 1962–63 average acreages and 70 percent to 1964 acreages. These weightings were applied to the 1963–64 and 1965 acreages, respectively, in the Mendota, Calif., locality. Since reserve growers in this locality (the first to complete its 3-year protective period provided under the national sugarbeet acreage reserve) had no production during 1962, the 1963–65 period is used to provide credit for the same number of years as is provided for growers generally. The base acreages resulting from the application of the aforementioned weightings were factored to 1,277,060 acres (1,435,000 less the acreages reserved as shown above). Generally, the resultant State allocations will permit the establishment of proportionate shares for old growers at the levels effective for the 1965 crop.

Provision is made for dividing the State allocations among the allotment areas within States in accordance with the same formula used in each State for the 1965 crop. Except for two States, this formula gave a weighting of 30 percent to 1962–63 average acreages and 70 percent to 1964 acreages.

The determination provides that, generally, 1966 farm bases will be established at the level of the 1965-crop shares initially established, as adjusted by appeal. For any farm that is reconstituted for the 1966 crop, the farm base will be determined by the use of the same formula that was used in the allotment area to establish farm bases for the 1965 crop. To afford growers in the Mendota, Calif., locality the use of 3 years of production records, the 1965 formula for farmers in that locality will be applied to the 1963, 1964, and 1965 accredited acreages rather than to the 1962, 1963, and 1964 acreages. State committees are authorized to adjust shares, including consideration of increased 1965 plantings due to reallotments of unused acreages.

Special provision is made for the determination of proportionate shares for farmers who will supply sugarbeets to the factories of nonaffiliated single plant processors.

If a farm operator releases all or a portion of the 1966 proportionate share established for his farm because of a crop rotation program or reason beyond his control and such cause is approved by the county committee of the headquarters county, the individual operator (or his farm) will receive history credit for the amount of the proportionate share so released. Such released acreage may be redistributed to other farms in the allotment area or to other areas within the State but the farm operators (or the farms) utilizing such released share acreage will not receive history credit for such acreage. This provision will replace the provision relating to prevented acreage credits included under the 1965 proportionate share program.

The other provisions of this regulation are generally similar to those which were in effect for the 1965 program.

The provisions of this regulation provide an equitable basis for establishing shares for farms in the domestic beat sugar area for the 1966 crop.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date. Date of publication.

Signed at Washington, D.C., on December 10, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13398; Filed, Dec. 14, 1965; 8:49 a.m.]

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

PART 900—GENERAL REGULATIONS

Subpart—Procedure for Conduct of Referenda To Determine Producer Approval of Milk Marketing Orders To Be Made Effective Pursuant to Agricultural Marketing Agreement Act of 1937, as Amended

Sec.

900.300 General.
900.301 Definitions.
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900.311 Submittals or requests.

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

§ 900.300 General.

Unless otherwise prescribed, the procedure contained in this subpart shall be applicable to each producer referendum conducted for the purpose of ascertaining whether the issuance by the Secretary of a milk marketing order is approved or favored, as required under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U.S.C. 601–674). The procedure in this subpart replaces the procedure for conducting similar referenda (15 F.R. 5177) issued August 7, 1950.

§ 900.301 Definitions.

As used in this subpart and in all supplementary instructions, forms, and documents, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(b) *Department.* "Department" means the United States Department of Agriculture.

(c) *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.

(d) *Administrator.* "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(e) *Person.* "Person" includes any individual, partnership, corporation, association, and any other business unit.

(f) *Order.* "Order" means the marketing order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(g) *Producer.* "Producer" means any person who is a dairy farmer and who, during the representative period, met the requirements of the term "producer" as defined in the order had such order been in effect during the representative period.

(h) *Handler.* "Handler" means any person who, during the representative period, met the requirements of the term "handler" as defined in the order had such order been in effect during the representative period.

(i) *Referendum agent.* "Referendum agent" means the person designated by the Secretary to conduct the referendum.

(j) *Representative period.* "Representative period" means the period designated by the Secretary pursuant to section 8c of the act (7 U.S.C. 608c).

(k) *Cooperative association.* "Cooperative association" means any association of producers that the administrator has found to be qualified pursuant to section 608c(12) of the act.

§ 900.302 Associations eligible to vote.

(a) Any association of producers, not previously determined to be a cooperative association may file an application for a determination as to whether it is a cooperative association and thus eligible to vote in a referendum. Such application shall be filed with the Administrator at least 60 days prior to the holding of the referendum: *Provided, however,* That the Administrator may permit the filing of an application in less than 60 days when, in the opinion of the Administrator, such filing would not delay the conduct of the referendum.

(b) Within a time fixed by the referendum agent, but not later than 5 days prior to the final date for balloting, each cooperative association electing to vote shall, upon the request of the referendum agent, furnish to him a certified list showing the name and address of each producer for whom it claims the right to vote and the plant at which such person's milk was received during the representative period.

§ 900.303 Conduct of referendum.

The referendum shall be conducted by mail in the manner prescribed in this subpart. The referendum agent may utilize such personnel or agencies of the Department as are deemed necessary by the Administrator.

§ 900.304 Who may vote.

(a) Each producer shall be entitled to only one vote and to cast one ballot in each referendum; and no person who may claim to be a producer shall be refused a ballot. Each producer casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such producer in such referendum. Each ballot cast shall contain a certification by the person casting the ballot that he is a producer.

(b) Except as provided in section 8c (5) (B) of the act, as amended, any cooperative association eligible under § 900.302 may, if it elects to do so, vote and cast one ballot for producers who are members of, stockholders in, or under contract with, such cooperative association. A cooperative association shall submit, with its ballot, a certified copy of the resolution authorizing the casting of the ballot. Each such cooperative association entitled to vote in a referendum casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such voter in such referendum.

(c) Voting by proxy or agent, or in any manner, except by the producer or cooperative association will not be permitted; however, a producer which is other than an individual may cast its ballot by a person who is duly authorized and such ballot shall contain a certification by such person that the person on whose behalf the ballot is cast is a producer.

§ 900.305 Duties of referendum agent.

The referendum agent shall also:

(a) For purposes of mailing, prepare a record of producers which will disclose the name of each such person, his address, the name of the handler who received the producer's milk during the representative period, and the name of the cooperative association, if any, which claims the right to vote for the producer. Such record may be compiled from readily available sources, including the following:

(1) Records of the Department;

(2) Producer records supplied by handlers;

(3) Health authority records;

(4) Certifications signed by dairy farmers who claim to be producers;

(5) Any other reliable sources of information which may be available to the referendum agent.

(b) Apply, as a guide, the following criteria in preparing a record of producers:

(1) When the order requires approval by an appropriate health authority before a person meets the definition of producer, only those persons having such approval and who otherwise meet the definition may be regarded as producers. When the definition of producer requires the shipment of milk to a handler or a plant as well as health authority approval, only those persons having such approval and whose milk was received by a handler or at a plant may be regarded as producers.

(2) When the order requires shipment to a handler or to a plant, without regard to health authority approval, a person may not be regarded as a producer, except as provided in subparagraph (6) of this paragraph, unless his name appears on the handler's producer records.

(3) In the case of a producer that is other than an individual, the business unit shall be regarded as the producer.

(4) No person may be included in the record more than once although he may operate more than one farm, hold more than one health authority approval, or appear on more than one handler's producer records.

(5) In the event the health authority records are not available, are inaccurate, or are incomplete, the appearance of the producer's name on a handler's records as an approved producer shall be prima facie evidence of health authority approval.

(6) In the event any handler refuses or fails to make his records available to the referendum agent, a certification signed by the producer shall be regarded by the referendum agent as prima facie evidence that such person is eligible to vote.

(c) Verify the information supplied by each cooperative association which wishes to vote on behalf of producers, as follows:

(1) Examine the records of the cooperative association for the purpose of ascertaining whether each producer claimed by the cooperative association is a member of, stockholder in, or under contract with the cooperative association.

(2) Identify the persons ascertained to be members of, stockholders in, or under contract with a cooperative association which wishes to vote on behalf of its producers with the names of producers which appear on the record compiled pursuant to paragraph (a) of this section.

(3) In determining whether a cooperative association may vote on behalf of a producer the following criteria shall be used:

(i) The cooperative association may vote for each producer who is a member of, stockholder in, or under contract with such cooperative association on the date of the order directing that the referendum be conducted.

(ii) The cooperative association may cast only one ballot for all such producers.

(iii) Whenever more than one cooperative association claims the right to vote for a producer only the cooperative association which furnished evidence satisfactory to the referendum agent that such association was in fact marketing the milk of the producer on the date of the referendum order may vote for such producer.

§ 900.306 Notice of the referendum.

(a) The referendum agent shall at least 5 days prior to the final date for balloting:

(1) Mail to each cooperative association which has elected to cast a ballot on behalf of its producers and to each of all other known producers, a notice of the referendum which will include instructions for completing the ballot, a statement as to the time within which the ballot must be mailed to, and re-

ceived by, the referendum agent, a copy of the final decision, and a ballot containing a description of the terms and conditions of the order.

(2) Give public notice of the referendum:

(i) By furnishing press releases and other information to available media of public information (including but not limited to press, radio, and television facilities) serving the area, announcing the time within which ballots must be completed and mailed to and received by the referendum agent, eligibility requirements, where additional information may be procured, and other pertinent information; and

(ii) By such other means as said agent may deem advisable.

§ 900.307 Time for voting.

There shall be no voting except within the time specified by the referendum agent as stated in the notice of the referendum.

§ 900.308 Tabulation of ballots.

(a) *General.* The referendum agent shall verify the information supplied with each ballot. If he ascertains that the person who cast the ballot was eligible to do so, that the ballot is complete and was mailed and received within the prescribed time, the ballot shall be eligible to be counted. If the referendum agent ascertains that the person who cast the ballot was not eligible to do so, or if the producer who cast the ballot was a member of, stockholder in, or under contract with a cooperative association which cast a valid ballot, or if the ballot is not completed or cast in accordance with instructions, or if the ballot was not mailed to or received by the referendum agent within the prescribed time, the ballot shall be marked "disqualified" with a notation on the ballot as to the reason for the disqualification. The total number of ballots cast, including the disqualified ballots, shall be ascertained. The number of eligible ballots cast approving and the number of eligible ballots cast disapproving the issuance of the order shall also be ascertained. The ballots marked "disqualified" shall not be considered as approving or disapproving the issuance of the order, and the persons who cast such ballots shall not be regarded as participating in the referendum.

(b) *Individual-handler pool provisions.* Whenever separate approval of the pooling provisions of the order is required by section 608c(5)(B)(i) of the act, any ballot which approves the issuance of the order and disapproves the pooling provisions, or approves the pooling provisions and disapproves the issuance of the order, shall be disqualified; and the referendum agent shall mark the ballot accordingly.

(c) *Record of results of the referendum.* The referendum agent shall notify the Administrator of the number of eligible ballots cast, the count of the votes, the number of disqualified ballots and the number of producers who were eligible to cast ballots. The referendum agent shall seal the ballots, including those marked "disqualified", the list of eligible voters and tabulation of ballots, and shall transmit to the Administrator a complete detailed report of all action taken in connection with the referendum together with all the ballots cast and all other information furnished to or compiled by the referendum agent.

(d) *Announcement of the results of the referendum.* Announcement of the results of the referendum will be made only at the direction of the Secretary. The referendum agent, or others who assist in the referendum, shall not disclose the results of the referendum or the total number of ballots cast.

§ 900.309 Confidential information.

The ballots cast, the identity of any person who voted, or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent, shall be regarded as confidential.

§ 900.310 Supplementary instructions.

The Administrator is authorized to issue instructions and to prescribe forms and ballots, not inconsistent with the provisions of this subpart, to govern the conduct of referenda by referendum agents.

§ 900.311 Submittals or requests.

Interested persons may secure information or make submittals or requests to the Administrator with respect to the provisions contained in this subpart.

Effective date. January 1, 1966.

Signed at Washington, D.C., on December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13401; Filed, Dec. 14, 1965; 8:49 a.m.]

PART 900—GENERAL REGULATIONS

Subpart—Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended

This subpart is a codification of 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," issued June 18, 1963, and published in the FEDERAL REGISTER, issue of June 21, 1963 (28 F.R. 6409), which replaced the procedure for conducting similar referenda (15 F.R. 5176) issued August 7, 1950. Included in the codification are certain modifications including those to conform, to the extent practical, the procedure therein to the Procedure for the Conduct of Referenda to Determine Producer Approval of Milk Marketing Orders to be made effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, which is also published (7 CFR 900.300–900.311) in this issue of the FEDERAL REGISTER.

Sec.

900.400 General.
900.401 Definitions.
900.402 Voting.
900.403 Instructions.
900.404 Subagents.
900.405 Ballots.
900.406 Referendum report.
900.407 Confidential information.

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

§ 900.400 General.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of a marketing order to regulate the handling of any fruit, vegetable, or nut, or product thereof, or the continuance or termination of such an order, is approved or favored by producers or processors shall, unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 900.401 Definitions.

(a) "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended (7 U.S.C. 601–674).

(b) "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; and "Department" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Consumer and Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(d) "Order" means the marketing order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 8c of the act (7 U.S.C. 608c).

(g) "Person" means any individual, partnership, corporation, association, or other business unit. For the purpose of this definition, the term "partnership" includes (1) a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures," wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of the commodity for market and the authority to transfer title to the commodity so produced.

(h) "Producer" means any person defined as a producer in the order who: (1) Owns and farms land, resulting in his ownership of the commodity produced thereon; (2) rents and farms land, resulting in his ownership of all or a portion of the commodity produced thereon; or (3) owns land which he does not farm and, as rental for such land, obtains the ownership of a portion of the commodity produced thereon. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the commodity grown thereon shall not be deemed to result in such owners or lessees becoming producers.

§ 900.402 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum and who also was a producer during the representative period, shall be entitled to only one vote in the referendum, except that: (1) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote in the referendum; and (2) a cooperative association of producers, bona fide engaged in marketing the commodity or product thereof proposed to be regulated, or in rendering services for or advancing the interest of the producers of such commodity or product, may, if it elects to do so, vote, both by number and total volume, for the producers who are members of, stockholders in, or under contract with such association.

(b) Whenever, as required by the act, processors vote on the issuance of an order, each processor who is engaged in canning or freezing within the production area of the commodity covered by the order shall be entitled to vote in the referendum the quantity of such commodity canned or frozen within the production area for market by him during the representative period determined by the Secretary.

(c) Proxy voting is not authorized but an officer or employee of a corporate producer, processor or cooperative association, or an administrator, executor or trustee of a producing estate may cast a ballot on behalf of such producer, processor, estate, or cooperative association. Any individual so voting in a referendum shall certify that he is an officer or employee of the producer, processor, or cooperative association, or an administrator, executor, or trustee of a producing estate, and that he has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(d) Each producer, cooperative association of producers, and processor entitled to vote in a referendum shall be entitled to cast one ballot in the referendum. Each producer, cooperative association of producers, and processor casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such producer, cooperative association of producers, or processor in such referendum.

§ 900.403 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers or processors, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and (2) the total volume (i) produced for market during the representative period, or (ii) canned or frozen for market during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, or methods of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers and the aforesaid cooperative associations which indicate to the agent their intentions to vote, and to processors when required, instructions on voting, appropriate ballot and certification forms, and, except in the case of a referendum on the termination or continuance of an order, the text of the proposed order and a summary of its terms and conditions: *Provided*, That no person who claims to be qualified to vote shall be refused a ballot.

(f) If ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each producer (and processor when required) whose name and address is known to the referendum agent.

(g) If ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and, except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report thereon, including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 900.404 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers (and to processors when required) and receive any ballots which are cast; and

(d) Record the name and address of each person receiving a ballot from, or casting a ballot with, said subagent and inquire into the eligibility of such person to vote in the referendum.

§ 900.405 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 900.406 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 900.407 Confidential information.

All ballots cast and the contents thereof (whether or not relating to the identity of any person who voted or the manner in which any person voted) and all information furnished to, compiled by, or in possession of, the referendum agent shall be treated as confidential.

Dated: December 10, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-13402; Filed, Dec. 14, 1965; 8:49 a.m.]

[Navel Orange Reg. 89, Amdt. 1]

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

Limitation of Handling

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 recommendation 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), (iii), and (iv) of § 907.389 (Navel Orange Regulation 89, 30 F.R. 15031) are hereby amended to read as follows:

§ 907.389 Navel Orange Regulation 89.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

* * * * *

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

Dated: December 10, 1965.

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

[F.R. Doc. 65-13371; Filed, Dec. 14, 1965; 8:47 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Subpart—Rules and Regulations

Notice of rule making with respect to proposed administrative rules to be made effective under Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967; 30 F.R. 14266) regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER December 3, 1965 (30 F.R. 14991). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice afforded interested persons an opportunity to file written data, views, or arguments in connection with these proposals not later than 5 days after publication in the FEDERAL REGISTER. The Florida Celery Committee recommended at their November meeting that a closing date for registration of all persons interested in qualifying as producers be prescribed. The committee's views on this are well considered and their recommendation for a closing date is adopted.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which was recommended by the Florida Celery Committee, established pursuant to the aforesaid marketing order, the following administrative rules are hereby approved to become effective 1 day after publication in the FEDERAL REGISTER.

GENERAL

Sec.
967.100 Communications.

DEFINITIONS

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

GENERAL

§ 967.100 Communications.

Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the Florida Celery Committee, 4401 East Colonial Drive, Post Office Box 20067, at Orlando, Fla.

DEFINITIONS

§ 967.110 Order.

"Order" means Order No. 967 (§§ 967.1–967.60) regulating the handling of celery grown in Florida.

§ 967.111 Marketing agreement.

"Marketing Agreement" means Marketing Agreement No. 149.

§ 967.112 Terms.

Except as otherwise provided herein, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

INTERPRETATIVE RULES

§ 967.130 Producer.

(a) "Producer" shall be deemed to include any person: (1) Who or which owns and farms land resulting in his or its ownership of the celery produced thereon; (2) who or which rents and farms land, resulting in his or its ownership of all or a portion of the celery produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the celery produced thereon.

(b) The term "producer" is defined in § 967.6 as being any person engaged in a proprietary capacity in the production of celery (as defined in § 967.4). The term "person" is construed to mean the business unit which produces celery for market. The term producer shall be limited to those who have an ownership in celery produced in the production area.

(c) The term "partnership" shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or tenants by entirety, or, under community property laws, as community property. The term "partnership" shall also be deemed to include two or more persons which join together by agreement, informal or otherwise, for the purpose of producing celery and which, as a unit, has ownership of such celery. The term "partnership" shall also include so-called "joint ventures," wherein one or more parties to the arrangement contribute capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the production of celery for market and ownership thereof by such joint venture.

ADMINISTRATIVE RULES

§ 967.150 Marketable Quantity.

Pursuant to § 967.36(b) no handler may handle any harvested celery, when a Marketable Quantity is in effect, unless it is within the Marketable Allotment of a producer who has a Base Quantity pursuant to § 967.38 and such producer authorized the first handler thereof to purchase or otherwise handle it. Pursuant to § 967.38(c) each producer shall notify the committee, by certification to it, on forms furnished by the committee, as to each such handler and the number of crates of harvested celery to be so handled.

§ 967.151 Base Quantities.

(a) To provide the committee with information on which it may make determinations of Base Quantities as provided in § 967.37, the committee shall upon request furnish forms for registration as a producer to each known producer and to other persons who have indicated to the committee an interest in applying for a Base Quantity. For the initial season, all such forms for registration as producers, with prescribed information under subparagraphs (1) and (2) immediately following, shall be filed not later than December 20 of such season. The committee may not determine a Base Quantity for such initial season in connection with any such forms filed subsequent to such closing date.

(1) One such form, as prescribed by the committee, shall include provisions whereby the committee will be given information by the producer on the number of crates of celery sold by such producer or on his behalf during the seven seasons 1958–59 through 1964–65, broken down by crates, handlers and seasons. Other such forms shall provide for the furnishing of information and details by any producer who prior to September 30, 1965, made firm and substantial commitments for the production of celery and who offers substantial proof that his record of base period sales is not representative of his commitments. Such reports shall be submitted to the committee within such time as it may prescribe.

(2) Persons who filed forms for registration as producers, as provided in this paragraph (a) and who had no sales of celery during the seven seasons 1958–59 through 1964–65, may make application for the issuance of Base Quantities in such manner and on such forms as may be prescribed by the committee, which forms may include, but not necessarily be limited to, details on:

(i) Individual or firm name.

(ii) Location and size of farming operation.

(iii) Any firm and substantial commitments, such as contractual arrangements with credit agencies, handlers, fertilizer dealers, management agencies, and others, for the production and marketing of celery, including references to land, equipment, occupation, crops produced, past experience in farming, and to celery seedbeds and acreage planted or to be planted, and crates to be marketed therefrom.

(b) The committee upon receipt of the completed registrations and other forms shall consider and make determinations of Base Quantities for registered producers based upon the following, as applicable:

(1) The producer's sales of harvested celery in the base period as provided in § 967.37(b).

(2) The producer's firm and substantial commitments for the production of celery prior to September 30, 1965; the acreage so committed; and the probable marketable production therefrom for a season based on local experience, practices, and conditions.

(3) The equitable apportionment of Base Quantities among all eligible producers.

(c) As provided in § 967.37, the committee may provide for informal review in open meeting of the committee, or subcommittee thereof, of applicants' request for increases in Base Quantities or for Base Quantities. Such meeting shall be so conducted that an accurate record shall be made of relevant evidence presented. The record of such informal review, with references to relevant data and information presented, shall be retained by the committee and shall be subject to review by the Secretary.

(d) Each completed form submitted to the committee shall be considered and determinations shall be made thereon as promptly as practicable, which, as a matter of policy, should be within 30 days. The committee shall notify each individual in writing of the action taken on the forms submitted. If the committee has not advised an individual of its final decision within 45 days of the submission thereon, the individual may appeal to the Secretary for appropriate consideration thereof.

(e) To administer this part in accordance with its terms and provisions, a record of each Base Quantity and each Marketable Allotment shall be maintained by the committee.

(1) Whenever any Base Quantity or any Marketable Allotment is established for a producer, the committee shall so record and advise such producer on forms designated by it.

(2) No producer may transfer any Base Quantity or Marketable Allotment or obtain the same without first submitting a report containing all the details of the proposed transfer to the committee for record keeping and verification. Such reports shall be on forms prescribed by the committee and shall include, but not necessarily be limited to, and as applicable, Base Quantity or Marketable Allotment held, number of crates to be transferred and the specific period of time the transfer will be in effect, name and address of the producer to whom such Base Quantity or Marketable Allotment is being transferred, number of crates marketed in the representative period, qualifications as a producer and particulars on the sale and handling of the celery referable to the transferred Base Quantity or Marketable Allotment. The committee will only give consideration to requests for transfers of Base Quantities prior to the time Marketable Allotments are established for a particular season, after which time requests for transfers of Marketable Allotments may be made to, and considered by, the Committee: *Provided*, That, requests for transfers of Base Quantities for any future seasons may be made at any time.

(3) No handler may purchase harvested celery from, or handle harvested celery on behalf of, any producer, under a Base Quantity or Marketable Allotment transferred from one producer to another producer, unless such transfer was approved by the committee and recorded by it, or appropriate subcommittee, and the transferee has been so notified by the committee.

§ 967.152 Reserve for Base Quantities.

(a) Each season for which it recommends establishment of a Marketable Quantity under the provisions of § 967.36, the committee shall consider the need for a reserve for Base Quantities. Such consideration shall be directed to factors related to reserve needs, such as, but not necessarily limited to, the equitable apportionment of Base Quantities of celery among producers; and the need to meet additional demand for celery.

(b) The committee shall recommend to the Secretary, with its considerations and judgments thereon, the amount, if any, of harvested celery, in terms of crates, which should be established in a reserve for Base Quantities for the ensuing season. Such reserve may be calculated as a percentage of the total Marketable Quantity for a season or the then current Base Quantities, or shipments for a previous season or the average of shipments for two or more seasons, or on other similar basis to be determined by the committee with the Secretary's approval.

(c) The reserve, if any, for a particular season shall, for any season after the initial season, be established by the Secretary, pursuant to the committee recommendations or other available information, no later than the date of the establishment of Marketable Quantity.

(d) Applicants for Base Quantities or increases of Base Quantities, who have registered under § 967.151(a), may apply to the committee for a portion of such reserve within such time and on forms prescribed by it. The committee shall consider each application in accordance with § 967.151(b) and the amount of celery needed to meet the Marketable Quantity or revised Marketable Quantity for the season, the historical supply available, and the decline or increase in volume of celery production by other producers; and, if approved thereunder, determine the Base Quantity for each such applicant.

(e) Any balance of the reserve which has not been distributed during a current season shall not carry forward into the following season.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the day after publication in the FEDERAL REGISTER in that: (1) these rules apply to the handling of celery grown in Florida and the handling of celery for the 1965–66 season has begun; (2) it is necessary to place these rules in effect at the earliest possible date in order to effectuate operations under the marketing agreement and order during the current season, should a Marketable Quantity be established; (3) eligible persons are afforded opportunity to file registration forms; and (4) notice of proposed rule making has been given by publication in the FEDERAL REGISTER of December 3, 1965 (30 F.R. 14991).

Dated: December 10, 1965, to become effective December 16, 1965.

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

[F.R. Doc. 65-13405; Filed, Dec. 14, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7032; Amdt. 39-170]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 720 and 720B Series Airplanes

Amendment 39-161 (30 F.R. 14649), AD 65-27-1, requires inspection, and re-

pair where necessary, of the wing upper surface skin on Boeing Model 720 and 720B Series airplanes. Subsequent to the issuance of Amendment 39–161, the Agency has determined that it is necessary to revise the X-ray inspection method and to increase the area required to be inspected by the AD. Therefore, Amendment 39–161 is amended to require the more sensitive X-ray inspection specified in Revision 2 of the manufacturer's service bulletin and a more extensive X-ray inspection.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–161 (30 F.R. 14649), AD 65–27–1, is amended as follows:

1. By striking out the words "Boeing Service Bulletin No. 2309, Revision 1, or later FAA-approved revision" from paragraphs (c) and (e) and inserting the words "Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision" in place thereof.

2. By striking out the words "Boeing Service Bulletin No. 2309, Revision 1" from paragraph (d) and inserting the words "Boeing Service Bulletin No. 2309, Revision 2, or later FAA-approved revision" in place thereof.

3. By striking out the words "from stringer No. 17" from paragraph (d) and inserting the words "from stringer No. 8" in place thereof.

4. By striking out the parenthetical statement.

This amendment becomes effective December 15, 1965.

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

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

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

[F.R. Doc. 65–13358; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WE–94]

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

Designation of Control Zone and Transition Area

On October 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13168) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Wenatchee, Wash., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., March 3, 1966, as hereinafter set forth:

1. In § 71.171 (29 F.R. 17581) the following control zone is added:

WENATCHEE, WASH.

Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (latitude 47°24'00" N., longitude 120°12'30" W.), and within 2 miles each side of the Wenatchee VOR 124° radial, extending from the 5-mile radius zone to 10.5 miles SE of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26'55" N., longitude 120°16'40" W.).

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

WENATCHEE, WASH.

That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Wenatchee VOR 092° and 272° radials, extending from 7 miles W to 14 miles E of the VOR, and within 5 miles SW and 8 miles NE of the 124° radial, extending from the VOR to 14 miles SE of the VOR.

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

Issued in Los Angeles, Calif., on December 7, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65–13359; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–EA–42]

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

Designation of VOR Federal Airways

On August 3, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9648) stating that the Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would redesignate VOR Federal airways Nos. 39 and 837, in part, from South Boston, Va., via Duncan, Va., to Gordonsville, Va.; redesignate the VOR Federal airway No. 260 segment from Lynchburg, Va., via Duncan, to Flat Rock, Va.; and that would designate VOR Federal airway No. 323 from Greensboro, N.C., via the intersection of the Greensboro, N.C., 026° T and the Duncan 231° T radials, Duncan, Va., Brooke, Va., to the intersection of the Brooke 045° T and the Washington, D.C., 189° T radials.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. The substance of the final rule is the same as proposed in the notice except the redesignation of V–837 proposed from South Boston, Va., via Duncan, Va., to Gordonsville, Va., is deleted since this segment is proposed for revocation in Airspace Docket No. 65–WA–31.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 3, 1966, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4121) is amended as follows:

1. In V–39 "Gordonsville, Va.;" is deleted and "Duncan, Va.; Gordonsville, Va.;" is substituted therefor.

2. In V–260 "Flat Rock, Va.;" is deleted and "Duncan, Va.; Flat Rock, Va.;" is substituted therefor.

3. V–323 is added: V–323 From Greensboro, N.C.; INT of Greensboro 026° and Duncan, Va., 231° radials; Duncan; Brooke, Va.; to INT of Brooke 045° and Washington, D.C., 189° radials.

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

Issued in Washington, D.C., on December 8, 1965.

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

[F.R. Doc. 65–13361; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65–CE–117]

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

Designation of Transition Area

On September 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 12130) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Ashland, Wis.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 21, 1966, as hereinafter set forth:

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

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°33'07" N., longitude 90°55'07" W.); and within 8 miles SE and 5 miles NW of the 208° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles SW of the airport; and within 8 miles W and 5 miles E of the 013° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 140° bearing from John F. Kennedy Memorial Airport, extending from the airport to 12 miles SE of the airport.

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

Issued in Kansas City, Mo., on December 2, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–13362; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-74]

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

Alteration of Transition Area

On page 13545 of the FEDERAL REGISTER for October 23, 1965, the Federal Aviation Agency proposed regulations which would alter the Zanesville, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., March 3, 1966.

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

Issued in Jamaica, N.Y., on December 2, 1965.

OSCAR BAKKE,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Zanesville, Ohio, transition area the words, "within 2 miles each side of the Zanesville RBN 210° bearing extending from the 7-mile radius area to 8 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 7-mile radius area to 8 miles SW of the VOR;" and substitute therefor, "within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR".

[F.R. Doc. 65-13363; Filed, Dec. 14, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-27]

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

Alteration of Transition Area; Correction

On October 22, 1965, Federal Register Document 65-11308 was published in FEDERAL REGISTER (30 F.R. 13437) which altered the Lafayette, La., transition area.

Federal Register Document 65-11308 is amended herein to clarify the transition area description by specifying that the segment within 2 miles each side of the Lafayette localizer south course extends from an arc of a 5-mile circle centered on the Lafayette airport to 14 miles south of the airport. This segment is presently described as extending from "the 5-mile radius area" to 14 miles S of the airport.

Since this amendment will impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the fourth paragraph of Federal Register Document No. 65-11308 is amended, effective immediately, to read as follows:

In § 71.181 (29 F.R. 15948) the Lafayette, La., transition area is amended to read.

LAFAYETTE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VOR 139° radial extending from the 5-mile radius area to the VOR, within 2 miles each side of the Lafayette ILS localizer N course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VOR 172° radial extending from the VOR to 8 miles S; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°46'20" N., longitude 91°50'40" W., to latitude 30°07'40" N., longitude 91°36'45" W., to latitude 30°13'00" N., longitude 90°57'00" W., to latitude 29°53'00" N., longitude 91°00'00" W., to latitude 29°47'00" N., longitude 91°11'00" W., to latitude 29°36'00" N., longitude 91°11'00" W., thence west via latitude 29°36'00" N., to and clockwise along the arc of a 35-mile radius circle centered at latitude 30°02'15" N., longitude 91°53'00" W., to latitude 29°56'00" N., thence north to latitude 30°32'00" N., longitude 92°15'00" W., to point of beginning; within 8 miles N and 5 miles S of the White Lake VOR 090° and 270° radials extending from 7 miles W to 13 miles E of the VOR, and within 8 miles S and 5 miles N of the White Lake VOR 091° and 271° radials extending from 7 miles E to 13 miles W of the VOR.

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

Issued in Forth Worth, Tex., on December 7, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65-13360; Filed, Dec. 14, 1965; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart H—Evidence

EVIDENCE AS TO AGE

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1, et seq.) are further amended as follows:

1. Section 404.703 is amended to read as follows:

§ 404.703 Evidence as to age.

(a) *When required.* An applicant for benefits under title II of the Act shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to the payment of benefits pursuant to such title II. Such evidence may also be required by the Administration as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement.

(b) *Type of evidence to be submitted.* Where an individual is required to submit evidence of date of birth as indicated in paragraph (a) of this section, he shall submit a public or church record of birth or baptism or other public record established or recorded before his fifth birthday. Where it is shown that no such document recorded or established before age 5 is available, the individual shall submit a document established or recorded before his 11th birthday as proof of age. Where it is shown that no document established or recorded before the individual's 11th birthday is available, the individual shall submit other evidence established as close to his 11th birthday as possible, which may serve as the basis for a determination of the date of birth provided it is corroborated by other evidence or by information in the records of the Administration.

(c) *Evaluation of evidence.* In determining the probative value of evidence submitted to prove age, in the absence of a public or church record of birth or baptism or other public record established or recorded before age 11, consideration will be given to when (how long after the individual's 11th birthday) the document was established or recorded, whether it is corroborated by other evidence or by information in the records of the Administration, the circumstances attending its establishment or recordation, and its general probative value. Among the documents which may be submitted for such purpose are: School record, census record, bible or other family record, church record of confirmation or baptism in youth or early adult life, insurance policy, marriage record, passport, employment record, military record, delayed birth certificate, and birth certificate of child of applicant. In addition, for a foreign born individual, the record of arrival or naturalization record may be the earliest established available domestic record of his date of birth.

(d) *Certified copy in lieu of original.* In lieu of the original of any record, except a bible or other family record, there may be submitted as evidence of age a copy of such record or a statement as to the date of birth shown by such record, which has been duly certified (see § 404.701(g)).

(e) *When additional evidence may be required.* If the evidence submitted is not convincing, additional evidence may be required.

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647 as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Dated: December 2, 1965.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 8, 1965.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-13395; Filed, Dec. 14, 1965; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4811, 34-7763, 35-15359, 40-4426, AS-102]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

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

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

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

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

Balance Sheet Classification of Deferred Income Taxes Arising From Installment Sales

It has come to the attention of the Securities and Exchange Commission that diverse practices exist regarding the balance sheet classification of deferred income taxes arising from the use of the installment method of reporting gross profit for income tax purposes. The majority of companies having installment receivables classified as current assets classify the related deferred income taxes as a noncurrent credit item, while some classify the deferred income taxes as a current liability or as a deduction from the receivables. It is understood that, at the end of their current fiscal years, some registrants intend to change from current to noncurrent the classification of the deferred income taxes if other companies continue to classify the related deferred income taxes as a noncurrent item. The Commission's staff has noted that some companies have recently changed their reporting practices to show such deferred income taxes as a noncurrent item while retaining the related installment receivables among current assets.

The classification of deferred income taxes related to installment receivables as noncurrent is significant when considered in light of the practice of classifying assets and liabilities as current or noncurrent in accordance with the normal operating cycle of the business. In Regulation S-X (17 CFR Part 210) the Commission recognized the operating cycle treatment in the determination of working capital.[1]

The installment receivables and related deferred income taxes pertaining to the same operating cycle clearly are both either current or noncurrent. There is no justification from the standpoint of either proper accounting or fair financial reporting for the use of the operating cycle approach for installment receivables and not for the related deferred income taxes. Obligations for items which have entered into the operating cycle and which mature within the operating cycle should be included in current liabilities when the related receivables are included in current assets, in order to present fairly the working capital position.[2]

The deduction of the deferred income taxes from the related installment receivables is not considered to be an appropriate procedure; the current value of the receivables is not affected by the amount of the tax deferral. The deferral is not a valuation reserve but a credit item representing cash retained in the business by the deferral of tax payments under the alternate tax provisions.

In view of the increasing use by many companies of installment sales and similar credit practices and the significance of the increasing amounts of the related deferred income taxes involved, the Commission deems it appropriate to state its opinion as to the proper reporting to be followed with respect to such deferred income taxes.[3] Where installment receivables are classified as current assets in accordance with the operating cycle practice, the related liabilities or credit items maturing or expiring in the time period of the operating cycle, including the deferred income taxes on installment sales, should be classified as current liabilities. Installment receivables not realizable within one year and the related deferred income taxes may be classified consistently as noncurrent items. In financial statements filed with the Commission for fiscal years ending on or after December 31, 1965, assets and liabilities entering into the operating cycle shall be classified consistently as current or noncurrent items. In addition, appropriate disclosure of the classification followed and amounts involved should be given.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 7, 1965.

[F.R. Doc. 65-13357; Filed, Dec. 14, 1965; 8:45 a.m.]

[1] Regulation S-X, Rules 3-13 and 3-14 (17 CFR 210.3-13 and 210.3-14). *Cf.* American Institute of Certified Public Accountants, Accounting Research Bulletin No. 43, Chapter 3A, Current Assets and Current Liabilities.

[2] *Cf.* "Inventory of Generally Accepted Accounting Principles for Business Enterprises" by Paul Grady, Accounting Research Study No. 7, American Institute of Certified Public Accountants, New York, 1965, pp. 28, 29, and 65.

[3] Accounting Series Release No. 4, reaffirmed in Accounting Series Release No. 96 (17 CFR Part 211; 11 F.R. 10913, 28 F.R. 586).

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. S-17]

PART 221—TIMBER

Cancellation of Contracts

Section 221.17 of Title 36, Code of Federal Regulations, is amended to read as follows:

§ 221.17 Cancellation of contracts.

(a) Timber sale contracts may be canceled:

(1) For serious or continued violation of their terms.

(2) Upon application, or with the consent of, the purchaser, when such action is of advantage to the United States or not prejudicial to its interests.

(3) Upon application of the purchaser if the value of the timber remaining to be cut is diminished materially because of catastrophic damage caused by forces beyond the control of the purchaser resulting in (i) physical change in the sale area or access to it, or (ii) damage to timber remaining to be cut.

(b) Cancellation will be by the Chief, Forest Service, if the amount of the sale exceeded the Regional Forester's authorization and by the Regional Forester in all other cases.

(30 Stat. 35, as amended, 16 U.S.C. 476, 551)

Done at Washington, D.C., this 10th day of December, 1955.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-13334; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2202]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

CANALS, DITCHES, AND RESERVOIRS FOR IRRIGATION; CORRECTION

The circular identification number for F.R. Doc. 65-12831 published November 30, 1965 (30 F.R. 14800), is corrected to read Circular No. 2202.

J. P. BEVINE,
Acting Associate Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13353; Filed, Dec. 14, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Miscellaneous Amendments

The following amendments are hereby made to part 170, 45 CFR (29 F.R. 12307, August 27, 1964) issued pursuant to the Higher Education Facilities Act of 1963, Public Law 88-204 (77 Stat. 364, 20 U.S.C. 711):

1. Section 170.1(d), dealing with the definition of academic facilities, is amended, to reflect an amendment of the Act by the Higher Education Act of 1965, by adding to subparagraph (5) thereof, provision for excluding from those facilities eligible for Federal participation, facilities used or to be used by a school of nursing as defined in section 843 of the Public Health Service Act.

As so amended, § 170.1(d)(5) reads as follows:

§ 170.1 Definitions.

As used in this part:

* * * * *

(d) * * * the term "academic facilities" does not include:

* * * * *

(5) Any facility used or to be used by a "school of medicine", "school of dentistry", "school of osteopathy", "school of pharmacy", "school of optometry", "school of podiatry", or "school of public health" as these terms are defined in section 724 of the Public Health Service Act, or a "school of nursing" as defined in section 843 of that Act; * * *

2. Subparagraph (2) of § 170.1(l), dealing with the definition of equipment, is deleted. Determination as to whether an item qualifies as an item of equipment shall be made solely on the basis of the criteria set forth in subparagraph (1) of § 170.1(l).

3. According to the most recent statistical information available to the Office of Education, part-time students enrolled in programs which normally lead to the award of a bachelor's or higher degree, carry approximately one-third of the normal full-time academic workload. This information further indicates that of the students enrolled in programs which are not chiefly creditable toward bachelor's or higher degree, approximately 40 percent are full-time students; the remaining 60 percent are part-time students and carry approximately 28 percent of the normal full-time academic workload. Subparagraph (2) of § 170.1(m) is hereby amended so as to utilize this information as a basis for defining "full-time equivalent number of students" for the purpose of determining State allotments for the fiscal years after fiscal year 1965. In addition, subparagraph (3) of § 170.1(m) is hereby amended so as to retain the existing definition insofar as it relates to the reporting of enrollment trends and projections in connection with the applications of individual institutions, and to define the term "full-time student" for the purpose of this definition.

As so amended, subparagraphs (2) and (3) of § 170.1(m) read as follows:

§ 170.1 Definitions.

As used in this part:

* * * * *

(m) "Full-time equivalent number of students" means:

* * * * *

(2) For purposes of determining State allotments for fiscal years after fiscal year 1965, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable towards a bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the Office of Education publication Opening Fall Enrollment in Higher Education.

(3) For purposes of reporting enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title I of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" shall be the total number of full-time students plus the full-time equivalent number of part-time students determined by dividing the total number of credit hours of part-time students by the normal load for a full-time student in the institution. For the purpose of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load; for graduate students this means at least 75 percent of the academic load in course work or other required activity (such as a thesis) normally recommended for such students.

* * * * *

4. Subparagraph (2) of paragraph (f) and paragraph (l) of § 170.2, dealing with the assurances that are prerequisite to the approval of applications for assistance under any title of the Act, are hereby amended to provide that the contractor's payment bond need be for no more than half the contract price and to clarify requirements for competitive bidding in the awarding of construction contracts. Section 170.2 is also amended by adding a new paragraph, paragraph (p), which provides that all applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application. In addition, paragraph (c) of § 170.45, and paragraph (f) of § 170.53, are deleted.

Section 170.2 (f)(2), (l), and (p) read as follows:

§ 170.2 General terms and conditions.

No application will be approved for Federal assistance under the Act unless it contains assurances that:

* * * * *

(f) Construction contracts for the construction covered by the application will:

* * * * *

(2) Provide that the contractor shall furnish a performance bond in the amount of the contract price and a payment bond in the amount of at least one-half the contract price, unless otherwise agreed to by the Commissioner in the case of contracts for small sums, and that the contractor shall maintain, during the life of the contract, workmen's compensation, adequate fire, public liability, and property damage insurance (unless the applicant makes other arrangements for any or all such insurance).

* * * * *

(l) All contracting for construction shall be on a fixed price basis; contracts will be awarded on the basis of competitive bidding, either by public advertising or by obtaining three or more bids from responsible bidders and that when bidding is by the latter method the owner shall permit any responsible contractor not on the selected list to submit a bid; such contracts will be awarded to the responsible bidder submitting the lowest acceptable bid; and the concurrence of the Commissioner will be obtained before awarding any such construction contract.

* * * * *

(p) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive Order, will be complied with.

5. Section 170.3, dealing with the determination of costs eligible for Federal participation, is revised to read as follows:

§ 170.3 Determination of costs eligible for Federal participation.

Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under Title I, II, or III of the Act, upon: (1) the date on which a given cost item was incurred (obligated or contracted for, whichever is earlier); (2) whether the cost is for an allowable item of expense in accordance with the definition of "development cost" contained in section 401(c) of the Act; (3) the portion of the total development cost of a proposed facility which is clearly assignable to academic facilities eligible under the type of assistance for which

application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(a) Any cost incurred before, or under a contract entered into before, December 16, 1963, shall be excluded from the eligible development cost.

(b) For applications for institutions other than public community colleges and public technical institutes, for construction which is not limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, any cost incurred before, or under a contract entered into before, the date of enactment of the Higher Education Act of 1965 shall be excluded from the eligible development cost for Title I grant participation.

(c) In addition, for applications received by a State commission under Title I of the Act or by the Commissioner under Title II or Title III of the Act on or after April 1, 1965, and prior to April 1, 1966, the following shall be excluded from the eligible development cost:

(1) Any cost, other than costs for architectural/engineering or legal services or for acquisition of land and/or existing structures, incurred before, or under a contract entered into before, the date of receipt of the application by the Commissioner, or, in the case of a Title I application, by the State commission: *Provided, however,* That the provisions of this subparagraph (1) shall not apply to costs incurred before or under a contract entered into before the date of such receipt where: (i) those costs were incurred under a contract the award of which was concurred in by the Commissioner in connection with another application (under another title of the act) for a grant or loan covering the same facilities; and (ii) such other application and the application covering the costs in question were received by the Commissioner, or, in the case of a Title I application, by the State commission, within an 18-month period; and (iii) the application covering the costs in question is approved by the Commissioner, or, in the case of a Title I application, is recommended by the State commission for such approval within 18 months of its receipt.

(2) Any land acquisition costs, costs of acquisition of existing structures, or costs for legal services, incurred more than 2 years prior to the date of such receipt of an application.

(3) Any cost incurred under a construction contract (including contracts for installation of built-in equipment) which, unless a waiver was granted by the Commissioner pursuant to section 403(a) of the Act, did not, when let, provide that laborers and mechanics employed by the contractor and any of his subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (Public Law 403, 74th Congress), and receive overtime compensation in accordance with the provisions of the Contract Work Hours Standards Act (Public Law 87-581); and include, and provide for their inclusion in subcontracts, all applicable provisions regarding equal employment opportunity pursuant to Executive Order 11246.

(4) Any cost incurred under a construction contract or under any contract for the purchase or installation of any equipment, the terms of which are not consistent with or which was not awarded on a competitive basis consistent with the requirements of § 170.2(i).

(d) In addition, for applications received on or after April 1, 1966, either by the Commissioner under Title II or Title III of the Act or by a State commission under Title I of the Act, the following shall be excluded from the eligible development cost:

(1) Any project costs, other than the costs of architectural/engineering services and those costs covered by subparagraph (3) of this paragraph (d), incurred before or under a contract entered into before the date of acceptance by the applicant of the Commissioner's grant or loan offer for the approved project: *Provided, however,* That the provisions of this subparagraph (1) shall not apply to costs incurred before or under a contract entered into before acceptance of a grant or loan offer where: (i) Those costs were incurred under a contract the award of which was concurred in by the Commissioner in connection with another application (under another title of the Act) for a grant or loan covering the same facilities; and (ii) such other application and the application covering the costs in question were received by the Commissioner, or, in the case of a Title I application, by the State commission, within a 6-month period; and (iii) the application covering the costs in question is approved by the Commissioner, or, in the case of a Title I application, is recommended by the State commission for such approval within 18 months of its receipt.

(2) Any cost incurred under a construction contract (including contracts for installation of built-in equipment), or under a contract for purchase of movable equipment, entered into before the date of concurrence by the Commissioner in the award of such contract.

(3) Any land acquisition costs, costs of acquisition of existing structures, or costs for legal services, incurred more than 2 years prior to the date of receipt of the application by the Commissioner, or, in the case of a Title I application, by the State commission.

(e) In any case where State plan provisions require that applications be resubmitted to the State commission one or more times during an 18-month period following the date of their initial receipt by the State commission, such resubmitted application shall, unless substantially changed, be considered for the purposes of paragraphs (c) and (d) of this § 170.3 to be received as of the original date of filing. In all other cases, applications which have been resubmitted or refiled or substantially changed by amendment, shall be considered for the purposes of paragraphs (c) and (d) of this § 170.3, to be received as of the date of such resubmission, refiling, or amendment.

(f) If the project for which a grant or loan is requested is a part of a larger facility, the portion of the development cost eligible for Federal participation shall be determined in a manner acceptable to the Commissioner, taking into account the relative proportion of total assignable area in the larger facility which is eligible for the type of Federal financial assistance requested.

6. Section 170.11, dealing with project eligibility for grants under Title I of the Act, is hereby amended to modify the provisions for determining urgency of need for a substantial increase in student enrollment capacity and pursuant to the amendment of the Act by the Higher Education Act of 1965, to include provision for determining whether a project will result in an urgently needed substantial expansion or creation of capacity to carry out extension and continuing education programs.

As so revised, § 170.11 reads as follows:

§ 170.11 Project eligibility.

To qualify for a grant from funds allotted pursuant to Title I of the Act, the project covered by a grant application shall meet applicable conditions as set forth in section 106 of the Act.

(a) As used in section 106 of the Act, "other construction to be undertaken within a reasonable time" shall mean construction in progress as of the date of the application or construction approved to start within 2 years of the date of application.

(b) The addition of 10,000 square feet of assignable area in instructional or library facilities, or the addition of assignable area equal to 50 percent of the existing assignable area in instructional or library facilities, shall qualify as a substantial expansion of the institution's student enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution.

(c) In determining whether a substantial expansion of enrollment capacity or capacity to carry out extension and continuing education programs is urgently needed, consideration shall be given to (1) the capacity enrollment ratio at the campus to be expanded and the planned for and reasonably expected increase in undergraduate enrollment (full-time equivalent) at such campus; or to (2) the degree of utilization of existing facilities devoted to extension and continuing education programs, if any, and the association of the project with a planned substantial increase in such programs (including the reasonably expected enrollment growth in such programs) at the campus at which the facility is to be constructed, which is in response to demonstrated needs of the community or State in which the campus is located.

(d) In determining whether the creation of enrollment capacity or capacity to carry out extension and continuing education programs at a new institution or branch campus is urgently needed, consideration shall be given to (1) the

planned for and reasonably expected undergraduate enrollment (full-time equivalent) at such institution or branch campus, upon completion of the proposed project, and to any available data on the needs for expansion of enrollment capacity in the particular State; or to (2) the planned association of the project with substantial new extension and continuing education programs which are to be initiated on the campus of such institution or branch campus upon the completion of the proposed project, and which are in response to demonstrated needs of the community or State in which the campus is located.

7. Paragraph (c) of § 170.18, dealing with provisions for retention by a State commission of Title I applications not assigned sufficiently high priorities to qualify for Federal grants as of any closing date, is amended to provide an option for State commissions to establish specific provisions for the retention and the refiling of applications in each State.

As so revised paragraph (c) of § 170.18 reads as follows:

§ 170.18 Closing dates for consideration of applications.

* * * * *

(c) Applications not recommended for grants as of any closing date shall, in the absence of specific procedures included in the applicable State plan, be retained and reconsidered for 18 months after their date of receipt (as determined under § 170.3(e)) by the State commission. Applications which are not recommended for a grant within such 18-month period shall be returned to applicants. Any applicant may at any time withdraw his application and may resubmit any application which has been withdrawn or returned by the State commission.

8. Section 170.19, dealing with State plan provisions, is hereby amended by numbering the first paragraph thereof as paragraph (a), and renumbering the following lettered subparagraphs as subparagraphs (1) through (6), respectively, and by adding at the end thereof a new paragraph, paragraph (b), which sets forth the procedure for amending State plans. Section 170.19(b) reads as follows:

§ 170.19 State plan.

* * * * *

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date, become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendment as a part of the State plan: *Provided, however*, That amendments which are required by amendments of the Act or are designed to promptly implement amendments of the Act may be made effective immediately upon their approval by the Commissioner.

9. Section 170.21, which provides for the amendment of project applications under Title I and the processing of supplemental applications for an increase in the amount of the Federal share, is hereby amended (1) to state expressly in paragraph (c) the circumstances under which the filing of a supplemental application is appropriate, and (2) by adding a new paragraph (d) dealing with the method of calculating the total Federal share in cases where supplemental grant applications have been submitted.

Section 170.21 (c) and (d) read as follows:

§ 170.21 Amendment of project applications.

* * * * *

(c) Any time after an application has been forwarded to the Commissioner by the State commission with a recommendation for a Federal grant, an applicant desiring to apply for an increase in the amount of the Federal share on the basis of an increase in development cost which is not due to a change in the scope of the project, or for the balance of the original amount when a partial Federal share was recommended pursuant to § 170.17(b)(2), shall submit a supplemental application on forms supplied by the Commissioner together with any additional information which may be required by the State commission. Supplemental applications shall be considered together with all other applications eligible for consideration as of the next applicable closing date and each supplemental application shall be assigned a relative priority and otherwise processed in accordance with the State plan as if it is (together with the previously approved application) an original application. In no event shall a supplemental application be considered by a State commission or approved by the Commissioner after final settlement has been made on the completed project.

(d) Unless otherwise specifically provided in the State plan, the provisions of the State plan in effect for the closing date as of which the original application was recommended by the State commission shall be applied in determining the total Federal share (original plus supplemental) for which the project qualifies.

10. Section 170.22, which provides for adjustment in the amount of the Federal share of a Title I project based on the actual cost of the project, is hereby amended to clarify the basis for computing the Federal share in cases where the actual eligible development cost is lower than the estimated eligible development cost.

Section 170.22 as so amended reads as follows:

§ 170.22 Adjustments in amount of Federal share.

(a) The Federal share will be expressed in the grant agreement both as a dollar amount and as a percentage of the eligible development cost of the project, as determined in accordance with the provisions of the State plan in effect at the time the project is recommended. Determination of the percentage so specified will be made according to the following criteria:

(1) Where the State plan provisions in effect at the time the project was recommended by the State commission set forth the Federal share as a given percentage of cost, but where such percentage of cost is to be limited by a certain dollar amount (representing less than such given percentage of cost), the percentage to be specified in the grant agreement will be such given percentage.

(2) Where such State plan provisions provide for a Federal share based on a given percentage or the sum of given percentages of cost, but also provide for increasing the Federal share above such amounts to some higher percentage in the event sufficient funds are available in the same fiscal year, the percentage specified in the grant agreement will be the highest possible percentage under the State plan.

(3) Where such State plan provisions provide for a Federal share of some lower percentage of cost than is permissible under the Act, and do not provide for increasing the Federal share above such percentage, the percentage specified in the grant agreement will be determined by dividing the dollar amount of the Federal share by the amount of the net estimated eligible project development cost.

(b) At the time of final settlement under the grant agreement, the amount of the Federal share shall be subject to adjustment on the basis of the actual eligible development cost of the project.

(c) In the event the actual eligible development cost is less than the estimated eligible development cost, the applicant shall be entitled to payment on the basis of the Federal share computed by multiplying the actual eligible development cost by the percentage specified in the grant agreement pursuant to paragraph (a) of this section, or to the dollar amount specified in the grant agreement, whichever is the lesser.

(d) In the event that actual eligible development cost exceeds the estimated eligible development cost, the applicant shall be entitled to payment on the basis of the Federal share which was expressed as a dollar amount in the grant agreement pursuant to paragraph (a) of this section.

(Secs. 101-407; 77 Stat. 364-379; 20 U.S.C. 711-757)

Dated: November 17, 1965.

[SEAL] HENRY LOOMIS,
Acting Commissioner of Education.

Approved: December 3, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-13375; Filed, Dec. 14, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 42]

STANDARDS FOR CONDITION OF FOOD CONTAINERS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering revising the U.S. Standards for Condition of Food Containers as presented below pursuant to the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision of the standards should file the same in duplicate, not later than February 15, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business.

Statement of consideration. After 2 years of practical application of this Standard in the field, extensive study of the various provisions, and review of suggestions from interested parties, it has been determined that certain changes and additions would improve the Standard for the purpose intended. The changes and additions are as follows:

(1) Provision has been made for normal, tightened, and reduced inspection. This allows latitude in sample size based on prior experience.

(2) Sampling plans for condition of container have been realigned and the number of plans has been reduced to provide for simplified procedures of sampling compatible with the usual size of lots to be examined.

(3) The maximum number of primary containers to be drawn from various size cases have been changed to reduce the amount of destructive sampling of shipping cases.

(4) Changes have been made in the specified AQL's for the respective class of defects. AQL's for the respective class of defects. AQL's 0.065, 0.10 have been deleted and AQL's 0.50, 0.25 added. The new recommended AQL's are considered best for the usual purpose intended and are based on considerable study.

(5) A separate table of defects for labeling and marking has been established.

(6) Based on suggestions for changes in defect classifications, new tables of defects have been established for the various types of containers. A section has been included in each table to cover general defects.

(7) Certain definitions have been amended or added for the sake of clarity.

The proposed revision incorporates the best information available to provide for a uniform standard to measure the acceptability of a lot whenever condition examination of the exterior of filled food containers is requested as part of a sales transaction.

The standards are as follows:

Subpart A—Definitions

Sec.

42.101 Meaning of words.
42.102 Definitions, general.

Subpart B—Condition Inspection Procedures

42.103 Purpose and scope.
42.104 Sampling plans and defects.
42.105 Basis for selection of sample.
42.106 Classifying and recording defects.
42.107 Lot acceptance criteria.
42.108 Normal, tightened or reduced inspection.
42.109 Sampling plans for normal condition of container inspection, Tables I and I–A.
42.110 Sampling plans for tightened condition of container inspection, Tables II and II–A.
42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.
42.112 Defects of containers, Tables IV, V, VI, VII.
42.113 Defects of label, marking, or code; Table VIII.

Subpart C—Miscellaneous

42.115 Operating Characteristic (OC) curves.

AUTHORITY: The provisions of this Part 42 issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

Subpart A—Definitions

§ 42.101 Meaning of words.

Words used in this part in the singular form shall be considered to import the plural, or vice versa, as the case may demand.

§ 42.102 Definitions, general.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Acceptable Quality Level (AQL). The AQL is expressed in terms of defects per 100 units (DHU) Lots having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for the AQL. (See operating characteristic curves in Subpart C, § 42.115.)

Acceptance Number (Ac). The number in a sampling plan that indicates the maximum number of defects permitted in a sample in order to consider a lot as meeting a specific requirement.

Administrator. The Administrator of the Consumer and Marketing Service (C&MS) of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

Condition. The degree of acceptability of the container with respect to freedom from defects which affect the serviceability, including appearance as well as usability, of the container for its intended purpose.

Defect classifications. The terms used to denote the severity of a defect. The terms are as follows:

(1) *Critical defect*—A defect that seriously affects, or is likely to seriously affect, the usability of the container for its intended purpose.

(2) *Major defect*—A defect that materially affects, or is likely to materially affect, the usability of the container for its intended purpose.

(3) *Minor defect*—A defect that materially affects the appearance of the container but is not likely to affect the usability of the container for its intended purpose.

(4) *Insignificant defect*—A flaw in the container that does not materially affect the appearance and does not affect usability of the container for its intended purpose when performing examinations, insignificant defects shall not be recorded.

Department. The U. S. Department of Agriculture.

Double sampling. A sampling inspection scheme which involves use of two independently drawn but related samples, a first sample and a second sample which is added to the first to form a total sample size. A double sampling plan consists of first and total sample sizes with associated acceptance and rejection criteria. The first sample must be inspected first and, if possible, a decision as to acceptance or rejection of the lot made before a second sample is inspected. When the decision cannot be made on the first sample, a second sample is inspected, the decision to accept or reject is based on the total sample size.

Lot. A collection of units of the same size, type and style which has been manufactured or processed under essentially the same conditions. The term shall mean "inspection lot"; i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purpose (e.g. production lot, shipping lot, etc.).

Operating characteristic curve ((OC) curve). A curve that gives the probability of acceptance as a function of a specific lot quality level.

Origin inspection. An inspection made at any location where the filled containers are examined prior to shipment or transfer to the purchaser.

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the quality and market shelf life of the product. It may be metal, glass or fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen. Predetermined sampling patterns must be used to avoid subjective biases.

Rejection number (Re). The number in a sampling plan that indicates the minimum number of defects in a sample that will cause a lot to fail a specific requirement.

Sample. Any number of sample units which are to be used for inspection.

Sample size (n). The number of sample units which are to be included in the sample.

Sample unit. The individual container including any component parts.

Sampling plan. Any plan stating the sample size or sizes, acceptance number or numbers, and rejection number or numbers.

Shipping case. The container in which the product or primary container is placed to protect, preserve, and maintain the quality of the product in transit or storage.

Single sampling. A sampling inspection scheme where the decision to accept or reject an inspection lot with respect to a specified requirement is made after the inspection of a single sample. A single sampling plan consists of a single sample size with associated acceptance and rejection criteria.

Total defects. The sum of critical, major, and minor defects.

Subpart B—Condition Inspection Procedures

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptance levels included in the plan outlined in § 42.106 or any alternative plan which is approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the C&MS inspection or grading services requests that filled containers or shipping cases be certified for condition.

(b) This subpart will not be used when the C&MS inspection or grading services are requested to examine product characteristics only and are not requested to certify to the condition of the filled containers.

(c) This does not preclude a statement on the certificate limited to a description of defective containers observed during the process of examining sample units for product characteristics. Such a statement shall apply only to defective containers observed and shall not necessarily be indicative of the condition of the other containers in the lot.

(d) Unless otherwise specified by the user of service, this subpart will not apply to inspection lots of less than 50 shipping cases or to inspection lots of less than 300 primary containers. When the primary container is the shipping case, the shipping case limit will apply When the number of primary containers is 300 or more; or the number of shipping cases is 50 or more, this subpart will be used for the examination of the primary container and the shipping case if the examination of one or both has been requested.

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the minimum number of containers to examine for condition in relation to lot size ranges. Any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified. The tables also provide acceptance (Ac) and rejection (re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

(b) *Defects.* The tables in § 42.112 enumerate and classify defects according to the degree to which the individual defect affects the serviceability, including appearance as well as usability, of the container for its intended purpose. The table in § 42.113 enumerates and classifies defects of the label, marking, or code.

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* Selection of proper samples requires sufficient information to identify the lot; such information includes, but is not limited to:

(1) The lot size (see § 42.103 for restriction on small lots);

(2) The type and size of container;

(3) The code marks or other identification marks and the number of containers represented by each mark;

(4) The history of the lot regarding previous inspections; and

(5) The inspection status (normal, tightened, or reduced) of the processor.

(b) *Preliminary scanning.* Prior to drawing the sample, the lot should be scanned to determine if any segments or portions are abnormal with respect to wet cases, blown cans, top layer rust, leaking bags, etc. If such segments or portions noted are of any consequence, the lot may be rejected for condition of containers without sampling.

(c) *Sample size.* Determination of the number of containers to check for condition:

(1) Refer to the table in §§ 42.109 through 42.111 (sampling plans) and find where the lot size (number of individual containers) fits into the column headed "Lot Size Ranges."

(i) Tables I–A (normal), II–A (tightened), or III–A (reduced), as applicable, will apply to origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(ii) The appropriate double sampling plans in Table I will apply to other than origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size." A larger sample may be specified but it must be one of the listed plans in the table. The sample size cannot be an interpolation between plans.

(3) Lots rejected for unsatisfactory condition of containers may be subsequently sampled after being reconditioned or reworked. Such lots of resulting portion of a lot may be sampled as a reoffered lot providing the reoffered portion is separately identifiable. When making such inspections, the appropriate sampling plan for tightened inspection shall be used. Except in the case of an appeal inspection, it is not permissible to reinspect a previously rejected lot until it has been reconditioned or reworked.

(d) *Sample selection.* Select samples from the lot presented in accordance with either of the following two procedures as may be applicable. (A lot offered for inspection will be accepted or rejected in its entirety with either sampling procedure used to select the sample.)

(1) *Proportional random sampling.* When the number of codes or other identifying marks within the lot and the approximate number of cases or containers per code are known, select sample units at random within each mark and in a number proportionate to the number of containers represented by such mark.

(2) *Simple random sampling.* When there are no code or other identifying marks, or when the number of codes or identifying marks within the lot and/or approximate number of cases or containers per mark are not known, select sample units at random from the entire lot.

(e) *Maximum sample units per case.* If the lot is cased, predetermine the number of containers to draw from each case as well as the position within each case. Do not restrict the sampling to the top or bottom layers or to the corners. The best sample is one selected from all the various positions in the shipping case. It is desirable but not mandatory to limit the number of sample units to a single container from any one case. Multiple sample units may be taken from a single case but not in excess of the following plan:

(1) When containers are packed 12 or less to a case, draw a maximum of 6 sample units from any one case; and

(2) When containers are packed more than 12 to a case but not more than 60, draw a maximum of 12 sample units from any one case; and

(3) When containers are packed more than 60 to a case but not more than 250, draw a maximum of 16 sample units from any one case; and

(4) When containers are packed more than 250 in a case, draw a maximum of 24 sample units from any one case.

§ 42.106 Classifying and recording defects.

(a) *Classifying defects.* Examine each sample unit for the applicable type of defects listed in the table covering the container being inspected in §§ 42.112 and 42.113. Other defects, not specifically listed, shall be classified according to their effect on the intended use of the container.

(b) *Recording defects.* Record on a worksheet the number, type, and class (critical, major, or minor) of defects on each sample unit.

(c) *Totaling defects.* Add the number of defects in each class, then add the number of minor, major, and critical defects to obtain the total defects.

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and also the exterior seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be attributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

(2) Unrelated defects are defects on a single container that result from separate causes. If the incident that caused one of the defects had not occurred, the other unrelated defects on the container would still be present. As an example of unrelated defects, a can may be seriously rusted, may have a bad dent along the seam, and the label may also be detached from the can because of improper gluing. In this case it is unlikely that any of the three defects exist because of a common cause. Therefore, they are considered unrelated defects and should be scored as three defects.

(3) The lot acceptance portion of this procedure is based on the number of defects per 100 containers. It is necessary to determine if the defects on any one container are "related" defects or "unrelated" defects. A container is scored for the most serious of related defects, and is also scored for each unrelated defect.

§ 42.107 Lot acceptance criteria.

(a) Acceptance and rejection numbers: The acceptability of the lot is determined by relating the number and class of defects enumerated on the worksheet to the acceptance and rejection numbers shown in §§ 42.109 through 42.111 for the respective sample size and Acceptable Quality Level (AQL).

(b) Unless otherwise specified, use the following AQL's for the respective class of defects:

Defect class	AQL at origin inspection	AQL at other than origin inspection
Critical	0.25	0.25
Major	1.5	2.5
Total	6.5	10.0

(c) Acceptance or rejection: Refer to the appropriate sample size and AQL and compare the number of defects found in the sample with the acceptance (Ac) and rejection (Re) numbers in the sampling plan.

(1) Accept the lot after examining the single sample or first sample of a double sampling plan when all of the following conditions are met:

(i) The number of critical defects does not exceed the applicable acceptance number (Ac) for critical defects, and

(ii) The number of major defects does not exceed the applicable acceptance number (Ac) for major defects, and

(iii) The total number of critical, major, and minor defects does not exceed the applicable acceptance number (Ac) for total defects.

(2) Reject the lot after examining the single sample or first sample of a double sampling plan when any one or more of the following conditions occur:

(i) The number of critical defects equals or exceeds the applicable rejection number (Re) for critical defects, or

(ii) The number of major defects equals or exceeds the applicable rejection number (Re) for major defects, or

(iii) The total number of critical, major, and minor defects equals or exceeds the applicable rejection number (Re) for total defects.

(3) If the lot can neither be accepted nor rejected on the first sample, when a double sampling plan is used, select and examine the prescribed second sample. Accept the lot if the accumulated defects of the first and second sample meet conditions of subparagraph (1) of this paragraph, otherwise, reject the lot.

§ 42.108 Normal, tightened, or reduced inspection.

(a) *Normal inspection.* Sampling plans for normal inspection are those in Tables I and I–A. These plans shall be used except when the history of inspection permits reduced inspection or requires tightened inspection.

(b) *Tightened inspection.* Sampling plans for tightened inspection are those in Tables II and II–A.

(c) *Reduced inspection.* Sampling plans for reduced inspection are those in Tables III and III–A.

(d) *Switching rules.* The normal inspection procedure shall be followed except when conditions in subparagraph (1) or (3) below are applicable or unless otherwise specified. Application of the following switching rules will be based on the inspection records of the lots from a single production plant.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection may be instituted providing that all of the following conditions are satisfied for each class of defect:

(i) The preceding 10 inspection lots (or more, as indicated by the note to Table III–B) which have been inspected within the preceding 6 months have been on normal inspection and none has been rejected on original inspection; and

(ii) The total number of defects in the samples from the preceding 10 inspection lots (or such other number of lots used for condition in subdivision (i) of this subparagraph) is equal to or less than the applicable number given in Table III–B. If a double sampling plan is used, all samples inspected should be included, not "first" samples only; and

(iii) Reduced inspection is considered desirable by responsible authority.

(2) *Reduced inspection to normal inspection.* When reduced inspection is in effect, normal inspection shall be reinstituted if any of the following occur on original inspection:

(i) An inspection lot is rejected; or

(ii) Production becomes irregular or delayed; or

(iii) Other valid conditions warrant that normal inspection shall be reinstituted.

(3) *Normal inspection to tightened inspection.* When normal inspection is in effect, tightened inspection shall be instituted when 2 out of 5 consecutive inspection lots have been rejected on original inspection (i.e., ignoring resubmitted lots for this procedure).

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection may be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) *Application of switching rules.* Normal, tightened, or reduced inspection shall continue unchanged for each class of defects on successive inspection lots that are similar in character (i.e., style, size, and type container, etc.) except where the switching rules require a change. The rules for switching procedures shall be applied independently to each class of defects. When the rules require a switch to tightened inspection on one or more classes of defects all classes shall be on tightened inspection. However, before switching from tightened inspection to normal inspection or from normal inspection to reduced inspection, all classes of defects must meet the applicable rules for switching.

§ 42.109 **Sampling plans for normal condition of container inspection, Tables I and I–A.**

TABLE I—SAMPLING PLANS FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15				Other acceptable quality levels (normal inspection)																	
			Sample size		Ac	Re	Sample size		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
									Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Single		126	0	1		84	0	1	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st				1st	36	(*)	(*)	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d				2d	60																
			Total				Total	96	(*)	(*)	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	6,001–12,000	Single		264	1	2		168	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	174	0	2	1st	120	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	162			2d	60																
			Total	336	1	2	Total	180	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC	12,001–36,000	Single		500	2	3		315	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42
		Double	1st	252	0	3	1st	168	0	3	0	4	1	5	2	7	5	10	7	13	12	18	19	26
			2d	288			2d	180																
			Total	540	2	3	Total	348	2	3	3	4	7	8	9	10	14	15	21	22	31	32	45	46
CD	Over 36,000	Single		800	3	4		500	3	4	5	6	9	10	12	13	18	19	28	29	42	43	62	63
		Double	1st	436	0	4	1st	228	0	3	0	5	2	7	3	9	5	11	8	17	15	24	23	34
			2d	408			2d	288																
			Total	864	3	4	Total	516	3	4	5	6	9	10	12	13	19	20	29	30	43	44	64	65
CE		Single		1,250	4	5		800	4	5	7	8	13	14	18	19	27	28	42	43	64	65	95	96

Ac=Acceptance number.
Re=Rejection number.

*=Reject on one or more defects. These plans are less preferable than those with numbers listed under Ac and Re.

TABLE I–A—SAMPLING PLANS OF SELECTED AQL'S FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (normal inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Double	1st	36	(*)	(*)	0	4	2	7
			2d	60						
			Total	96	(*)	(*)	3	4	10	11
CB	6,001–12,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18
CC	12,001–36,000	Double	1st	168	0	3	2	7	12	18
			2d	180						
			Total	348	2	3	9	10	31	32
CD	Over 36,000	Double	1st	228	0	3	3	9	15	24
			2d	288						
			Total	516	3	4	12	13	43	44

§ 42.110 Sampling plans for tightened condition of container inspection; Tables II and II–A.

TABLE II—SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15				Other acceptable quality levels (normal inspection)																	
			Sample size		Ac	Re	Sample size		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
									Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Single		264	0	1		168	0	1	1	2	2	3	4	5	5	6	7	8	11	12	16	17
		Double	1st				1st	120	(*)	(*)	0	2	0	3	2	5	2	6	3	7	6	10	10	14
			2d				2d	60																
			Total				Total	180	(*)	(*)	1	2	2	3	4	5	5	6	8	9	12	13	17	18
CC	6,001–12,000	Single		500	1	2		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29
		Double	1st	360	0	2	1st	168	0	2	0	3	0	4	1	5	2	7	5	10	7	13	12	18
			2d	156			2d	180																
			Total	516	1	2	Total	348	1	2	2	3	3	4	7	8	9	10	14	15	21	22	31	32
CD	12,001–36,000	Single		800	2	3		500	2	3	3	4	5	6	9	10	12	13	18	19	28	29	42	43
		Double	1st	456	0	3	1st	228	0	3	0	3	0	5	2	7	3	9	5	11	8	17	15	24
			2d	408			2d	288																
			Total	864	2	3	Total	516	2	3	3	4	5	6	9	10	12	13	19	20	29	30	43	44
CE	Over 36,000	Single		1,250	3	4		800	3	4	4	5	7	8	13	14	18	19	27	28	42	43	64	65
		Double	1st				1st	456	0	4	1	5	2	6	5	10	8	13	12	19	21	28	32	41
			2d				2d	408																
			Total				Total	864	3	4	4	5	8	9	14	15	19	20	29	30	44	45	69	70
CF		Single		1,250	3	4		1,250	4	5	7	6	10	11	19	20	26	27	41	42	63	64	96	97

TABLE II–A—SAMPLING PLANS OF SELECTED AQL'S FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (tightened inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Double	1st	120	(*)	(*)	2	5	6	11
			2d	60						
			Total	180	(*)	(*)	4	5	12	13
CC	6,001–12,000	Double	1st	168	0	2	1	5	7	13
			2d	180						
			Total	348	1	2	7	8	21	22
CD	12,001–36,000	Double	1st	228	0	3	2	7	8	17
			2d	288						
			Total	516	2	3	9	10	29	30
CE	Over 36,000	Double	1st	456	0	4	5	10	21	28
			2d	408						
			Total	864	3	4	14	15	44	45

§ 42.111 **Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.**

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7
CA	6,001–36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26

TABLE III-A—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels (reduced inspection)					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	4	5
		Double	1st	18	0	2	0	2	1	4
			2d	18						
			Total	36	1	2	1	2	5	6
CA	6,001–36,000	Single		84	1	2	3	4	9	10
		Double	1st	36	0	2	0	4	2	7
			2d	60						
			Total	96	1	2	3	4	10	11
CB	Over 36,000	Single		168	1	2	5	6	16	17
		Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18

TABLE III-B—LIMIT NUMBERS FOR REDUCED INSPECTION

Number of sample units from last 10 lots inspected within 6 months	Acceptable quality level								
	0.15	0.25	0.5	1.0	1.5	2.5	4.0	6.5	10.0
130–199	(*)	(*)	(*)	(*)	0	0	2	4	7
200–319	(*)	(*)	(*)	0	0	2	4	8	14
320–499	(*)	(*)	(*)	0	1	4	8	14	24
500–799	(*)	(*)	0	2	3	7	14	25	40
800–1,249	(*)	0	1	4	7	14	24	42	68
1,250–1,999	0	0	3	7	13	24	40	69	110
2,000–3,149	0	2	6	14	22	40	68	115	181
3,150–4,999	1	4	10	24	38	67	111	186	----
5,000–7,999	3	7	18	40	63	110	181	----	----
8,000–12,499	7	14	31	68	105	181	----	----	----
12,500–19,999	13	24	52	110	169	----	----	----	----
20,000–31,499	22	40	87	181	----	----	----	----	----
31,500–49,999	38	67	141	----	----	----	----	----	----
50,000–Over	63	110	229	----	----	----	----	----	----

*Denotes that the number of sample units from the last 10 inspection lots is not sufficient for reduced inspection for this AQL. In this instance more than inspection lots may be used for the calculations if, the inspection lots used are the most recent ones in sequence within the last 6 months, they have all been on normal inspection, and none has been rejected on original inspection.

§ 42.112 Defects of containers; Tables IV, V, VI, and VII.

TABLE IV—METAL CONTAINERS

Examination	Defects	Categories		
		Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure incomplete, not located correctly or not sealed, crimped, or fitted properly.		101	
	Dirty, smeared, or stained			201
	Key opening metal containers (when required):			
	(a) Key missing		102	
	(b) Key does not fit tab		103	
	(c) Tab of opening band insufficient to provide accessibility to key.		104	
	(d) Improper scoring band would not be removed in one continuous strip.		105	
	Open top with plastic overcap (when required):			
	(a) Plastic overcap missing		106	
	(b) Plastic overcap warped (making opening or reapplication difficult).		107	
Finish (tinplate or outside coating).	Missing or incomplete			202
	Blistered, flaked, sagged, or wrinkled			203
	Scratched or scored			204
	Fine cracks			205
	Rust (rust confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
	(a) Rust stain (nonmilitary purchases)			206
	(b) Rust stain (military purchases)		108	
	(c) Pitted rust		109	
Workmanship	Dents:			
	(a) Affecting appearance but not usability			207
	(b) Materially affecting usability		110	
	Buckles:			
	(a) Not involving end seam			208
	(b) Extending into the end seam		111	
	Collapsed		112	
	Flat panel (without denting)			209
	Solder:			
	(a) Missing when required		113	
	(b) Not smooth or evenly applied			210
	(c) Excessive use of flux			211
	Cable cut exposing seam		114	
	Improper seam		115	
	Swell, springer, or flipper (not applicable to gas or pressure packed product nor frozen products).	1		
	Leaker or blown	2		
	Frozen products only:			
	(a) Bulging ends 3/16" to 1/4" beyond lip			212
	(b) Bulging ends more than 1/4" beyond lip		116	

TABLE V—GLASS CONTAINERS

Examination	Defects	Categories		
		Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, or fitted properly		101	
	Dirty, stained, or smeared			201
Finish	Chipped			202
	Stone (unmelted material) in glass			203
	Frog eggs (surface defects)			204
	Sagging (surface defects)			205
	Bead (bubble in glass):			
	(a) 1/8" or less in diameter			206
	(b) Exceeding 1/8" in diameter		102	
	Checked		103	
	Thin spot		104	
	Blister (structural defect)		105	
	Bird swing (glass appendage inside container)	1		
Workmanship	Broken or leaking	2		
	Cap (nonheat processed):			
	(a) Cross-threaded			207
	(b) Loose but not leaking			208
	(c) Pitted rust		106	
	Cap (heat processed):			
	(a) Cross-threaded or loose	3		
	(b) Pitted rust		107	
	Sealing tape or cello band (when required):			
	(a) Improperly placed			209
	(b) Not covering juncture of cap and glass		108	
	(c) Ends overlap by less than 1/2"		109	
	(d) Loose or deteriorating		110	

TABLE VI—RIGID AND SEMIRIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ETC. (EXCLUDING GLASS AND METAL)

Examination	Defects	Categories		
		Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, or fitted properly		101	
	Dirty, stained, or smeared			201
Workmanship	Wet or damp (excluding ice packs):			
	(a) Materially affecting appearance but not usability			202
	(b) Materially affecting usability		102	
	Moldy	1		
	Crushed or torn:			
	(a) Materially affecting appearance but not usability			203
	(b) Materially affecting usability		103	
	Separation of lamination (corrugated fiberboard):			
	(a) Materially affecting appearance but not usability			204
	(b) Materially affecting usability		104	
	Sifting or leaking		105	
	Nails or staples (when required):			
	(a) Not as required, insufficient number or improperly positioned.			205
	(b) Nails or staples protruding		106	
	Glue or adhesive not covering sufficient area or not holding properly (when required):			
	(a) Primary container		107	
	(b) Other than primary container			206
	Flap projects beyond edge of container			207
	Sealing tape or strapping (when required):			
	(a) Missing		108	
	(b) Improperly placed or applied			208

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC)

Examination	Defects	Categories		
		Critical	Major	Minor
General	Type or size of container or component parts not as specified.	None permitted		
	Closure not sealed, crimped, stitched, or fitted properly		101	
Finish	Dirty, stained, or smeared			201
Workmanship	Unmelted gels in plastic			202
	Torn		102	
	Sifting or leaking		103	
	Moldy	1		
	Individual packages sticking together		104	
	Not fully covering product		105	
	Wet or damp (excluding ice packs):			
	(a) Materially affecting appearance but not usability			203
	(b) Materially affecting usability		106	
	Overwrap or secondary container (when required):			
	(a) Missing		107	
	(b) Loose, not sealed or closed			204
	(c) Improperly applied			205
	Sealing tape, strapping or adhesives (when required):			
	(a) Missing		108	
	(b) Improperly placed, applied, torn, or wrinkled			206
	Tape over bottom and top closures (when required):			
	(a) Not covering stitching		109	
	(b) Torn (exposing stitching)		110	
	(c) Wrinkled (exposing stitching)		111	
	(d) Not adhering to bag:			
	1. Exposing stitching		112	
	2. Not exposing stitching			207
	(e) Improper placement			208

§ 42.113 Defects of label, marking, or code; Table VIII.

TABLE VIII—LABEL, MARKING OR CODE

Examination	Defect	Categories	
		Major	Minor
General	Not specified method	101	
	Missing (when required)	102	
	Loose or improperly applied		201
	Torn or mutilated		202
	Text illegible or incomplete		203
	Incorrect		204
	In wrong location		205

Subpart C—Miscellaneous

§ 42.115 Operating Characteristic (OC) curves.

(a) This section contains the Operating Characteristic (OC) curve for each of the sampling plans given in Tables I, I-A, II, II-A, III and III-A. The OC curve and the corresponding sampling plans are listed by AQL.

(b) Different acceptance and rejection criteria are provided for each AQL. The criteria for each AQL must be obtained from the applicable sampling plan tables.

(c) The curves show the ability of the various sampling plans to distinguish between good and bad lots. This can be illustrated by examining OC curve 6 for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plans. If the quality of the lots submitted for inspection is poorer than the AQL of 0.25 defects per hundred units, fewer lots will be accepted. For example, OC curve 6 shows that when the quality of lots submitted for inspection is 1.0 defects per hundred units, only 26 percent of the lots are expected to be accepted. Conversely when the quality of the lots submitted for inspection is better than the AQL of 0.25 defects per hundred units, most lots are expected to be accepted. For example, the same OC curve 6 shows that when the quality of lots submitted for inspection is 0.10 defects per hundred units, about 99 percent of the lots are expected to be accepted.

(d) The table of sampling plans that correspond to OC curve 6 can be found over the curves for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plan. An examination of this table reveals that there is one single and one double sampling plan that have OC curves comparable to OC curve 6. The first plan listed is a single plan requiring the inspection of 500 individual containers. Under this plan the lot is accepted as meeting the requirements for an AQL of 0.25 if there are 3 or less defects in the sample or rejected if there are 4 or more defects in the sample.

(e) The next plan that is listed in the column headed 6 for an AQL of 0.25 is a double sampling plan that requires the initial inspection of 228 individual containers. The lot will be accepted as meeting the requirements of an AQL of 0.25 if there are no defects in the sample, and rejected if there are 3 or more defects in the sample. In the event that the number of defects is between the acceptance (0) and rejection (3) numbers, additional containers must be inspected. In this case, the table indicates that a total of 516 containers must be inspected before a decision can be made to either accept or reject the lot. This will require the inspection of 288 more containers (516—228=288).

If there are 3 or less defects in the total sample, the lot will be accepted. If there are 4 or more defects in the total sample, the lot will be rejected. The other double sampling plans operate in a similar manner with the only differences being the sample sizes and acceptance and rejection numbers.

NOTE: The Operating Characteristic curves and sampling plans for each curve are not included at this time. However, copies are filed with the FEDERAL REGISTER and Hearing Clerk and may be viewed by interested parties. The OC curves and sampling plans will be published when the standard is presented in final form.

Done at Washington, D.C., this 8th day of December 1965.

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

[F.R. Doc. 65-13339; Filed, Dec. 14, 1965; 8:45 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A15]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minn., on July 21-23, 1965, pursuant to notice thereof issued on June 22, 1965 (30 F.R. 8227).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 26, 1965 (30 F.R. 14855; F.R. Doc. 65-12848), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 14855; F.R. Doc. 65-12848) are hereby approved and adopted and are set forth in full herein subject to the following modification:

1. Under subheading 5 (a) *Level of Class I price differential,* a new paragraph is added after the 7th paragraph.

2. Under subheading 5 (b) *Supply-demand formula,* the 2d sentence in the 14th paragraph and the first sentence in the 16th paragraph are revised.

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Pool plant requirements;
3. Classification and pricing of milk used to produce cottage cheese;
4. Transfers;
5. Class I pricing;
6. Location adjustments;
7. Butterfat differentials and butterfat allowance in fluid skim milk;
8. Deletion of the base and excess plan; and
9. Administrative changes.

Action with respect to Issue 5 should be made effective as soon as possible. In order to accomplish this, this decision is confined to Issue 5 and the remaining issues will be dealt with in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions on material issue 5 are based on evidence presented at the hearing and the record thereof:

5. *Class I price*—(a) *Level of Class I price differential.* The present class I

price differential should be increased 10 cents through June 1966.

Producer associations proposed that the Class I differential be permanently increased 10 cents per hundredweight. Witnesses representing cooperatives and individual producers who also testified stated that this increase was necessary to reflect the increased costs of producing milk. They testified that while the various costs of producing milk have increased substantially during recent years, the Class I pricing provisions have not been amended to reflect these increased costs.

Any change in the level of the Class I price must be justified under the pricing standards of the Agricultural Marketing Agreement Act of 1937, which authorizes the issuance of milk orders. The Act requires that the Secretary establish the Class I price at a level which will reflect certain economic factors which affect the market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Until recently supplies of fluid milk have been fully adequate to meet the Class I needs of the market. In 1963 and 1964 producer milk utilized in Class I was 62 and 63 percent, respectively, of total producer receipts. However, producer milk utilized in Class I has increased markedly during August, September, and October 1965 compared with the same months in 1964. Official notice is taken of the statistics published by the market administrator for these months. Average Class I utilization of producer milk in the months of August, September, and October 1965 was 72 percent, 85 percent, and 86 percent, respectively. During the same months in 1964 the comparable utilization was 68 percent, 77 percent, and 73 percent. Thus the average Class I utilization of producer milk for the period was 81 percent in 1965 and 73 percent in 1964. This increased utilization is the result of an increase in Class I sales together with a decrease in supplies.

In recent months there has been an abnormal drop in the production of individual producers. Average daily deliveries per producer in September and October 1964 were 824 and 857 pounds, respectively. The comparable deliveries in 1965 were 802 and 792 pounds. This is a reduction of slightly over 5 percent and a reversal of the long-term production trend in the market.

Production has been lower in September and October 1965 compared with the same months in the previous year throughout the States of Minnesota and Wisconsin. Official notice is taken of the September and October 1965 issues of the U.S. Department of Agriculture publication "Milk Production". Total production in Minnesota was down 5 percent in September and 7 percent in October 1965 compared with the same months in 1964. In Wisconsin the comparable decreases in production were 1 percent and 6 percent.

To help maintain present production and insure a sufficient quantity of pure and wholesome milk in view of these developments, the Class I price should be increased 10 cents per hundredweight through June 1966. This increase will encourage higher levels of grain feeding by producers and reduce the number of cows culled from their herds.

In their exceptions to the recommended decision producers objected because the increase in the Class I differential is temporary rather than permanent. However, as noted above the current supply situation is a reversal of the long-term trend in the market. Production is expected to return to normal after the current crop year, thus resulting in an adequate supply of milk for the market. Therefore, the Class I price should not be increased permanently.

(b) *Supply-demand formula.* The computation of the supply-demand ratio and the table of standard percentages or "norms" should be revised.

Producers proposed that the actual pounds of Class I cream sales be used in determining total Class I demand rather than the present method of converting cream sales to a 3.5-percent milk equivalent. They proposed that the standard percentages be revised to reflect this change.

Use of the actual pounds of Class I product disposed of by regulated handlers will afford a better gauge of the demand for Class I milk than does the present practice of combining the actual pounds of product other than cream with the whole milk equivalent of the butterfat in cream disposed of as Class I.

When the present method of computing supply-demand norms was adopted, the average butterfat content of fluid milk products other than cream approximated 3.5 percent. The average test of all Class I including cream was substantially in excess of 3.5 percent. Thus the actual product pounds did not reflect the volume of whole milk actually needed to supply the total Class I requirements of the market.

In recent years consumer preference has changed. The demand for skim milk and low fat milk has increased substantially. Sales of light cream and "half and half" have increased at the expense of heavy cream. As a result the average test of all Class I milk is now below 3.5 percent in all months of the year. The pounds of product actually disposed of as Class I milk represent the entire demand for both skim milk and butterfat for such use. Adding the milk equivalent of the butterfat in cream to the pounds of product disposed of in other Class I items, now results in an inflated demand figure which is not truly representative of the actual requirements of the market. It is likely that this trend to lower butterfat content will continue in the foreseeable future. The order should be changed to reflect the current marketing situation.

The supply-demand norms were last revised on September 1, 1957. A comparison of the two methods of computing the Class I volume has been made for that year and the year immediately preceding and immediately following. Official notice is taken of the reports of the market administrator for the years 1956, 1957, and 1958.

Using the present method of computation, the current supply-demand ratio averaged 77.7 percent in 1956. In 1957, it averaged 72.4 percent, and in 1958 was 74.0 percent. Had actual product pounds of Class I been used rather than the milk equivalent of the cream, the supply-demand ratios for the same years would have averaged 68.0, 63.2, and 64.5 percent, respectively, an average difference of 9.5 percent.

The annual average of the supply-demand norms in the present order is 77.0 percent. To reflect the same supply-demand conditions which prevailed in 1956, 1957 and 1958, the attached order provides norms with an annual average of 67.5 percent, based on actual product pounds of Class I. Under the supply-demand norms effective for the period 1956–58, the Class I price was increased an average of 3.3 cents in 1956. In 1957 and 1958 it was decreased an average of 1.65 and 4.5 cents, respectively. Had the attached order been effective in the same period, the average Class I differential would have been increased 1.0 cent in 1956, and decreased 6.5 cents in 1957, and 4.5 cents in 1958.

In 1962, 1963, and 1964, the order resulted in annual average monthly deductions of 12.875, 10.375, and 9.25 cents, respectively. Had the attached order been in effect the deductions would have averaged 11.625, 8.625, and 7.25 cents, respectively.

For the first 9 months of 1965 the average supply-demand adjustment was minus 9.5 cents. Had the attached order been effective, the adjustment would have been minus 8.7 cents. Thus had the supply-demand ratio been based on actual product pounds of Class I milk, the Class I price in recent years would have averaged approximately 1.5 cents higher than the price which prevailed.

Producers also proposed that the table of standard percentages be revised to eliminate the present contraseasonality in the supply-demand adjuster. During the past few years the supply-demand formula has resulted in considerably larger reductions of the Class I price during the late summer and fall months when the market's supply has been shortest than during the months of flush production. This is undoubtedly a result of the shift in seasonality of supplies brought about by the base and excess plan. At the same time, however, such contraseasonal adjustments tend to impede improvement of the seasonal production pattern. In 1962, for example, the average supply-demand adjustment was minus 9 cents for April, May, and June but was minus 17 cents for September, October, and November. During 1963, for the same months, the reduction averaged 7.0 and 15.5 cents, respectively, and in 1964 the figures were 7.5 and 12.0. Had the revised supply-demand formula provided herein been in effect, the average deduction in April, May, and June 1962 would have been 14.5 cents and the average for September, October, and November would have been 9.0 cents. During 1963 the average deductions would

have been 12.0 and 7.5 cents, respectively. In 1964 the average adjustment would have been minus 12 cents in April, May, and June, but minus 3.5 cents in September, October, and November.

The following standard percentages have been constructed to eliminate the contraseasonality of the present standard percentages and, also, to reflect the change in computing Class I cream sales previously discussed:

Months to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

It is concluded that these standard percentages will provide an appropriate basis for adjustments of the Class I price in this market as supply and demand conditions change and, therefore, should be adopted.

Producers further proposed that adjustments be made to offset the decrease in Class I prices resulting from one of the amendments which became effective August 1. These proposals would increase the Class I price about 2 cents per hundredweight through adjustment of the supply-demand norms and increase the Class I differential 5 cents per hundredweight during the months of July through October. The August 1964 amendment provided that only the volume of product actually disposed as fortified fluid milk would be classified as Class I instead of the full skim equivalent of such products.

These proposed amendments should not be adopted. Use of the skim milk equivalent of nonfat milk solids in fortified products resulted in a quantity of milk classified in Class I which exceeded the actual quantity of product. The previous method of accounting thus resulted in inflating the amount of Class I milk beyond actual disposition as Class I.

Since the quantity attributable to fortified products was an unreal quantity, it is not necessary to provide for it in either the supply-demand adjustor or Class I differential. It has been found elsewhere in this decision that the amendments included herein provide sufficient price incentive to assure an adequate supply of milk for this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth therein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area," and "Order amending the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative Period

The month of September 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 10, 1965.

George L. Mehren,
Assistant Secretary.

Order[1] Amending Order Regulating Handling of Milk in Minneapolis-St. Paul, Minn., Marketing Area

§ 1068.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

[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 marketing orders have been met.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 26, 1965 (30 F.R. 14855; F.R. Doc. 65-12848), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1068.52 paragraph (b) is revised to read as follows:

§ 1068.52 Supply and demand ratio.

* * * * *

(b) Determine the total pounds of milk and milk products disposed of from pool plants as Class I (excluding shrinkage and unaccounted for milk) during the same 2 months; and

* * * * *

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month computed pursuant to § 1068.51 plus an amount as follows: $1.00 for July, August, September, October, and November; $0.76 for other months: *Provided*, That prior to July 1, 1966, $0.86 shall be added to the basic formula price in lieu of the above amounts: *And provided further*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Months to which applicable	Standard percentage	Months used in computing current supply-demand ratio
January	77	October-November.
February	72	November-December.
March	68	December-January.
April	68	January-February.
May	67	February-March.
June	66	March-April.
July	60	April-May.
August	57	May-June.
September	57	June-July.
October	66	July-August.
November	75	August-September.
December	77	September-October.

[F.R. Doc. 65-13374; Filed, Dec. 14, 1965; 8:47 a.m.]

[9 CFR Parts 316, 317]

MEAT FOOD PRODUCTS

Labeling Those Which Resemble Other Products

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96) and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)) it is proposed to amend §§ 316.13 and 317.8(c) of the Meat Inspection Regulations (9 CFR 316.13 and 317.8(c)) as follows, in order to provide further assurance that meat food products will not be sold in interstate or foreign commerce under false or deceptive names.

Section 316.13 would be amended by deletion of the words "in casings" in the section heading.

Section 316.13 would be further amended by changing paragraph (b) to read:

(b) Meat food products that are susceptible of marking and in appearance resemble any product having a common, usual, or established trade or product name, but that differ from the composition of such product as required by the regulations in Part 317 or 328 of this subchapter, or, in the absence of any such requirement, that differ from the normal composition of such product, shall bear on each piece or link the word "imitation" prominently displayed, except that products such as mixtures of meat and cereal or other extenders, or meat and cheese products, or meat and vegetable products, that resemble hamburger, sausage, or other ground meat may bear a descriptive name of the product on each link or piece in lieu of the word "imitation" and except that any product within this paragraph (b) that is packed in a container of a kind customarily sold at retail intact, which bears a descriptive name of the product and is otherwise properly labeled under the regulations in Part 317 of this Subchapter, need not bear on each link or piece any markings otherwise required by this paragraph.

Section 317.8(c) would be amended by the addition thereto of a new subparagraph reading as follows:

(70) Product labeled as a specified kind of meat patty or meat patty mix, such as "Beef Patty" or "Beef Patty Mix", shall consist only of chopped fresh meat, of the kind specified, with or without the addition of fat as such and/or condimental substances, in condimental proportions, and shall contain no more than 30 percent fat, and shall be in patty or patty mix form as indicated on the label.

Statement of considerations. A study of the marketing practices with respect to the above-described products indicates a need for the proposed labeling requirements to prevent the sale of the products in interstate of foreign commerce under false or deceptive names.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 10th day of December 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-13400; Filed, Dec. 14, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Revision 4]

IMPORTS OF CRUDE OIL AND UNFINISHED OILS

Petrochemical Plants

Presidential Proclamation 3279, as amended, authorizes the Secretary of the Interior, for reasons of equity and competitive capability, to provide for the making of allocations in Districts I-IV and in District V of imports of crude oil and unfinished oils to persons having petrochemical plants in these districts.

In order to implement this provision of the proclamation, I propose to recommend to the Secretary of the Interior that he issue amendments to Oil Import Regulation 1 which would embody the following plan:

1. Persons having petrochemical plants in Districts I-IV or in District V would be entitled to allocations of imports of crude oil or unfinished oils into these districts on the basis of petrochemical plant inputs to those plants. For this purpose, the terms "petrochemical plant", "petrochemical plant inputs", and "petrochemicals" would be defined as follows:

(a) "Petrochemical plant"—a plant in which petrochemical plant inputs are processed and converted by chemical reactions and more than 50 percent of the output (by weight) consists of petrochemicals;

(b) "Petrochemical plant inputs"—the following feedstocks when charged to a petrochemical plant (but excluding any such feedstock which is imported into the United States by pipeline, rail, or other means of overland transportation from the country where it was produced, which country is also the country of production of the crude oil from which such feedstock was processed or manufactured):

(i) Liquids under atmospheric pressure that have been recovered from mixtures

of hydrocarbons which existed in a vaporous phase in a reservoir, and are not natural gas products,[1]

(ii) Ethane, propane and butanes,

(iii) Naphtha;

(c) "Petrochemicals"—chemical intermediates which are produced from petrochemical feedstocks and which are used for producing such materials as synthetic fibers, synthetic rubbers, plastics and resins, surface coatings, automotive chemicals, detergents, explosives, insecticides, herbicides, solvents, dyes, and plasticizers.

2. Each eligible applicant would be entitled to an allocation of imports of crude or unfinished oils equal to a fixed percentage of the petrochemical plant inputs in Districts I–IV or in District V charged to his petrochemical plant during the year ending 3 months before the beginning of the allocation period. For a particular allocation period, the fixed percentage with respect to Districts I–IV and the fixed percentage with respect to District V each would represent approximately the ratio between (a) the quantity of imports available for allocation in Districts I–IV (or in District V) on the basis of refinery inputs and (b) the total inputs during the "refinery year" (the period of 12 months ending 3 months before the beginning of the allocation period) of those eligible applicants which will receive allocations on the basis of refinery inputs. Example: For an allocation period beginning January 1, 400,000 B/D of imports of crude oil and unfinished oils are available for allocation in Districts I–IV on the basis of refinery inputs. Those applicants which will receive allocations on this basis had inputs of 5,000,000 B/D during the 12 months which ended in the month of September preceding January 1. The ratio mentioned above would be

$$\left(\frac{400{,}000\ \text{B/D}}{5{,}000{,}000\ \text{B/D}}\right)$$

and the fixed percentage for computing allocations to persons having petrochemical plants would be approximately 8 percent.

3. An applicant who qualifies for an allocation pursuant to section 10 or 11 of the Oil Import Regulation 1 and on the basis of petrochemical plant inputs to a petrochemical plant would not receive two allocations but would receive an allocation computed on whichever basis would result in his obtaining the larger allocation.

4. An allocation made on the basis of petrochemical plant inputs would not entitle a person to a license which would allow the importation of unfinished oils in excess of a fixed percentum of the allocation. However, provision would be made for a person to petition the Administrator to adjust this percentage, if the petitioner certifies that the unfinished oils will not be exchanged, that they will be run entirely in the petitioner's petrochemical plant, and that not less than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed plan to the Administrator, Oil Import Administration, Washington, D.C., 20240, on or before January 3, 1966.

ELMER L. HOEHN,
Administrator,
Oil Import Administration.

DECEMBER 13, 1965.

[F.R. Doc. 65–13456; Filed, Dec. 14, 1965; 8:49 a.m.]

[1] Proclamation 3279 defines "natural gas products" as "liquids (under atmospheric conditions) including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within" the definitions of gasoline, jet fuel, naphtha, and fuel oil, in the Proclamation.

FEDERAL AVIATION AGENCY

[14 CFR Part 61]

[Reg. Docket No. 7063; Notice 65–39]

HELICOPTER PILOTS

Requirements for Instrument Ratings and Unrestricted Airline Transport Pilot Certificates

The Federal Aviation Agency is considering amending Part 61 of the Federal Aviation Regulations to provide standards for the issue of a rotorcraft (helicopter) instrument rating.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 14, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Since July 19, 1958, airline transport pilot certificates issued to pilots flying helicopters in air transportation have restricted the holders to helicopter flights conducted under visual flight rules only. At that time, no civil helicopter had been certificated for instrument flight, and no civil helicopter instrument operations were authorized. However, subsequent to 1964, the airworthiness certificates of at least two helicopter models were amended to include approval for instrument flight. In addition, two scheduled air carriers have applied for approval of instrument operations to be conducted in scheduled helicopter operations.

The present Part 61 limits the holder of an airline transport pilot certificate with a rotorcraft (helicopter) rating to operate helicopters under VFR only flight conditions when exercising the privileges of that certificate and that rating. Furthermore, there are no standards in present Part 61 under which a helicopter pilot may obtain a helicopter instrument rating.

Although Part 61 presently limits the holder of an airline transport pilot certificate with a rotorcraft (helicopter) rating to operate helicopters only under VFR when exercising the privileges of his airline transport pilot certificate, the holder of a private or commercial pilot certificate with an instrument rating obtained in airplanes has no such limitation when piloting a helicopter under instrument flight conditions even though he has never demonstrated instrument flying skill in the helicopter. The pilot techniques necessary to fly a helicopter under instruments are substantially different from those required to fly an airplane under instruments. Therefore, even though a pilot is qualified and rated for instrument flying in airplanes, he should also be required to demonstrate his instrument flying skill in a helicopter before he is authorized under that rating to operate a helicopter under instrument flight conditions.

In consideration of the above, the Agency feels that Part 61 should be amended to include standards for pilots to obtain a helicopter instrument rating.

As in the case of the airline transport pilot, these amendments will limit the holder of a private or commercial pilot certificate with an instrument rating obtained in airplanes to piloting a helicopter under VFR only. However, under these amendments the holder of any pilot certificate (other than a student pilot certificate) will be permitted to fly helicopters under IFR if he demonstrates satisfactory instrument flight skill in helicopters and his pilot certificate is amended to include this qualification.

These amendments will permit the holder of a pilot certificate, who is permitted to operate helicopters under instrument flight conditions on the basis of an exemption granted by the Agency, to obtain a rotorcraft (helicopter) instrument rating without further meeting the requirements of §§ 61.151, 61.153, and 61.155.

The amendments will also permit the holder of a pilot certificate issued under the military competency provisions of § 61.31 to obtain a rotorcraft (helicopter) instrument rating without further meeting the requirements of §§ 61.35 and 61.37 if he presents satisfactory documentary evidence that he holds or has held a military instrument rating or card issued by the Armed Force concerned that authorized him to pilot rotorcraft (helicopter) under instrument flight conditions.

The experience requirements have been increased in the case of helicopter qualifications in view of the substantial difference in the pilot technique required to fly helicopters under instrument flight conditions. In addition, the recency of flight experience for a helicopter pilot with an airline transport pilot certificate has been increased to 6 hours within the preceding 6 months since the present 2-hour minimum appears to be insufficient.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending § 61.3(f) to read as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(f) *Instrument rating.* No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating, or an airline transport pilot certificate not limited to VFR only, appropriate to the category of aircraft in which he acts as pilot in command.

2. By amending § 61.15 by adding the following new paragraph (l):

§ 61.15 Aircraft ratings.

* * * * *

(l) At any time before (twenty-four months from the effective date of this amendment) the holder of a pilot certificate that permits him to operate helicopters under instrument flight conditions on the basis of an exemption granted by the Administrator, and the holder of a pilot certificate issued under § 61.31 who holds or has held a military instrument rating or card authorizing him to pilot rotorcraft (helicopters) IFR may obtain a helicopter instrument rating without further showing of instrument competency in a helicopter.

3. By amending § 61.31(c) to read as follows:

§ 61.31 Military pilots or former military pilots: special rules.

* * * * *

(c) *Instrument rating.* A private or commercial pilot who holds a current military instrument rating or card is entitled to an instrument rating under this Part for the category of aircraft for which the military instrument rating or card was issued.

* * * * *

4. By amending § 61.35(a)(2) to read as follows:

§ 61.35 Instrument rating: knowledge and experience requirements.

(a) * * *

(2) A private pilot certificate and meet the requirements of either § 61.115(a) except subparagraphs (3) and (4) thereof, or § 61.119(a), appropriate to the category of aircraft for which the instrument rating is sought.

* * * * *

5. By amending the first sentence of § 61.35(c) to read as follows: "An applicant for an instrument rating must have at least 40 hours of instrument time under actual or simulated conditions (including time acquired in a synthetic trainer), of which at least 20 hours were in flight (including at least 10 hours flight time in the category of aircraft in which the instrument rating is sought) and at least 15 hours were instrument flight instruction given by a flight instructor with an instrument rating on his flight instructor certificate."

6. By amending the first sentence of § 61.35(c)(3) to read as follows: "One flight of at least 200 nautical miles, or in the case of a rotorcraft (helicopter) a flight of at least 50 nautical miles, on Federal airways while operating in accordance with an approved IFR flight plan."

7. By amending § 61.37(c)(2)(iii) and (vi) to read as follows:

§ 61.37 Instrument rating: skill requirements.

(c) * * *

(2) * * *

(iii) Stalls and maneuvering at approach speeds, except that stalls are not required for helicopters.

* * * * *

(vi) Engine-out procedures, if test is in multiengine aircraft.

* * * * *

8. By amending the first sentence of § 61.47(d) to read as follows: "A pilot may not act as pilot in command of an aircraft under IFR or in weather conditions less than prescribed VFR minimums unless, within the preceding 6 calendar months, he has had at least 6 hours of instrument flight under actual or simulated instrument flight conditions of which at least 3 hours must have been accomplished in the category of aircraft in which he acts as pilot in command."

9. By amending § 61.47(e) to read as follows:

§ 61.47 Recent flight experience.

* * * * *

(e) *Instrument: airline transport.* An airline transport pilot may not act as pilot in command of an aircraft under instrument flight conditions in operations for which an airline transport pilot certificate is required unless he has had at least 2 hours (6 hours for helicopter pilots) of instrument flight time under instrument weather conditions, or simulated instrument flight conditions, in that category of aircraft within the preceding 6 months, or until he has had at least 2 hours (6 hours for helicopter pilots) of flight time under those conditions, accompanied by a pilot with at least a private pilot certificate who holds an appropriate category, class, type rating (if applicable), and an instrument rating for the category of aircraft concerned.

* * * * *

11. By amending § 61.149 to read as follows:

§ 61.149 Rotorcraft rating: general requirements.

An applicant for an airline transport pilot certificate with a rotorcraft (helicopter) rating must meet the applicable requirements of §§ 61.151, 61.153, and 61.155 for a helicopter rating limited to "VFR only" or for one "not limited to VFR only" as appropriate.

12. By amending § 61.151 to read as follows:

§ 61.151 Rotorcraft rating: aeronautical knowledge.

An applicant for an airline transport pilot certificate with a rotorcraft rating must, after meeting the requirements of § 61.141 (except paragraph (a) thereof) and the applicable requirements of § 61.153, pass a written test on—

(a) So much of this chapter as relates to air carrier rotorcraft operations;

(b) Rotorcraft design, components, systems and performance limitations;

(c) Basic principles of loading and weight distribution and their effect on rotorcraft flight characteristics;

(d) Air traffic control systems and procedures relating to rotorcraft;

(e) Procedures for operating rotorcraft in potentially hazardous meteorological conditions;

(f) Flight theory as applicable to rotorcraft; and

(g) For a rating not limited to VFR only, the items listed under paragraphs (b) through (m) of § 61.143.

13. By amending § 61.153 by adding the following new paragraph (c):

§ 61.153 Rotorcraft rating: aeronautical experience.

* * * * *

(c) In addition to the requirements of paragraphs (a) and (b) of this section, an applicant for an airline transport pilot certificate with a rotorcraft (helicopter) rating, not limited to VFR only, must have at least 75 hours of instrument time under actual or simulated instrument conditions of which no less than 50 hours were completed in flight with at least 25 hours in helicopters as pilot in command, or as copilot performing the duties and functions of a pilot in command under the supervision of a pilot in command, or combination thereof.

14. By amending § 61.155 to read as follows:

§ 61.155 Rotorcraft rating: aeronautical skill.

(a) An applicant for an airline transport pilot certificate with a rotorcraft rating, limited to VFR only, must show his ability to satisfactorily pilot rotorcraft by performing at least the following:

(1) Normal takeoffs and landings, crosswind landings, climbs, and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops.

(2) Simulated emergency procedures, including failure of an engine or other component or system, fire, ditching, evacuation, and operating emergency equipment.

(3) Approach and landing with simulated one engine inoperative in multi-

engine helicopters or in autorotation in single engine helicopters.

(4) Any other maneuvers considered necessary to show his ability.

(b) An applicant for an airline transport pilot certificate with a rotorcraft rating, not limited to VFR only, must meet the requirements of paragraph (a) of this section and in addition must perform the following:

(1) The requirements of § 61.147 except § 61.147(a)(8).

(i) The maneuvers listed under § 61.147 (a) (6) and (15) are not required if the applicant holds a helicopter instrument rating.

(ii) The maneuver listed under § 61.147(a)(14) is limited to rapid descent only.

(iii) The maneuvers listed under § 61.147(a) (6), (15), and (16) may be performed on partial panel at the discretion of the FAA flight inspector.

(c) The holder of an airline transport pilot certificate with a rotorcraft category and helicopter class rating who applies for an additional helicopter type rating must show his ability to satisfactorily pilot the type helicopter for which he seeks a rating by performing the maneuvers listed in paragraph (a) of this section (limited to VFR only) or paragraph (b) of this section (not limited to VFR only).

15. By amending § 61.157 by redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 61.157 Additional category ratings.

* * * * *

(b) *Rotorcraft rating not limited to VFR only.* The holder of an airline transport pilot certificate (airplane rating) who applies for a rating authorizing him to pilot a rotorcraft not limited to VFR only must meet the applicable requirements of §§ 61.151, 61.153, and 61.155.

* * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

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

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

[F.R. Doc. 65-13364; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-43]

VOR FEDERAL AIRWAYS

Proposed Alterations

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the floors of segments of V-6, -19, -26, -86, -89, -100, -118, -138, -169, -207, and -524 as follows:

1. V-6 from Medicine Bow, Wyo., 1,200 feet above the surface (AGL) to Sidney, Nebr.

2. V-19 from Cheyenne, Wyo., 1,200 feet AGL to Casper, Wyo., including an E alternate 1,200 feet AGL from Cheyenne to Casper via the INT of Cheyenne 002° and Douglas, Wyo., 152° True radials and Douglas, and from Sheridan, Wyo., 21 miles 1,200 feet AGL, 35 miles 7,500 feet above mean sea level (MSL), 1,200 feet AGL to Billings, Mont., including an E alternate from Sheridan 21 miles 1,200 feet, AGL, 38 miles 7,500 feet, MSL, 1,200 feet AGL to Billings.

3. V-26 from Casper, Wyo., 14 miles 1,200 feet AGL, 25 miles 7,500 feet, MSL, 92 miles 9,000 feet MSL, 1,200 feet AGL via Rapid City, S. Dak., to Philip, S. Dak.

4. V-86 from Billings, Mont., 32 miles 1,200 feet AGL, 35 miles 7,500 feet MSL, 1,200 feet AGL to 20 miles, E of Sheridan, Wyo., 45 miles 7,000 feet MSL, 72 miles 8,000 feet MSL, 1,200 feet AGL to Rapid City, S. Dak.

5. V-89 from Cheyenne, Wyo., 1,200 feet AGL to Chadron, Nebr., including a 1,200 feet AGL E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

6. V-100 from Medicine Bow, Wyo., 59 miles, 1,200 feet AGL, 49 miles 8,500 feet MSL, 1,200 feet AGL to Chadron, Nebr.

7. V-118 from Laramie, Wyo., 1,200 feet AGL to Cheyenne, Wyo.

8. V-138 from Medicine Bow, Wyo., 1,200 feet AGL, via Cheyenne, Wyo., to Sidney, Nebr., including a 1,200-foot AGL N alternate from Medicine Bow to Cheyenne.

9. V-169 from Sidney, Nebr., 1,200 feet AGL via Scottsbluff, Nebr., and Chadron, Nebr., to Rapid City, S. Dak.

10. V-207 from Gill, Colo., 1,200 feet AGL, to Scottsbluff, Nebr.

11. V-524 from Laramie, Wyo., 1,200 feet AGL via the INT of Laramie 069° and Scottsbluff, Nebr., 254° True radials, to Scottsbluff.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The 1,200 AGL floors are required for climb to minimum en route altitudes, en route altitude changes and aeronautical chart legibility. These actions will neither affect present air traffic procedures nor minimum en route altitudes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 8, 1965.

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

[F.R. Doc. 65-13365; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-EA-82]

VOR FEDERAL AIRWAYS

Proposed Realignment and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-72 segment from Albany, N.Y., via Cambridge, N.Y., to the intersection of Cambridge 063° T (077° M) and Keene, N.Y., 341° T (355° M) (Hartness, Vt., Intersection).

2. Realign V-106 segment from Gardner, Mass., via Manchester, N.H., to Kennebunk, Maine.

3. Designate a VOR airway from Gardner, Mass., via the intersection of the Gardner 098° T (112° M) and the Boston, Mass., 015° T (030° M) to Boston.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The realignment of V-72 from Albany to the Hartness Intersection would provide a route with controlled airspace for air traffic originating from Hartness Airport and from areas north of Hartness which require clearance to Albany and points west and southwest of Albany. The realignment of V-106 via the Manchester VOR eliminates the airway crossing point with V-141 northwest of the Manchester VOR. The designation of the airway from Gardner to Boston via the Revere Intersection would be utilized as an additional inbound route to the Boston terminal area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on Dec. 8, 1965.

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

[F.R. Doc. 65-13366; Filed, Dec. 14, 1965; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 65-EA-58]

VOR FEDERAL AIRWAYS AND JET ROUTES

Proposed Realignment

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would accomplish the following:

1. Realign V-196 from Utica, N.Y., direct to Saranac Lake, N.Y., direct Plattsburgh, N.Y.

2. Realign V-203 from Albany, N.Y., direct Saranac Lake, direct to Massena, N.Y.

3. Realign the United States portion of V-282 from Saranac Lake direct to St. Eustache, Quebec, Canada.

4. Realign J-509 from the INT of Albany, N.Y., 343° T (356° M) and St. Eustache, Quebec, Canada, 188° T (203° M) radials, to St. Eustache, excluding the portion within Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These actions would reduce the airway mileage between St. Eustache and Albany, improve arrival and departure procedures at Adirondack Airport, Saranac Lake and permit establishment of a lower minimum en route altitude on V-196 between Saranac Lake and Utica. The realignment of J-509 would permit transition between this jet route and V-282.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on December 8, 1965.

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

[F.R. Doc. 65-13367; Filed, Dec. 14, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 16205]

RESPONSES AND MISREPRESENTATIONS BY APPLICANTS, PERMITTEE AND LICENSEES

Notice Extending Time for Filing Comments

1. Comments in the above-entitled proceeding are now due by December 8, 1965. In a petition filed December 7, 1965, the Federal Communications Bar Association (FCBA) asks that the time for filing be further extended to January 10, 1966, in order to permit that group to file comments which may be helpful to the Commission, and, more specifically, to enable the FCBA executive Committee to have an opportunity to consider and approve such comments.

2. The Commission believes that good cause for the requested extension has been shown. Accordingly, notice is hereby given that the time for filing comments in the above-entitled proceeding is extended to and including January 10, 1966.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: December 8, 1965.

Released: December 10, 1965.

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

[F.R. Doc. 65-13390; Filed, Dec. 14, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS FRANCHISE SIZE CRITERIA

Notice of Proposed Rule Making

Notice is hereby given that the Small Business Administration (SBA) invites further comment on the size standards for determining whether a concern operating under a franchise agreement is a small business concern.

Section 3 of the Small Business Act (15 U.S.C. 632; 72 Stat. 384) defines a small business concern for the purpose of that Act as one which is independently owned and operated and is not dominant in its field of operation. It also authorizes the Administrator of SBA to use additional criteria in making a detailed definition of small business.

The Regulations of SBA presently provide that the affiliates of a concern are to be included in determining the small business size status of the concern. Concerns are affiliates of each other:

"When either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships." Section 121.3-2(a) of the Small Business Size Standards Regulation (Revision 5, as amended) 30 F.R. 2247-56.

SBA has held that franchise agreements establish contractual relationships between the franchisor and the franchisee within the meaning of § 121.3-2 (a), supra, and that the franchisor has the power to control the franchisee whenever the franchise agreement authorizes the franchisor to:

1. Approve employment or continued employment of the franchisee's employees, or

2. Require the franchisee to conduct its business pursuant to or operate its business in strict conformance with, or comply with, or follow plans and instructions promulgated from time to time by franchisor, or

3. Determine for the franchisee the standards of service and production whenever such service and production constitute the major portion of the franchisee's business, so that by setting standards the franchisor can direct the manner in which the franchisee shall operate its business, or

4. Prohibit the franchisee from withdrawing more than a specified percentage of its net profits or from withdrawing from its account more than a specified weekly amount as remuneration for personal management.

This determination applies to all franchise arrangements except those relating to retail gasoline stations, new automobile dealers, bottlers of soft drinks, farm equipment dealers, or those under which less than 50 percent of the franchisee's receipts result from operations.

The recent growth of the franchise type operation and its significant contribution to the improvement of the competitive ability of small business concerns, together with the indications by the courts that additional information is required to determine the effect of the relationships between the franchisor and the franchisee, has caused SBA to review its regulations and decisions regarding affiliation between franchisor and franchisees.

On March 10, 1965, SBA published in the FEDERAL REGISTER (30 F.R. 3279),

a notice inviting written comments on the criteria which should be utilized in determining whether a concern operating under a franchise agreement is a small business concern. There was minimal response to this invitation. In order to secure further information, SBA proposes to conduct a hearing on February 7, 1966, at 10 a.m., in Room 442 Lafayette Building, 811 Vermont Avenue NW., Washington, D.C., relative to the following issues:

1. Should SBA ignore all contractual restraints so long as the right to profit and the risk of loss is substantially that of an otherwise eligible small business concern?

2. Should SBA weigh the effect of specific contractual restraints on the independent operation of the franchisee such as the right of franchisor to:

(a) Approve employment or continued employment of the franchisee's employees;

(b) Require compliance by franchisee with business plan(s) and instructions promulgated from time to time by the franchisor;

(c) Determine standards of quality, service, production, and advertising;

(d) Set the amount of franchisee's remuneration for personal management;

(e) Prohibit sale of products and use of services or supplies by the franchisee that are not approved by franchisor;

(f) Control inventory of franchisee;

(g) Inspect franchisee's books;

(h) Require franchisee to contribute to national advertising costs, advertise locally as directed and participate in promotions;

(i) Purchase the business upon termination of the franchise;

(j) Prohibit certain business practices by franchisee such as relying on credit, etc.;

(k) Require franchisee to furnish financial statements to the franchisor;

(l) Enforce the franchisee's agreement that, for a specified period of years after termination of the franchise, he will not directly or indirectly enter the employment of, or render services to, or engage in, or hold an interest in a business within the same territory, which might reasonably be called competition to the franchisor;

(m) Require that franchisee lease his premises to franchisor as security for breach of the agreement;

(n) Prohibit conduct of other business for the franchisee?

3. Should SBA's determination concerning the restrictive standards be based on:

(a) The need for the standards to protect the integrity and image of the product or service, and

(b) The need for the standards in the assurance of financial success?

4. Should SBA measure the reasonableness of these contractual restraints by:

(a) The severity of the punitive clauses for noncompliance by the franchisee;

(b) The presence or absence of right of recourse to the courts in the event of termination without cause;

(c) The right of the franchisee to require the franchisor to renegotiate or renew the agreement and the nature of the indemnity provisions, if any, in event of termination in the agreement;

(d) The presence or absence of a prohibition on the franchisor to compete with the franchisee for a specific period following termination of a franchise?

5. Should SBA determine that regardless of restrictive standards a franchisee shall be an eligible small business concern if:

(a) It is otherwise eligible;

(b) Its franchisor is itself competitive; and

(c) The franchisor does not occupy a substantial portion of its market as related to the size of others engaged in identical or similar activity?

The criteria for determining the size of the franchisor could be gross annual sales and net income after taxes.

6. Should SBA consider the combined activities (operations) of the franchise organization or establish separate criteria for franchisors as a group, franchisees as a group, and individual franchisees of the same franchisor?

7. Should SBA consider the records of franchisors which reflect the condition and quality of their product or service as compared with others in that market or industry (volume-percentage-comparative position)?

8. Should SBA review the history of the industry to determine whether the restraints imposed are inherent thereto, and in fact demonstrate there are no less restrictive restraints available that would retain protection of goodwill and image, and that would also assure financial success?

9. What evidence should be considered as establishing that the primary purpose of these agreements is to protect the franchisor's trademarks and are essential thereto?

10. What evidence should be considered as establishing that opportunities were afforded to small operators to enter business and compete successfully that could not have done so as individual concerns?

11. Is there sufficient data collected empirically or scientifically to support the proposition that the franchise system is a needed tool by which independent concerns can oppose successfully vertically integraded large concerns?

12. Is financial assistance by SBA to franchisees which are capable of securing such assistance from their franchisors precluded by section 7(a)(1) of the Small Business Act, which provides that:

> No financial assistance shall be extended * * * unless the financial assistance applied for is not otherwise available on reasonable terms?

13. Should SBA assistance to franchisees be limited? Should one criterion for determining SBA assistance to a franchisee be the effect of such assistance on a competing nonfranchised small business?

Interested persons are invited to file with SBA within thirty (30) days after publication of this notice in the FEDERAL REGISTER written comments or notice of their intention to testify at a hearing concerning the above.

All correspondence shall be addressed to:

Philip F. Zeidman
General Counsel
Small Business Administration
Washington, D.C., 20416

Dated: December 9, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13368; Filed, Dec. 14, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 2]

ASSISTANT COMMISSIONER (TECHNICAL) AND DIRECTOR, INTERNATIONAL TAX RELATIONS DIVISION

Revocation of Authority to Communicate and Consult on Tax Matters With Finance Ministry of Sweden

DECEMBER 8, 1965.

Commissioner Delegation Order No. 2, dated April 21, 1955, delegated to the Assistant Commissioner (Technical) and the Director, International Tax Relations Division, authority to communicate and consult on tax matters with the Finance Ministry of Sweden. The International Tax Relations Division was abolished in 1962 and its functions (except the preparation and issuance of rulings concerning the interpretation or application of tax conventions) have been transferred to organizations other than Technical.

Accordingly, Commissioner Delegation Order No. 2, dated April 21, 1955, is hereby revoked.

Effective date. December 8, 1965.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 65-13388; Filed, Dec. 14, 1965; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. 10]

MARYLAND AMERICAN GENERAL INSURANCE CO.

Surety Company Acceptable on Federal Bonds

DECEMBER 9, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $214,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office
Texas
Maryland American General Insurance Co., Baltimore, Md.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-13389; Filed, Dec. 14, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 072014]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 6, 1965.

The Department of Agriculture has filed the above application, serial number Montana 072014, withdrawal of the lands described below, from mineral location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for campgrounds and picnic sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont., 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BITTERROOT NATIONAL FOREST

Martin Creek Public Campground

T. 2 N., R. 17 W.,
Sec. 9, SE¼SE¼SW¼, S½NE¼SE¼SW¼, SW¼NW¼SW¼SE¼.

Total area 17.5 acres.

Bertie Lord River Flat Recreation Area

T. 2 N., R. 18 W.,
Sec. 24, S½SW¼SW¼NE¼, NW¼NW¼SE¼, E½NE¼NE¼SW¼, and SE¼SE¼SE¼NW¼.

Total area 22.5 acres.

Jennings Campground

T. 2 N., R. 18 W.,
Sec. 26, SW¼NW¼NW¼, and NW¼SE¼NW¼NW¼;
Sec. 27, SE¼NE¼NE¼.

Total area 22.5 acres.

Spring Gulch Campground

T. 1 N., R. 20 W.,
Sec. 1, SW¼SE¼SE¼;
Sec. 12, N½NW¼NE¼NE¼.

Total area 15 acres.

Crazy Creek Campground

T. 1 N., R. 20 W.,
Sec. 22, W½W½SW¼SE¼, and E½E½SE¼SW¼;
Sec. 27, W½NW¼NE¼, and NW¼SW¼NE¼.

Total area 50 acres.

Charles Waters Memorial Campground

T. 10 N., R. 20 W.,
Sec. 32, S½NW¼SE¼SE¼, SW¼NE¼SE¼SE¼, N½SW¼SE¼SE¼, NW¼SE¼SE¼SE¼, S½SW¼SE¼, S½NE¼SW¼SE¼, NW¼NE¼SW¼SE¼, NE¼SE¼SW¼, SE¼NW¼SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼, NE¼SE¼SW¼SW¼, and NW¼SW¼SE¼.

Total area 80 acres.

Larry Creek Campground

T. 10 N., R. 20 W.,
Sec. 33, NW¼NW¼.

Total area 40 acres.

Boulder Creek Campground and Road Termini

T. 1 N., R. 21 W.,
Sec. 18, W½W½SW¼SE¼, and SE¼SW¼SW¼SE¼;
Sec. 19, W½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, NW¼NE¼NW¼NE¼, N½NW¼NW¼NE¼, S½NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, and N½NW¼SE¼NE¼.

Total area 55 acres.

Lost Horse Campground

T. 4 N., R. 21 W.,
Sec. 18, SW¼NW¼NW¼SE¼, S½NE¼ NE¼SW¼, SE¼NE¼SW¼, and NW¼ SW¼NW¼SE¼.

Total area 20 acres.

Lake Como Recreation Area

T. 4 N., R. 21 W.,
Sec. 29, S½SW¼SW¼;
Sec. 31, Lot 1;
Sec. 32, Lots 2 and 3.

Total area 79.88 acres.

Indian Tree Recreation Area

T. 1 S., R. 19 W.,
Sec. 9, E½E½SE¼SW¼, SW¼SE¼SE¼ SW¼, E½E½NE¼SW¼, NW¼NE¼ NE¼SW¼, and S½SE¼SE¼NW¼;
Sec. 16, W½NE¼NW¼, W½NE¼NE¼ NW¼, and N½NW¼SE¼NW¼.

Total area 60 acres.

Lost Trail Recreation Area

T. 2 S., R. 19 W.,
Sec. 4, Lots 1, 3, and 4.

Total area 87.67 acres.

Little West Fork Campground

T. 1 S., R. 22 W.,
Sec. 4, Lot 4.

Total area 34.66 acres.

Little Boulder Bay Recreation Area

T. 1 S., R. 22 W.,
Sec. 26, N½SE¼SW¼SE¼, S½NE¼SW¼ SE¼, NW¼NE¼SW¼SE¼, and NE¼ NW¼SW¼SE¼.

Total area 15 acres.

Slate Creek Campground

T. 2 S., R. 22 W.,
Sec. 2, Lot 2.

Total area 47.6 acres.

Rombo Campground

T. 2 S., R. 22 W.,
Sec. 11, S½SE¼NE¼NW¼, E½SE¼NW¼, E½SW¼SE¼NW¼, E½NW¼NE¼SW¼, and W½NE¼NE¼SW¼.

Total area 40 acres.

Overwhich Campground

T. 2 S., R. 22 W.,
Sec. 14, SW¼NW¼NE¼NW¼, W½SW¼ NE¼NW¼, SE¼SW¼NE¼NW¼, S½ NE¼NW¼NW¼, N½SE¼NW¼NW¼, SE¼SE¼NW¼NW¼, and N½NW¼ SE¼NW¼.

Total area 27.5 acres.

Alta Campground

T. 2 S., R. 22 W.,
Sec. 34, Lot 1.

Total area 46.24 acres.

The areas described aggregate 761.05 acres.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 65-13350; Filed, Dec. 14, 1965; 8:45 a.m.]

COLORADO

Consolidation of Grazing Districts Nos. 1 and 6

Notice is hereby given that Colorado Grazing Districts No. 1 and No. 6, administered by the Bureau of Land Management District Office at Craig, Colo., are being consolidated.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and delegated to the Director, Bureau of Land Management, the lands in Colorado District No. 6 are added to the lands in Colorado District No. 1 and Colorado Grazing District No. 6 is abolished, effective December 31, 1965.

The district office at Craig, Colo., is designated as the headquarters for the consolidated district. A Resource Area Headquarters of the Craig District will be retained in Meeker, Colo.

The consolidation of these districts will require reorganization of the district advisory boards in accordance with the provisions of 43 CFR Subpart 4114. This decision shall become effective upon the date of publication in the FEDERAL REGISTER.

CHARLES H. STODDARD,
Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13351; Filed, Dec. 14, 1965; 8:45 a.m.]

COLORADO

Consolidation of Grazing Districts Nos. 5 and 8

Notice is hereby given that Colorado Grazing Districts No. 5 and No. 8, administed by the Bureau of Land Management District Office at Canon City, Colo., are being consolidated.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and delegated to the Director, Bureau of Land Management, the lands in Colorado District No. 8 are added to the lands in Colorado District No. 5 and Colorado Grazing District No. 8 is abolished effective December 31, 1965.

The district office at Canon City is designated as the headquarters for the consolidated district.

The consolidation of these districts will require reorganization of the district advisory boards in accordance with the provisions of 43 CFR Subpart 4114. This decision shall be effective upon the date of publication in the FEDERAL REGISTER.

CHARLES H. STODDARD,
Director.

DECEMBER 8, 1965.

[F.R. Doc. 65-13352; Filed, Dec. 14, 1965; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. S-330]

HOWARD CLIFTON AAKER

Notice of Loan Application

Howard Clifton Aaker, Salmon Bay Terminal, Seattle, Wash., 98119, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43.5-foot registered length wood trolling vessel to engage in the fishery for salmon and albacore in the waters of the Pacific Ocean and Gulf of Alaska.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 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., 20240. 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 operation of the vessel will or will not cause such economic injury or hardship.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 10, 1965.

[F.R. Doc. 65-13376; Filed, Dec. 14, 1965; 8:47 a.m.]

[Docket No. Sub-B-42]

TONNESSEN FISHERIES, INC.

Notice of Hearing

Tonnessen Fisheries, Inc., 24 Eddy Street, North Dartmouth, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 90-foot overall wood vessel to engage in the fishery for scallops, flounder, lobster, groundfish, and swordfish.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on February 8, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

DECEMBER 10, 1965.

[F.R. Doc. 65-13377; Filed, Dec. 14, 1965; 8:47 a.m.]

National Park Service

[Order 1]

CHIEF, INTERPRETATION AND RESOURCES MANAGEMENT, BIGHORN CANYON RECREATION AREA, MONTANA AND WYOMING

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Chief, Interpretation and Resources Management.* The Chief, Interpretation and Resources Management may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Midwest Region Order 3 (21 F.R. 1494))

Dated: November 15, 1965.

JOSEPH C. RUMBURG, Jr.,
Superintendent,
Bighorn Canyon Recreation Area.

[F.R. Doc. 65-13354; Filed, Dec. 14, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FROZEN CONCENTRATED ORANGE JUICE

Notice of Purchase Program GMP 135a

In order to encourage the domestic consumption of oranges by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture offers to purchase frozen concentrated orange juice processed from oranges produced in the continental United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer frozen orange concentrate are contained in Announcement FV-385 issued by the Department on December 10, 1965. Quantities purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: December 10, 1965.

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

[F.R. Doc. 65-13399; Filed, Dec. 14, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-241]

MISSISSIPPI STATE UNIVERSITY

Notice of Application for License To Receive, Possess, and Store Nuclear Reactor Components

Please take notice that Mississippi State University, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to receive, possess, and store, but not to assemble, nuclear reactor components to be obtained from North Carolina State University. The components are to be stored on the Mississippi State University campus located at State College, Mississippi, until applications for a construction permit and operating license are filed with the Commission and acted upon. A copy of the application is available for public inspection at the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 7th day of December 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-13349; Filed, Dec. 14, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-22984]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1965.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement has been filed with the Board between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated November 18 and 23, 1965,[1] as set forth in the attachment hereto[2] (1) names additional specific commodity rates for existing commodity descriptions, (2) names rates in certain areas under descriptions currently in effect in other areas, and (3) cancels rates under existing commodity descriptions. The agreement, excluding the canceled rates, reflects reductions in rates ranging from 19.4 to 66.6 percent of the otherwise applicable rates and is consistent with the present specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 18169, R-31 through R-37, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-13396; Filed, Dec. 14, 1965; 8:49 a.m.]

[1] Received in the Board Nov. 22 and 26, 1965, respectively.

[2] Attachment filed as part of original document.

[Docket No. 11749]

AIRLIFT RENEWAL PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 4, 1966, at 10 a.m. e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., December 8, 1965.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 65-13397; Filed, Dec. 14, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-1099]

MICROWAVE-SERVED CATV STATIONS

Transition Period for Applicability of Carriage and Non-Duplication Rules

DECEMBER 9, 1965.

The Commission has issued a letter to all applicants in the Domestic Point-to-

Point Microwave Service for renewal of licenses of microwave stations used to relay television broadcast signals to community antenna television systems. This letter is with reference to the rules, adopted by the Commission in its First Report and Order in Docket Nos. 14895 and 15233 (FCC 65-335, F.R. 3038, April 29, 1965), as modified in its Memorandum Opinion and Order in said dockets (FCC 65-601, 30 F.R. 8840, July 14, 1965), which require, in general, that a microwave-served community antenna television system (CATV) carry the signals of all local television stations, without material degradation in technical quality, and refrain from duplicating the programs of local commercial stations, either simultaneously or within 15 days before or after the local broadcast.

The Commission stated that it would examine the question of whether it would be desirable to allow a transition period for some CATV systems before requiring full compliance with the rules relating to carriage. (First Report and Order, supra, paragraph 161.) To obtain relevant information, the Commission sent questionnaires to known operators of CATV systems. On the basis of the responses to these questionnaires and other information available, it would appear that less than 20 percent of the microwave-served CATV systems are not now in compliance with the rules; that half of these systems either have the unused channel capacity to come into compliance or, in view of present expansion plans, will be able to comply; and that less than 10 percent of the systems now operating cannot comply with the rules without having to drop one or more signals currently carried. In these circumstances, there appears to be no compelling reason to provide, by a generally applicable rule, a transition period for the microwave-served systems before requiring full compliance with the rules. Rather, the Commission believes that an immediate application of the rules is desirable, with the provision that any system showing need for delay in complying may be granted a waiver of the rules for a reasonable period on a case-by-case basis. Accordingly, it has advised all common carrier renewal applicants that the rules will be generally applicable as of February 1, 1966.

Applications for CATV microwave authorizations in the Business Radio Service have been granted only since January 1962, for a term of five years, so there are no renewal applications now pending, nor will renewal applications be filed prior to 1967. While no renewal applications are due for some time, there appears to be no reason why the rules should not be made effective at the same time (February 1, 1966) as to renewal applications in the Business Radio Service. Consequently, any future application for an authorization in the Business Radio Services for a microwave facility to transmit the signals of a television broadcasting station to a CATV system should contain a request for waiver of the rules relating to carriage, if a waiver is desired. All such requests for waivers should make the same showing required of common carrier applicants for microwave authorizations. This showing is detailed in the letter referred to above stating:

> * * * The request for waiver should include the petition by the CATV system that the microwave licensee seek the waiver from the Commission; and the system should include a statement that it has served a copy of that petition on any television station to be affected. The request for waiver should demonstrate the hardships to the CATV system, the disruption of service to the customers of the CATV system which would result from immediate compliance with the carriage requirements, the need for the particular length of time for which the waiver is requested, and the future plans to come into compliance. Finally, the request should state whether substitution of the local station's signal on a simultaneous-only basis will be afforded during the period for which any waiver is granted where the local station is not now carried and its programming is duplicated by a more distant signal. See Black Hills Video Corp., 6 Pike & Fischer, R.R. 2d. 199, at 201 (¶ 9).

Adopted: December 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-13391; Filed, Dec. 14, 1965; 8:48 a.m.]

[Docket No. 16250; FCC 65M-1594]

SERVICE ELECTRIC CABLE TV, INC.

Memorandum Opinion and Order Scheduling Prehearing Conference

1. On December 9th the respondent (Service Electric, 206-208 East Third Street, Bethlehem, Pa.), in the above-entitled proceeding filed a motion requesting that the hearing, which is now scheduled to convene on December 20, be postponed 2 months, until February 21, 1966. The motion paper sets forth at length the steps the moving party has taken to eliminate the conditions which have caused this proceeding to be instituted, including a conference and inspection in the field jointly with two engineers of the Commission's Field Engineering Bureau and the Bureau's attorney, on complaints by the public. It states, further, that "At the time the instant motion was prepared and as recently as several days before the inspection on November 22 and 23, Respondent knew of no uncorrected cases of interference to off-the-air reception". And respondent also avers its understanding that "as of this date" (presumably December 8), there is no record of unsatisfied complaints on file at the Commission. Respondent urges that the 2 months continuance it is requesting is needed in order to conduct a comprehensive study of a possible source of radiation which stems from receiver design, beyond its, or its industry's, control in the present state of the art and in no way generated within its CATV system or by faulty components within the CATV system or the system's design.

2. The Hearing Examiner realizes that equity may require a further postponement of the hearing in this proceeding especially in light of the probabilities, as explained in the motion paper, that the facts respondent believes it will be able to establish may be needed for a proper interpretation of the Commission's rules governing permissible radiation tolerances for CATV systems. On the other hand, protection of the listening and viewing public from electrical interference must be the paramount consideration. Therefore, before he acts on the motion before him the Hearing Examiner has determined to set the matter down for further prehearing conference; first, in order that he may ascertain for the record whether any complaints have been received either by the respondent or the Commission as of the day before the conference, and, if so, what steps are to be taken to eliminate such complaints; and, second, to ascertain the exact relationship between the respondent's proposed study and the applicable rules.

Accordingly, it is ordered, This 10th day of December 1965, on the Hearing Examiner's own motion, that a further prehearing conference in the above-entitled proceeding will be convened at 3 p.m., on Thursday, December 16, 1965, at the Commission's offices, Washington, D.C.

Released: December 10, 1965.

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

[F.R. Doc. 65-13393; Filed, Dec. 14, 1965; 8:48 a.m.]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

DECEMBER 10, 1965.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 21, 1966, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on 1966, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 20, 1966, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing

[1] Chairman Henry absent; Commissioners Bartley and Loevinger concurring in the result.

the time of filing and other requirements relating to such pleadings.

Adopted: December 10, 1965.

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

APPENDIX

Applications from the top of the processing line

BP-16459 New, Burney, Calif.
R. L. Hansen.
Req: 1250 kc, 1 kw, Day.

BP-16711 New, Chardon, Ohio.
Radio Buckeye, Inc.
Req: 1560 kc, 250 w, DA, Day (facilities of WGLD).

BP-16712 KSMM, Shakopee, Minn.
Progress Valley Broadcasters, Inc.
Has: 1530 kc, 500 w, Day.
Req: 1170 kc, 1 kw, Day.

BP-16714 New, Hot Springs, Ark.
Christian Broadcasting Co.
Req: 1420 kc, 5 kw, Day.

BP-16723 New, Sandusky, Mich.
Sanilac Broadcasting Co.
Req: 1560 kc, 1 kw, DA, Day.

BP-16729 New, Dumas, Ark.
D and T Broadcasting Co.
Req: 1190 kc, 1 kw, Day.

BP-16730 New, New Castle, Ind.
Newcastle Broadcasting Corp.
Req: 570 kc, 500 w, DA-2, U.

BP-16732 New, Fosston, Minn.
E. P. De La Hunt, Jr., trading as Fosston Broadcasting Co.
Req: 1480 kc, 1 kw, Day.

BP-16733 New, Fortuna, Calif.
Dale A. Owens.
Req: 1280 kc, 1 kw, Day.

BP-16735 New, Burlington, Vt.
Carter Broadcasting Corp.
Req: 1070 kc, 5 kw, Day.

BP-16736 KOSG, Pawhuska, Okla.
Cherokee Broadcasting Co.
Has: 1500 kc, 500 w, Day.
Req: 1500 kc, 5 kw, 500 w (CH), DA, Day.

BP-16737 WGON, Munising, Mich.
Pictured Rocks Radio Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16738 New, Shively, Ky.
W. V. Ramsy and Lewis Young, doing business as Shively Broadcasting Co.
Req: 1130 kc, 500 w, Day.

BP-16744 WGKA, Atlanta, Ga.
Glenkaren Associates, Inc.
Has: 1600 kc, 1 kw, Day.
Req: 1190 kc, 1 kw, Day.

BP-16745 KRVC, Ashland, Oreg.
Faith Tabernacle, Inc.
Has: 1350 kc, 1 kw, Day.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-16746 New, Eatonton, Ga.
Lawrence S. Lane and Paul J. Wolfe, Jr., doing business as Eatonton Broadcasting Co.
Req: 1520 kc, 500 w, Day.

BP-16747 New, Calhoun, Ga.
William E. Stocks and Emma H. Stocks, doing business as New Echota Broadcasting Co.
Req: 1110 kc, 250 w, Day.

BP-16748 New, Jackson, Ga.
Robert P. Shapard, Jr.
Req: 1540 kc, 1 kw, Day.

BP-16764 New, Salt Lake City, Utah.
Holladay Broadcasting Co.
Req: 1060 kc, 10 kw, Day.

BP-16765 New, Salinas, P.R.
Island Broadcasting Corp.
Req: 1210 kc, 1 kw, Day.

BP-16766 New, Bridgeton, N.C.
V. W. B., Inc.
Req: 1380 kc, 5 kw, Day.

BP-16768 New, Sallisaw, Okla.
Little Dixie Radio, Inc.
Req: 1510 kc, 1 kw, 500 w (CH), Day.

BP-16769 New, Hondo, Tex.
Ben J. Conroy, Jr., trading as Medina Broadcasting Co.
Req: 1060 kc, 500 w, Day.

BP-16770 WRSJ, San Juan, P.R.
Radio San Juan, Inc.
Has: 1560 kc, 250 w, 5 kw-LS, U (Bayamon, P.R.).
Req: 1560 kc, 25 kw, 50 kw-LS, DA-2, U (San Juan, P.R.).

BP-16794 WMBC, Columbus, Miss.
J. W. Furr.
Has: 1400 kc, 250 w, 1 kw-LS, U (Macon, Miss.).
Req: 1400 kc, 250 w, U (Columbus, Miss.).

BP-16795 New, Woodruff, S.C.
S. J. Workman.
Req: 1510 kc, 1 kw, 250 w (CH), Day.

BP-16797 New, Ozark, Ark.
Ozark Broadcasting Co., Inc.
Req: 1540 kc, 500 w, Day.

[F.R. Doc. 65-13392; Filed, Dec. 14, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1867]

OWENS-CORNING FIBERGLAS INTERNATIONAL CORP.

Notice of Filing of Application for Order Exempting Company

DECEMBER 9, 1965.

Notice is hereby given that Owens-Corning Fiberglas International Corp. ("applicant"), National Bank Building, Toledo, Ohio, 43601, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of 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.

The applicant was organized by Owens-Corning Fiberglas Corp. ("OCF") under the laws of the State of Delaware in November 1965. All of the authorized stock of applicant, consisting of 10,000 shares of common stock, par value $1 per share, will be purchased for cash, stock and debt obligations of other foreign subsidiaries or affiliates of OCF having a fair market value of $6,155,000, and held by OCF. OCF will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by OCF except to the applicant or to a wholly owned subsidiary of OCF.

OCF, a Delaware corporation, together with its majority-owned subsidiaries and affiliates, are engaged in the manufacture and sale of a variety of glass fiber products and other glass or insulation products for consumer and industrial use.

Applicant has been organized in order to finance the expansion and development of OCF's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of not less than $6,000,000 nor more than $6,500,000 principal amount of its 5¾ percent Promissory Notes Due 1980 ("Notes"). OCF will guarantee payment of the principal, premium, if any, interest and mandatory prepayments on the Notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by OCF in the same manner as the Notes.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of OCF and invested in obligations of foreign governments, foreign financial institutions or other foreign companies, payable either in United States dollars or other currencies and maturing in 1 year or less; and that at least 90 percent of such assets will be invested in or loaned to foreign companies at least 40 percent of whose outstanding voting securities are owned, directly or indirectly, by OCF, and which are primarily engaged in businesses other than that of investing, reinvesting, owning, holding or trading in securities. Applicant will proceed as expeditiously as possible with the investment of its assets in such manner. Pending the completion of such investment program, applicant may invest its assets in obligations of foreign governments, foreign financial institutions or other foreign companies, payable either in United States dollars or other foreign currencies and maturing in one year or less, in a proportion greater than that permitted above. Applicant will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisitions of the Notes, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, OCF will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Notes are to be sold to a limited number of purchasers in a private placement outside the United States and will be delivered to the purchasers against receipt of payment therefor outside the United States. The Note Purchase Agreements pursuant to which the Notes are to be issued will contain a covenant by the respective purchasers to the effect that they will not offer, sell or deliver the Notes in the United States or to citizens or persons normally resident therein or to any other person who intends to reoffer or resell the Notes in the United

States or to such citizen or resident unless, in the opinion of counsel for the applicant, such offers and sales may be made without registration under the Securities Act of 1933. Applicant has agreed that its counsel will inform the Commision of the relevant facts prior to issuing any such opinion; and applicant also has agreed to file annually with the Commission certain financial and stock ownership information.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act for the following reasons: (1) The sole purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which OCF may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by OCF, does not depend on the operations or investment policy of applicant, for the Noteholders may ultimately look to the business enterprise of OCF and its subsidiaries and affiliated companies rather than solely to that of applicant; (4) the substantial minimum size of the Notes ($50,000 each) should effectively prevent investment in them by other than a relatively small number of sophisticated investors; (5) none of the securities (other than debt securities) of applicant will be held by any person other than OCF or a wholly owned subsidiary of OCF; and (6) the Notes will be offered and sold abroad to a limited number of foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or to any United States citizen or resident.

Notice is further given that any interested person may, not later than December 27, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65–13355; Filed, Dec. 14, 1965; 8:45 a.m.]

[01–36]

HALIBUT PRODUCERS COOPERATIVE

Notice of Application and Opportunity for Hearing

DECEMBER 8, 1965.

Notice is hereby given that Halibut Producers Cooperative ("Halibut"), 5401 Shilshole Avenue NW., Seattle, Wash., a nonprofit Washington corporation, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting Halibut from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting Halibut from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Halibut from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

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

Halibut is a nonprofit Washington corporation organized to take advantage of the Fishermen's Marketing Act of 1934 (15 U.S.C. § 521) and the "Fish Marketing Act" of the State of Washington (RCW 24.36.060).

The Fishermen's Marketing Act of 1934 provides, in part, that certain fishermen may act together in associations, corporate or otherwise, with or without capital stock under certain circumstances. Associations are authorized provided they are operated for the mutual benefit of the members thereof and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum and in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

The "Fish Marketing Act" provides an exemption for certain associations from the requirements of the Washington Securities Act.

The criteria employed in providing a specific exemption for farmers' cooperatives in section 12(g)(2)(E) of the Securities Exchange Act of 1934 closely parallel the conditions imposed by the Fishermen's Marketing Act of 1934.

The application of Halibut states, in part:

1. Halibut, in all respects, complies with the provisions of the Fishermen's Marketing Act of 1934. Membership in Halibut is limited [by the by-laws] to "persons engaged in the Fishery Industry as fishermen." Each member is allowed to hold only one share of the capital stock and is allowed only one vote. Each share of capital stock costs $10.00, which amount is returnable to the stockholder when he resigns from Halibut.

2. The shares of Halibut are not freely transferable. They may not be transferred to anyone who would not qualify for membership. Furthermore, no transfer of capital stock may occur without the prior consent of Halibut's Trustees.

3. Halibut pays no dividends on its capital stock. However, upon liquidation, the capital stock would receive liquidating dividends.

4. The fact that ownership is limited to one share, that alienation is restricted, that shares do not sell at a premium over their par ($10.00), and that Halibut is non profit and, therefore, makes no provision for dividends, minimizes the interest of the general public in the issuer, and makes trading activity negligible. Interest in the security is limited to those fishermen who either wish to employ the marketing services of Halibut, or have a voice in its operation, or both.

5. Halibut has waived a hearing in connection with the matter.

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

Notice is further given that an order granting an exemption under section 12(h) from the provisions of section 12(g) of the Act, may be issued by the Commission at any time on or after January 7, 1966, unless prior thereto a hearing upon the application is ordered by the Commission upon request or upon its own motion. Any interested person may, not later than January 5, 1966, at 5:30 p.m., e.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Ex-

change Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

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

[F.R. Doc. 65-13356; Filed, Dec. 14, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4541, etc.]

SINCLAIR OIL & GAS CO. ET AL.

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

DECEMBER 7, 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 January 4, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4541 C 11-26-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., North Justis Blinebry Field, Lea County, N. Mex.	9.0	14.65
G-6024 E 11-8-65	Jack Wrather, Jr. (successor to R. E. Hibbert, Operator), c/o J. T. Vaughan, Jr., attorney and agent, 2929 Cedar Springs Rd., Dallas, Tex., 75219.	Cities Service Gas Co., acreage in Oklahoma County, Okla.	10.0	14.65
G-8090 E 11-26-65	The Texstar Corp. (successor to Gulf Coast Leaseholds, Inc.), 2957 Humble Bldg., Houston, Tex.	Texas Eastern Transmission Corp., Clayton Field, Live Oak County, Tex.	13.87733	14.73
G-14223 9-30-65 [2]	Socony Mobil Oil Co., Inc., et al., Post Office Box 2444, Houston, Tex., 77001.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[3] 15.0	14.65
G-15791 C 12-1-65	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Transwestern Pipeline Co., North Follett Field, Lipscomb County, Tex.	17.0	14.65
G-16139 D 12-1-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Camo Area, Ochiltree County, Tex.	(5)	.....
G-18748 C 11-24-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	17.0	14.65
CI61-1385 D 11-22-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102 (partial abandonment).	Cities Service Gas Co., Dower Field, Barber County, Kans.	Depleted	.....
CI63-26 D 11-29-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Assigned	.....
CI63-951 C 11-22-65	Young and Hildreth, et al., Post Office Box 494, Spencer, W. Va., 25276.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	25.0	15.325
CI63-1415 C 11-23-65	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	15.0	14.65
CI63-1440 E 10-7-65	Quaker State Oil Refining Corp. (successor to Devonian Gas & Oil Co.), Box 337, Bradford, Pa., 16701.	Equitable Gas Co., Birch District, Braxton County, W. Va.	25.0	15.325
CI64-976 D 11-22-65	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Gas Area, Hamilton County, Kans.	(6)	.....
CI65-80 C 11-29-65	J. C. Baker & Son, Inc., Gassaway, W. Va.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	[6] 27.0	15.325
CI66-143 C 11-26-65	Kerr-McGee Corp.,[4] Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	American Louisiana Pipe Line Co., Hog Bayou Field, Block 1, Offshore Cameron Parish, La.	19.0	15.025
CI66-434 (G-18748) F 11-5-65	Earl T. Smith, receiver (successor to Sinclair Oil & Gas Co.), c/o Maston C. Courtney; attorney, Culton, Morgan, Britain & White, Post Office Box 189, Amarillo, Tex.	El Paso Natural Gas Co., acreage in Ochiltree County, Tex.	17.0	14.65
CI66-435 A 11-23-65	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	American Louisiana Pipe Line Co., Bayou Hebert Field, Vermilion and Iberia Parishes, La.	[7] 21.25	15.025
CI66-436 A 11-24-65	do	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	[7] 21.25	15.025
CI66-437 A 11-26-65	E. K. Edmiston, First National Bank Bldg., Wichita, Kans., 67202.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
CI66-438 A 11-26-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	American Louisiana Pipe Line Co., West Gueydan Field, Vermilion Parish, La.	21.25	15.025
CI66-439 A 11-26-65	do	American Louisiana Pipe Line Co., East Buck Point Field, Vermilion Parish, La.	21.25	15.025
CI66-440 A 11-26-65	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex., 77052.	Texas Gas Transmission Corp., Maurice and Milton Fields, Vermilion and Lafayette Parishes, La.	20.625	15.025
CI66-441 (G-20224) F 11-26-65	Cabot Corp. (SW), (Operator), et al. (successor to Shell Oil Co.), 125 High St., Boston, Mass., 02110.	Natural Gas Pipeline Co. of America, acreage in Texas County, Okla.	16.0+ B.t.u. adjustment.[8]	14.65
CI66-443 A 11-26-65	Shell Oil Co	American Louisiana Pipe Line Co., Buck Point Field, Vermilion Parish, La.	21.25	15.025
CI66-444 B 11-22-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Rodessa Field, Marion County, Tex.	Depleted	.....
CI66-445 B 11-22-65	do	Transcontinental Gas Pipe Line Corp., West Leleux Field, Acadia Parish, La.	Depleted	.....

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

See footnotes at end of table.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C166-446..... A 11-23-65	Ohio-West Virginia Oil & Gas Co., 8222 Perry Highway, Pittsburgh, Pa., 15237.	Penova Interests, Grant District, Ritchie County, W. Va.	19.0	15.325
C166-447..... A 11-29-65	Union Producing Co., Post Office Box 1407, Shreveport, La., 71102.	American Louisiana Pipe Line Co., Southwest Lake Arthur Field, Cameron Parish, La.	20.625	15.025
C166-448..... A 11-30-65	W. H. Hildreth, et al., d.b.a. W. A. Smith Lease, Spencer, W. Va., 25276.	United Fuel Gas Co., Union District, Clay County, W. Va.	25.0	15.325
C166-449..... A 11-22-65	Carl H. Noel, c/o Ernest S. Baker, attorney, 1013 Midland Savings Bldg., Denver, Colo., 80202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C166-450..... (G-19316) F 11-29-65	J. Gregory Merrion and Robert L. Bayless (successor to Humble Oil & Refining Co., Post Office Box 507, Farmington, N. Mex.	El Paso Natural Gas Co., Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.	[1] 12.0495	15.025
C166-451..... (G-19315) F 11-29-65	do.....	El Paso Natural Gas Co., Blanco Mesa Verde Field, Rio Arriba County, N. Mex.	13.0	15.025
C166-452..... A 11-30-65	First Transportation Gas Corp., Inc., One Chase Manhattan Plaza, New York, N.Y., 10005.	Michigan Wisconsin Pipe Line Co., Randall Unit, Harper County, Okla.	17.0	14.65
C166-453..... A 12-1-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Redfish Point Field, Vermilion Parish, La.	21.25	15.025

[1] Amendment to certificate filed to include the interest of Reuel W. Little, a signatory co-owner. Same interest was previously covered by Little's certificate in Docket No. G-15041. The certificate in Docket No. G-15041 will be terminated.
[2] Subject to upward or downward B.t.u. adjustment.
[3] Deletes acreage insofar as Jamieson, Haar, and Truax leases. Purchaser deems it uneconomical to connect to wells thereon.
[4] Deletes from basic contract 1,120 acres of land on which leases have expired or otherwise terminated.
[5] Includes 2.0 cents gathering and transportation charge.
[6] Formerly Kerr-McGee Oil Industries, Inc.
[7] Subject to deduction up to 2.0 cents per Mcf for compression, if delivery pressure is insufficient to allow gas to enter Buyer's line, and Buyer elects to compress gas.
[8] Rate in effect subject to refund in Docket No. RI65-475.
[9] Application states rate of 12.2340 cents per Mcf currently being collected by Predecessor, subject to refund in Docket No. RI64-385.

[F.R. Doc. 65-13307; Filed, Dec. 14, 1965; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated December 7, 1965, reading in part as follows:

I have determined that the damage in various areas of the State of California adversely affected by heavy rains and flooding, beginning on or about November 13, 1965, is of sufficient severity and magnitude to warrant Federal assistance to supplement State and local efforts.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 7, 1965:

THE COUNTIES OF:

Riverside
San Bernardino
Ventura.

Dated: December 9, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-13394; Filed, Dec. 14, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 555]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Riverside and San Bernardino Counties in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring or beginning on or about November 22, 1965.

OFFICE

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles, Calif., 90013.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 29, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-13369; Filed, Dec. 14, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 10, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket numbers assigned Nos. MC 2706 and MC 2706 Sub 1, filed August 13, 1965. Applicant: ROBERT H. BRADSHAW, doing business as HARTSVILLE FREIGHT COMPANY, Hartsville, Tenn. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, over regular routes, between Nashville and Hartsville, Tenn., over U.S. Highway 70N and/or Interstate Highway 40, to Lebanon, Tenn., thence via U.S. Highway 231 from Lebanon to junction with Tennessee Highway 25; thence via Tennessee Highway 25 to Hartsville, and

return over same route, said alternate routes to be used in conjunction with the carrier's service route via U.S. Highway 31-E to Gallatin, thence via Tennessee Highway 25 to Hartsville, and return.

HEARING: January 18, 1966, at 9:30 a.m., c.s.t., in the Commission's Hearing Room, Floor C-1, 110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-2958, filed December 1, 1965. Applicant: RED ARROW EXPRESS, INC., 264 North Street, Arcade, N.Y., 14009. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between Arcade and Buffalo, N.Y., via New York Highway 39 and New York Highway 16, including service to, from, and between all intermediate points and the off-route points of Bliss, Strykersville, Java Village, North Java, Pike, Freedom, and Sandusky, N.Y., and over irregular routes, between Arcade, N.Y., on the one hand, and, on the other, the above-named off-route points.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 65-13380; Filed, Dec. 14, 1965; 8:47 a.m.]

[Notice 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 10, 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 to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 46 TA), filed December 7, 1965. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y., 10001. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Racine, Wis., to Chicago, Ill., for 180 days. Supporting shipper: Marshall Field & Co., Adolf Schwaderer, traffic manager, 111 North State Street, Chicago, Ill. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 58813 Sub 69 TA, filed December 7, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., 10001. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in the process of manufacture of wearing apparel*, between: (a) New York, N.Y., on the one hand, and, on the other, Waycross, Ga., Greenville, S.C., and Jacksonville, Fla., and (b) Waycross, Ga., on the one hand, and, on the other, West Palm Beach, Miami, and Jacksonville, Fla., and Greenville, S.C. (all restricted to movements to or from garment sewing plants); (2) *unfinished wearing apparel in process of manufacture* (garments sewn together but not otherwise completed), from Waycross, Ga., to West Palm Beach, Fla., Greenville, S.C., Jacksonville and Miami, Fla.; (3) *wearing apparel*, loose, on hangers, from Waycross, Ga., Greenville, S.C., and Jacksonville, Fla., to New York, N.Y., for 120 days. Supporting shipper: Swainsboro Manufacturing Corp., 1515 Albany Avenue, Waycross, Ga. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10012.

No. MC 85570 (Sub-No. 6 TA), filed December 7, 1965. Applicant: VALLEY TRUCKING, INC., 25 Spalding Street, Everett, Mass., 02149. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., 01545, Mail address: Post Office Box 720, Worcester, Mass., 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, such as various types of beds, and parts thereof, mattresses, box springs, and dual purpose sleeping equipment, in double or single wall paper bags, from Bayonne, N.J., to Medford, Mass., *damaged or rejected shipments* on return, for 180 days. Supporting shipper: The Englander Co., 901 East 104th Street, Chicago, Ill., 60628. Send protests to: Acting District Supervisor Edward D. Shea, Interstate Commerce Commission, Bureau of Operations and Compliance, 30 Federal Street, Boston, Mass., 02110.

No. MC 102616 (Sub-No. 776 TA), filed December 7, 1965. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank or hopper type vehicles, from the plantsite of the Pantasote Corp. at or near Point Pleasant (Mason County), W. Va., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois (except points in Bond, Clinton, Jersey, Madison, Monroe, Perry, Randolph, St. Clair, and Washington Counties), Indiana, Iowa (except points on and west of U.S. Highway 65), Kentucky, Louisiana (except points on and west of U.S. Highway 67), Maine (except points in Aroostook and Penobscot Counties), Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: The Pantasote Co., 28 Jefferson Street, Passaic, N.J., 07056. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa.

No. MC 107515 (Sub-No. 531 TA), filed December 6, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Atlanta, Ga., 30310, Mail address, Post Office Box 10799, Station A. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, from Abilene, Tex., to points in Anniston, Birmingham, Dothan, Florence, Mobile, and Montgomery, Ala.; Washington, D.C.; Jacksonville, Miami, Ocala, Orlando, Panama City, Pensacola, St. Petersburg, Tampa, and West Palm Beach, Fla.; Albany, Atlanta, Augusta, Moultrie, Rome, Savannah, Sylvester, Thomasville, and Tifton, Ga.; Watertown, Mass.; Bayonne, N.J.; Asheville, Charlotte, Gates County, High Point, Jacksonville, Raleigh, and Salem, N.C.; Charleston, Columbia, Florence, Greenville, and Sumter, S.C.; Chattanooga, Jackson, Johnson City, Knoxville, and Nashville, Tenn.; Norfolk and Williamsburg, Va., for 180 days. Supporting shipper: Gooch Packing Co., Inc., Post Office Box 2738, 800 Almond Street, Abilene, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 111729 (Sub-No. 123 TA), filed December 7, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy, 222-17 Northern Boulevard, Bayside, N.Y., 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments including originals and copies of checks, drafts, notes, money orders, travelers' checks and canceled bonds and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion and negotiable securities), (1) between Richmond and Roanoke, Va., on the one hand, and, on the other, Charleston (Kanawha County), W. Va.; (2) between Gallipolis, Ohio, on the one hand, and, on the other, Charleston, W. Va., for 180 days. Supporting shippers: The Ohio Valley Bank Co., Gallipolis, Ohio, The Kanawha Valley Bank, Charleston 26, W. Va. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 115257 (Sub-No. 19 TA), filed December 6, 1965. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex., 75207, Office: 432 North Belt Line Road, Irving, Tex. Applicant's representative: R. C. Dawe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated and pre-cartoned furniture*, in mixed shipments, from Camden, Ark., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, West Virginia, District of Columbia, Indiana, Delaware, Pennsylvania, Ohio, Illinois, New York, and Maryland, for 180 days. Supporting shipper: Camden Furniture Co., Camden, Ark. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1314 Wood Street, 513 Thomas Building, Dallas, Tex., 75202.

No. MC 119531 (Sub-No. 50 TA), filed December 7, 1965. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: John M. Cleary, Brawner Building, 888 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from the plantsite of Brockway Glass Co., Inc., Brockway, Pa., to the plantsite of the Storh Brewery Co., Detroit, Mich., for 180 days. Supporting shipper: J. B. Belton, general traffic manager, Brockway Glass Co., Inc., Brockway, Pa., 15824. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 123497 (Sub-No. 1 TA), filed December 7, 1965. Applicant: GERALD S. ANDERSON and M. IRVING ANDERSON, a partnership, doing business as ANDERSON BROTHERS, Post Office Box 72, Siren, Wis. Applicant's representative: John J. Keller, 201 West Wisconsin Avenue, Neenah, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured wood products*, specifically, livestock flooring, set-up, unpainted, from points in Burnett County, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, and Michigan, and *returned, refused or rejected shipments of the same commodity*, from points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Indiana, and Michigan, to points in Burnett County, Wis., for 120 days. Supporting shipper: North States Wood Products, Inc., 925 West Broadway, Minneapolis, Minn., 55411, Everett C. Pennock, president. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 126472 (Sub-No. 3 TA), filed December 7, 1965. Applicant: Willcoxson Transport, Inc., Bloomfield, Iowa, 52537. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Mid-American Pipeline Terminal at or near Cantril, Iowa, to points in Missouri, for 180 days. Supporting shipper: Consumers Cooperative Association, Post Office Box 7305, Kansas City, Mo., 64116. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

By the Commission.

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

[F.R. Doc. 65-13381; Filed, Dec. 14, 1965; 8:48 a.m.]

[Notice 1271]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 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.

Finance Docket No. 23737. By order of December 7, 1965, the Transfer Board approved the transfer to Sause Towing Co., a corporation, Room 217 Terminal Sales Building, Portland, Oreg., 97205, of permit in No. W-898 (Sub-No. 4), issued July 29, 1948, to Henry Sause, Jr., and Curtis Sause, doing business as Sause Towing Co., 217 Terminal Sales Building, 1220 Southwest Morrison Street, Portland, Oreg., authorizing transportation in interstate and foreign commerce by non-self-propelled vessels with the use of separate towing vessels, in the transportation of lumber, piling, grape stakes, fence posts, shingles, and rough and finished lumber products, (1) from Crescent City, Calif., to ports along San Francisco Bay and ports in Oregon along the Pacific coast, including the Columbia River and its tributaries below and including Portland, Oreg., and (2) from ports in Oregon along the Pacific coast to Coos Bay and ports along the Columbia River and its tributaries below and including Portland.

No. MC-FC-68248. By order of December 8, 1965, the Transfer Board approved the transfer to Ruth N. Dewald, Pottsville, Pa., of a portion of Permit No. MC-115883 (Sub-No. 2), issued February 6, 1959, to Robert A. Welsh, White Mills, Pa., authorizing the transportation over regular and irregular routes of coal, from mines in Carbon, Northumberland, Columbia, and Schuylkill Counties, Pa., and those in Hazel Township, in Luzerne County, Pa., to New York, N.Y. (Borough of Manhattan), serving no intermediate points. Daniel H. Jenkins, 309 Mears Building, Scranton, Pa., representative for applicants.

No. MC-FC-68294. By order of November 30, 1965, the Transfer Board approved the transfer to Ashton Trucking Co., a corporation, Monte Vista, Colo., of Certificate No. MC-57880, and permits in Nos. MC-62538, MC-62538 (Sub-No. 9), MC-62538 (Sub-No. 11), and MC-62538 (Sub-No. 13), issued June 18, 1964, June 19, 1964, June 19, 1964, June 16, 1964, March 1, 1965, and October 1, 1965, respectively to James E. Ashton, doing business as Ashton Trucking Co., Monte Vista, Colo., authorizing the transportation of: Wool, livestock, and agricultural commodities with certain exceptions, general commodities, with the usual exceptions including household goods and commodities in bulk, contractors' machinery requiring special equipment, and contractors' equipment moving incidentally thereto, potato starch, such commodities as are manufactured, processed of sold by persons who are engaged primarily in the milling of flour and incidentally in the sale and distribution of seed and grains and cotton seed products, from, to or between specified points in Arizona, Colorado, New Mexico, and Utah. A dual finding for such holding

has been made. Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202, attorney for applicants.

No. MC–FC–68324. By order of December 8, 1965, the Transfer Board approved the transfer to Maiers Motor Freight Co., a corporation, Vassar, Mich., of the operating rights issued by the Commission January 14, 1960, February 16, 1962, April 28, 1964, and July 14, 1965, under Certificates Nos. MC–59124 (Sub-No. 5), MC–59124 (Sub-No. 6), MC–59124 (Sub-No. 10), and MC–59124 (Sub-No. 13), respectively, to George P. Maiers and Clare E. Maiers, a partnership, doing business as Maiers & Sons Motor Freight, Vassar, Mich., authorizing the transportation, over regular routes, of general commodities, except household goods, commodities in bulk, and other specified equipment, between points in Michigan; scrap iron, coke, and limestone, in bulk, and castings, forgings, and pig iron, between Vassar, Mich., and points in Michigan; palletts, skids, and shipping containers, used, when utilized in services other than those performed by carrier, from points in Michigan to Vassar, Mich.; castings and containers, therefor, from Vassar, Mich., to Maysville, Ky.; and returned containers when utilized in services other than those performed by the carrier, and returned castings, from Maysville, Ky., to Vassar, Mich.; and general commodities, with certain exceptions, serving the plant site of Welsh Industries, Inc., located approximately 4 miles east of Vassar, Mich., and 1 mile south of Saginaw Road, as an off-route point in connection with carrier's regular-route operations to and from Vassar, Mich. Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., attorney for applicants.

No. MC–FC–68333. By order of December 8, 1965, the Transfer Board approved the transfer to Magnus A. Stensvold, doing business as Stensvold Trucking, Deer Park, Wis., of Certificate No. MC–1571, issued to Wayne D. Peterson, Deer Park, Wis., authorizing the transportation over irregular routes of livestock, between points (1) in the towns of Cylon, Forest, and Stanton, in St. Croix County, Wis., and (2) in the towns of Black Brook, and Alden, in Polk County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn.; and groceries, feed, farm machinery, farm supplies, household goods, hardware, oil, and grease, and fertilizer, from St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn., to points in the above-specified towns in St. Croix and Polk Counties, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., representative for applicants.

No. MC–FC–68332. By order of December 8, 1965, the Transfer Board approved the transfer to D. G. Koelling, doing business as H & K Truck Lines, Great Bend, Kans., of Certificates Nos. MC–108066 and MC–108066 (Sub-No. 5), issued October 28, 1949, and December 3, 1963, respectively, to W. R. Houdyshell and D. G. Koelling, a partnership, doing business as H & T Truck Lines, Great Bend, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Great Bend, Kans., and Galatia, Kans., with service authorized to and from all intermediate points; and the off-route point of Beaver, Kans.; and between Otis, Kans., and Great Bend, Kans., serving all intermediate points, and the off-route point of Olmitz, Kans.; and of the operating rights in Certificate of Registration No. MC–108066 (Sub-No. 4) issued February 12, 1965, to W. R. Houdyshell and D. G. Koelling, a partnership, doing business as H & K Truck Lines, Great Bend, Kans., corresponding to the rights authorized to be transferred to transferor in certificate covering route 205 in Docket 8872–M, dated December 15, 1949, and pursuant to certificate covering Route 4249 in Docket 47, 806–M, dated October 6, 1954, and transferred to applicants June 21, 1957, issued by the State Corporation Commission of the State of Kansas. D. G. Koelling, 2530 20th Street, Post Office Box 906, Great Bend, Kans., 67530, representative for applicants.

No. MC–FC–68336. By order of December 8, 1965, the Transfer Board approved the transfer to Robbins Truck Line, Inc., Hardinsburg, Ky., of the operating rights in the certificate of registration in No. MC–98478 (Sub-No. 3), issued March 29, 1965, to E. D. Robbins, doing business as Robbins Truck Line, Hardinsburg, Ky., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized pursuant to Certificate of Convenience and Necessity Nos. 363, 371, and 108 embracing No. 719 and No. 841, issued by the Department of Motor Transportation, the Commonwealth of Kentucky. Rudy Yessin, McClure Building, Frankfort, Ky., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–13382; Filed, Dec. 14, 1965; 8:48 a.m.]

[Notice 377]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 10, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 6), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio, 44301; filed November 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: between Washington, Pa., and Hancock, Md., over U.S. Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Akron over U.S. Highway 224 to Deerfield, Ohio, thence over Alternate Ohio Highway 14 (formerly Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md.; (2) from Irwin, Pa., over the Pennsylvania Turnpike to Breezewood, Pa.; and (3) from Columbus, Ohio, over U.S. Highway 40 to Washington, Pa., and thence over Interstate Highway 70 to junction Interstate Highway 76, and return over the same routes.

No. MC 42487 (Deviation No. 52), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed November 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to Madison, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Appleton, Wis., over U.S. Highway 41 to Kaukauna, Wis., thence over Wisconsin Highway 55 to junction U.S. Highway 10, thence over U.S. Highway 10 to Manitowoc, Wis., thence over U.S. Highway 141 to Sheboygan, Wis., thence over Wisconsin Highway 23 to Plymouth, Wis., thence return over Wisconsin Highway 23 to junction Wisconsin Highway 57, thence over Wisconsin Highway 57 to Milwaukee, Wis., and thence over U.S. Highway 41 to Chicago, (2) from Two Rivers, Wis., over Wisconsin Highway 42 to Manitowoc, Wis., thence over U.S. Highway 141 to Milwaukee, Wis., and thence over U.S. Highway 41 via Rosecrans, Ill., to Chicago, Ill., (3) from Two Rivers, Wis. to Rosecrans, Ill., as specified in (2) above, thence over Illinois Highway 173 to junction Illinois Highway 42, and thence over Illinois Highway 42 to Chicago, Ill., (4) from Chicago over Illinois

Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, Wis., thence over Wisconsin Highway 175 (formerly U.S. Highway 41) via Menomonee Falls and Fond du Lac, Wis., to junction U.S. Highway 45 (formerly portion U.S. Highway 41) thence over U.S. Highway 45 via Oshkosh, Wis., to junction Wisconsin Highway 114 (formerly portion U.S. Highway 41), thence over Wisconsin Highway 114 to junction U.S. Highway 41 (near Neenah, Wis.), thence over U.S. Highway 41 to junction unnumbered highway (formerly portion U.S. Highway 41) west of Appleton, Wis., thence over unnumbered highway via Appleton, and Little Chute, Wis., to Kaukauna, Wis., thence over Wisconsin Highway 55 (formerly portion U.S. Highway 41) to junction U.S. Highway 41, thence over U.S. Highway 41 to Green Bay, Wis., and (5) from Milwaukee, Wis. over U.S. Highway 18 to Waukesha, Wis. (also from Milwaukee over Wisconsin Highway 59 to Waukesha), and thence over U.S. Highway 18 to Madison, Wis., and return over the same routes.

No. MC 42487 (Deviation No. 53), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Pendleton, Oreg., over Interstate Highway 80N to junction Interstate Highway 82 at or near Stanfield, Oreg., thence over Interstate Highway 82 to Ellensburg, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Portland, Oreg., over U.S. Highway 30 to Boardman, Oreg., thence over U.S. Highway 730 to Umatilla, Oreg., thence over unnumbered highways via Hermiston, Stanfield, and Echo, Oreg., to Pendleton, Oreg., and thence over U.S. Highway 30 via Fruitland, Idaho, to Twin Falls (also from junction U.S. Highways 30 and 30N approximately 3 miles south of Weiser, Idaho, over U.S. Highway 30N via Weiser to Fruitland, thence over U.S. Highway 30 to Twin Falls); (2) from Prosser, Wash., over U.S. Highway 410 to junction Washington Highway 8E, thence over Washington Highway 8E to Paterson, Wash., and thence over the Ferry across the Columbia River to junction U.S. Highway 730 near Irrigon, Oreg.; and (3) from Portland, Oreg., to Vancouver, Wash., as specified above, thence over U.S. Highway 830 to Maryhill, Wash., and thence over U.S. Highway 97 to Ellensburg, Wash., and return over the same routes.

No. MC 42487 (Deviation No. 54), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94025, filed December 3, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to junction U.S. Highway 80, at or near Benson, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, and thence over Arizona Highway 84 to Tucson, Ariz., and (2) from Tucson, Ariz., over U.S. Highway 80 to Douglas, Ariz., and return over the same routes.

No. MC 10875 (Deviation No. 4), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y., 10011, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Binghamton, N.Y., and Scranton, Pa., Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Binghamton, N.Y., and Scranton, Pa., over U.S. Highway 11.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 279) (Cancels Deviation No. 209), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., 40507, filed November 26, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction of U.S. Highway 11 and Interstate Highway 81 at the Tennessee-Virginia State line at Bristol, Va., over Interstate Highway 81 to junction U.S. Highway 50, at or near Winchester, Va., with the following access routes: (a) From junction of Interstate Highway 81 and Virginia Highway 76, over Virginia Highway 76 to Bristol, Va.; (b) from junction Interstate Highway 81 and Virginia Highway 75, over Virginia Highway 75 to Abingdon, Va.; (c) from junction Interstate Highway 81 and Virginia Highway 762, over Virginia Highway 762 to junction U.S. Highway 11 at or near Chilhowie, Va.; (d) from intersection of Interstate Highway 81 and Virginia Highway 658, over Virginia Highway 658 to Marion, Va.; (e) from intersection of Interstate Highway 81 and Virginia Highway 669, over Virginia Highway 669 to Marion, Va.; (f) from intersection of Interstate Highway 81 and Virginia Highway 16, over Virginia Highway 16 to Marion, Va.; (g) from junction of Interstate Highway 81 and U.S. Highways 21 and 52, over U.S. Highways 21 and 52 to Wytheville, Va.; (h) from junction of Interstate Highway 81 and Virginia Highway 610, over Virginia Highway 610 to Wytheville, Va.; (i) from junction of Interstate Highway 81 and U.S. Highway 11, over U.S. Highway 11 to Pulaski, Va.; (j) from junction of Interstate Highway 81 and Virginia Highway 100, over Virginia Highway 100 to Dublin, Va.; (k) from junction of Interstate Highway 81 and Virginia Highway 8, over Virginia Highway 8, to Christiansburg, Va.

(l) From junction of Interstate Highway 81 and Virginia Highway 635, over Virginia Highway 635 to Salem, Va.; (m) from the junction of Interstate Highway 81 and Virginia Highway 619, over Virginia Highway 619 to Salem, Va.; (n) from junction of Interstate Highway 81 and Interstate Highway 581, over Interstate Highway 581 to Roanoke, Va.; (o) from junction of Interstate Highway 81 and Virginia Highway 43, over Virginia Highway 43 to Buchanan, Va.; (p) from the junction of Interstate Highway 81 and Virginia Highway 692, over Virginia Highway 692 to Natural Bridge, Va.; (q) from the junction of Interstate Highway 81 and U.S. Highway 60, over U.S. Highway 60 to Lexington, Va.; (r) from the junction of Interstate Highway 81 and U.S. Highway 250, over U.S. Highway 250 to Staunton, Va.; (s) from the junction of Interstate Highway 81 and U.S. Highway 33, over U.S. Highway 33 to Harrisonburg, Va.; (t) from the junction of Interstate Highway 81 and Virginia Highway 260, over Virginia Highway 260 to New Market, Va.; (u) from the junction of Interstate Highway 81 and Virginia Highway 675, over Virginia Highway 675 to Edinburg, Va.; (v) from the junction of Interstate Highway 81 and Virginia Highway 642, over Virginia Highway 642 to Woodstock, Va.; (w) from the junction of Interstate Highway 81 and Virginia Highway 638 over Virginia Highway 638 to Strasburg, Va.; (x) from the junction of Interstate Highway 81 and Virginia Highway 55, over Virginia Highway 55 to Strasburg, Va.; (y) from the junction of Interstate Highway 81 and Virginia Highway 277, over Virginia Highway 277 to Stephens City, Va.; and (z) from the junction of Interstate Highway 81 and U.S. Highway 50, over U.S. Highway 50 to Winchester, Va.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Winchester, Va., over U.S. Highway 11 to Lexington, Va.; and (2) from Knoxville, Tenn., over U.S. Highway 11-W to Bristol, Va.-Tenn., thence over U.S. Highway 11 to junction Virginia Highway 90 to Rural Retreat, Va., thence return over U.S. Highway 11 via Wytheville, Fort Chiswell, Pulaski, Salem and Roanoke, Va., to Lexington, Va. (also from junction U.S. Highway 11 and Virginia Highway 101, southwest of Pulaski over Virginia Highway 101 to junction Virginia Highway 100, thence over Virginia Highway 100 via Draper, Va., to junction Virginia Highway 99, thence over Virginia Highway 99 to Pulaski), and return over the same routes.

No. MC 1515 (Deviation No. 280), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex., 76102, filed November 29, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and

express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Ames, Iowa, over relocated U.S. Highway 30 to interchange with Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 80 north of Des Moines, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fort Dodge, Iowa, over U.S. Highway 20 to junction U.S. Highway 69, and thence over U.S. Highway 69 via Ames, Iowa, to Des Moines, Iowa, and return over the same route.

No. MC 1515 (Deviation No. 281), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed November 29, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and Washington Highway 104 (South Point Road Junction, Wash.), over Washington Highway 104 to junction unnumbered highway (South Center Junction, Wash.), thence over unnumbered highway to Center, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Seattle, Wash., via ferry to Winslow, thence over Washington Highway 21A and Agate Pass Bridge to junction Washington Highway 21, thence over Washington Highway 21 to junction Washington Highway 9E (Hood Canal Toll Bridge), thence over Washington Highway 9E to junction Washington Highway 9, thence over Washington Highway 9 to junction U.S. Highway 101 (Discovery Bay), thence over U.S. Highway 101 to Port Angeles, Wash., and return over the same routes.

No. MC 84728 (Deviation No. 4), SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C., filed December 1, 1965. Applicant's representative: Bradley G. McDonald, 1735 K Street NW., Washington, D.C., 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers over deviation routes as follow: (1) Between junction Black Horse Pike (New Jersey Highway 168) and access roads to New Jersey Turnpike Exit 3 and junction New Jersey Highway 168 and Atlantic City Expressway, over New Jersey Highway 168; (2) between junction New Jersey Highway 168 and Atlantic City Expressway and Atlantic City, N.J., over Atlantic City Expressway; (3) between junction U.S. Highway 30 and New Jersey Highway 54 and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over New Jersey Highway 54 and access roads; (4) between junction U.S. Highway 30 and New Jersey Highway 50 and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over New Jersey Highway 50 and access roads; (5) between junction U.S. Highway 40 and New Jersey Highway 50 over New Jersey Highway 50 and access roads to Atlantic City Expressway; (6) between junction U.S. Highway 30 and access roads to the Garden State Parkway and junction access roads to Atlantic City Expressway and Atlantic City Expressway, over access roads to the Garden State Parkway, Garden State Parkway, and access roads to the Atlantic City Expressway; and (7) between junction U.S. Highways 40 and 322 and access roads to the Garden State Parkway and junction access roads to the Atlantic City Expressway and Atlantic City Expressway, over access roads to the Garden State Parkway, Garden State Parkway and access roads to the Atlantic City Expressway, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and their property over pertinent service routes as follows:

(1) From Philadelphia, Pa., over U.S. Highway 30 to Atlantic City; (2) from Philadelphia, Pa., over U.S. Highway 30 to Germania, N.J., thence over unnumbered highway to Cardiff, N.J., thence over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City; (3) from Camden, N.J., over Admiral Wilson Boulevard, to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30; (4) from junction New Jersey Highways 38 and 73 over New Jersey Highway 73 through Camden-Philadelphia Interchange to the New Jersey Turnpike; (5) from junction New Jersey Turnpike at Lincoln Tunnel Interchange over New Jersey Turnpike to Delaware Memorial Bridge Interchange; (6) from Camden, N.J., over New Jersey Highway 168 (formerly New Jersey Highway 42) and access roads to New Jersey Turnpike at Woodbury-South Camden Interchange; (7) from Camden, N.J., over New Jersey Highway 38 to junction New Jersey Highway S-41, thence over New Jersey Highway S-41 and access roads to New Jersey Turnpike at Philadelphia-Camden Interchange and (8) from junction Interstate Highway 295 and New Jersey Highway 168 over Interstate Highway 295 to junction New Jersey Highway 73, and return over the same routes.

By the Commission.

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

[F.R. Doc. 65-13383; Filed, Dec. 14, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 10, 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 40175—*Peanuts returned to points in southwestern territory*—Filed by Southwestern Freight Bureau, agent (No. B-8790), for interested carriers. Rates on peanuts, raw, shelled or not shelled, in carloads, from Chicago, Ill., and points taking same rates, to points in Arkansas, New Mexico, Oklahoma, and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, agent, tariff ICC 4418.

FSA 40176—*Iron and steel articles from Leeds, Ala.*—Filed by Southwestern Freight Bureau, agent (No. B-8792), for interested carriers. Rates on iron and steel articles, in carloads, from Leeds, Ala., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 161 to Southwestern Freight Bureau, agent, tariff ICC 4503.

By the Commission.

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

[F.R. Doc. 65-13384; Filed, Dec. 14, 1965; 8:48 a.m.]

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