FEDERAL REGISTER

VOLUME 31 • NUMBER 36

Tuesday, February 22, 1966 • Washington, D.C.

Pages 2985–3054

PART I

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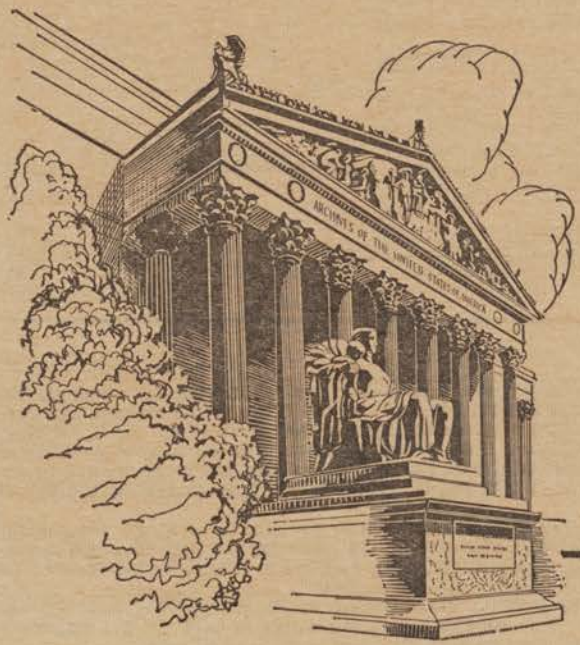

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Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

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

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Title 3—THE PRESIDENT

Executive Order 11270

SUSPENSION OF SECTION 5232(b) OF TITLE 10, UNITED STATES CODE, WHICH RELATES TO THE NUMBER OF LIEUTENANT GENERALS IN THE MARINE CORPS

By virtue of the authority vested in me by Section 5234 of Title 10 of the United States Code, it is ordered as follows:

The provisions of section 5232(b) of Title 10 of the United States Code relating to the number of officers serving in the grade of lieutenant general are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 19, 1966.

[F.R. Doc. 66-1992; Filed, Feb. 21, 1966; 12:30 p.m.]

Executive Order 11271

FLEET ADMIRAL CHESTER W. NIMITZ

As a mark of respect to the memory of Fleet Admiral Chester W. Nimitz, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government, in the District of Columbia and throughout the United States and its Territories and possessions.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 21, 1966.

[F.R. Doc. 66-1991; Filed, Feb. 21, 1966; 12:30 p.m.]

Memorandum of February 16, 1966

[REQUEST FOR REPORT ON MISSION SAFETY–70]

THE WHITE HOUSE,
Washington, February 16, 1966.

Memorandum for the Heads of Executive Departments and Agencies

A year ago today I wrote you of my desire to improve the Federal Government's employee safety programs.

At that time I issued a Safety Policy for the Federal Service and initiated Mission SAFETY–70 to achieve a 30 percent reduction in each agency's work injuries and costs by 1970.

Your reports to me last spring set forth your plans to meet our long-range objective to reduce the waste in manpower and materials arising from accidents.

I should now like to receive by May 1, 1966, from the head of each executive department and agency a summary report of developments in 1965.

This Mission SAFETY–70 report should include:

(a) actions taken;

(b) specific accomplishments;

(c) areas of weakness which still need strengthening;

(d) agency plans for 1966.

I appreciate that steps have been taken in the past year to strengthen the government's safety programs but much more must be undertaken to emphasize our continuing concern and to assure effective implementation.

LYNDON B. JOHNSON

[F.R. Doc. 66–1959; Filed, Feb. 18, 1966; 4:57 p.m.]

President's Statement of February 16, 1966

INTERIM REPORT BY THE SECRETARY OF LABOR ON FEDERAL EMPLOYEE SAFETY PROGRAMS

One year ago today I called upon this Administration's Department and Agency heads to reduce the number and cost of injuries to Federal employees 30 percent by 1970.

Since then more than 50 agencies have surveyed their safety problems and developed plans for resolving them.

The first year of Mission SAFETY–70 brought widespread and increased attention to safeguarding those who serve their country in the civilian service of the United States. This is as it should be—there must be constant and vigilant concern for the welfare of the men and women who serve their Nation in the Federal service.

But there can be no let up. I have today requested [1] the heads of all agencies to continue and intensify their efforts and to send to me, by May 1, a summary report of their safety actions and their plans.

Secretary of Labor Wirtz has given me an interim report of some 1965 highlights:

. . . We have reduced from 5 to over 20 percent the injury frequency rates in a number of larger Federal agencies including the GENERAL SERVICES ADMINISTRATION, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, TENNESSEE VALLEY AUTHORITY, AGRICULTURE, HEALTH, EDUCATION, AND WELFARE, JUSTICE, INTERIOR, VETERANS ADMINISTRATION, AND D.C. GOVERNMENT. These improvements took place in the 9 months immediately following the launching of Mission SAFETY–70.

. . . We have reduced disabling injuries in thirteen of the 19 largest agencies and preliminary figures indicate a 2.4 percent reduction in the overall Federal injury rate.

. . . In the ATOMIC ENERGY COMMISSION we reduced its already low frequency by 30 percent and its private contractors reported a 22 percent reduction last year.

. . . SHARPE ARMY DEPOT near San Francisco, a growing supply link to our fighting forces in Vietnam, reduced its injury frequency over 50 percent in the last 6 months of 1965. As its 3,000 civilian employees entered their February work schedules, they had completed 158 days without a disabling injury.

. . . THE AIR FORCE reports a 19 percent reduction in motor vehicle fatalities last year, reaching its best accident prevention record since 1950.

. . . Three DEPARTMENT OF TREASURY units reduced their injury frequency from 20 to over 30 percent. When injuries rose following round-the-clock production of new coins, the U.S. MINT re-evaluated and upgraded its safety program.

These examples demonstrate that waste in manpower and resources can be reduced and must be attacked relentlessly. Agency efforts separately, and jointly with the Federal Safety Council, have given strength and meaning to Mission SAFETY–70.

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[1] F.R. Doc. 66–1959 *supra*.

I congratulate and commend all agencies on their achievements during the first year of Mission SAFETY–70, but, as we enter the second year of this long-range program to cut the number and costs of accidents, our course is clear.

We must see that our Federal programs bear fruit and stimulate greater safety efforts throughout our Nation and in every community.

On this, the first anniversary of Mission SAFETY–70, I again call upon Federal administrators and employees to provide the necessary leadership and that full measure of support so essential to success.

THE WHITE HOUSE,
February 16, 1966.

LYNDON B. JOHNSON

[F.R. Doc. 66–1960; Filed, Feb. 18, 1966; 4:57 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Amdt. 26]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

EXPORT MARKET ACREAGE FOR 1966

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

(a) The purpose of this amendment is to extend the closing date for withdrawal of applications and to establish the closing date for furnishing a bond or other undertaking with respect to export market acreage for 1966.

(b) Since farmers need to be informed of these closing dates as soon as possible, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton are amended by revising § 722.232(b)(5) (30 F.R. 15569) to read as follows and by adding a new subparagraph (6) to § 722.232(b) as follows:

§ 722.232 Export market acreage for 1966.

* * * * *

(b) *Applications for export market acreage.*

* * * * *

(5) *Closing date for withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, or (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant or March 1, 1966, whichever is later, by filing a written request for such withdrawal with the county committee. Such timely withdrawal shall also cancel the agreement of applicant to forego price support.

(6) *Closing date for furnishing bond or other undertaking.* The bond or other undertaking required to be furnished under this section shall be furnished to the county committee on or before the later of (i) 15 days after notice of the original apportionment to the farm is mailed to the applicant, or (ii) March 1, 1966.

(Secs. 346(e), 375, 79 Stat. 1192, 52 Stat. 66, as amended; 7 U.S.C. 1346(e), 1375)

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

Signed at Washington, D.C., on February 17, 1966.

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

[F.R. Doc. 66-1875; Filed, Feb. 21, 1966; 8:50 a.m.]

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

[Lemon Regulation 201, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this 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 restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.501 (Lemon Regulation 201; 31 F.R. 2695) are hereby amended to read as follows:

(ii) District 2: 167,400 cartons.

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

Dated: February 17, 1966.

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

[F.R. Doc. 66-1817; Filed, Feb. 21, 1966; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—SALES OF AGRICULTURAL COMMODITIES

Subpart A—Sales of Agricultural Commodities Under CCC Export Credit Sales Program (GSM-3, Revision II)

Sec.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f) 62 Stat. 1072, 15 U.S.C., 714c; sec. 407, 63 Stat. 1055 as amended, 7 U.S.C. 1427.

§ 1488.1 General statement.

(a) The regulations contained in this Subpart A supersede Announcement GSM-3, Revision I, and set forth the terms and conditions governing the CCC Export Credit Sales Program. The maximum credit period shall be 3 years.

(b) Upon issuance of a credit approval the exporter may, but will not be obligated to, make purchases of eligible com-

modities from CCC stocks or shipments of private stocks in accordance with the applicable credit arrangement. CCC does not guarantee that it will have stocks of the desired commodities available. CCC reserves the right to restrict the exporter to either purchases from CCC or exportation from private stocks by so specifying in the credit approval. Unless so restricted, exporters may acquire the commodities from CCC inventories (including tobacco pledged as security for a CCC loan) for exportation hereunder or may elect to export commodities from private stocks even though the commodity is available from CCC inventory (or in the case of tobacco, pledged as security for a CCC loan). If an exporter elects to export from private stocks, CCC, upon the terms and conditions hereinafter set forth in this subpart, will issue to the exporter an Export Commodity Certificate (Form CCC–341) in a dollar amount equal to the U.S. port value for commodities exported or to be exported from private stocks. Such certificate may be transferred and may be used in the purchase of commodities for export pursuant to the terms and conditions of announcements issued by CCC providing for the redemption of such certificates.

(c) The provisions of Public Law 83–664 are not applicable to export shipments under this program.

§ 1488.2 Definition of terms.

Terms used in this subpart are defined as follows:

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

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

(c) "FAS" shall mean the Foreign Agricultural Service, U.S. Department of Agriculture.

(d) "Credit arrangement" shall mean and include the terms and conditions of the regulations of this subpart and any amendments thereto; the exporter's application for and the issuance of a credit approval by the General Sales Manager or the appropriate ASCS office.

(e) "Eligible commodities" shall mean those agricultural commodities which are produced in the United States and which are designated as eligible for export under this credit sales program either in the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which a credit arrangement is made.

(f) "Private stocks" shall mean those quantities of an eligible commodity which have not been acquired by the exporter, or any of his predecessors in title, from stocks owned by CCC or from stocks of tobacco pledged as security for a loan to CCC, unless such quantities were acquired from such stocks under a contract, regulation, or announcement (1) which does not restrict the use or disposition of the commodity or (2) which requires the commodity so acquired, or a substitute commodity, to be exported and the substitute commodity has been or will be exported as so required. Such substitute commodities shall not be considered private stocks.

(g) "Eligibile exporter" shall mean a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone upon whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of approval of his application hereunder.

(h) "Eligible destination" shall mean the country which is named in the CCC credit arrangement and which meets the licensing requirements of the U. S. Department of Commerce.

(i) "Certificate" shall mean an Export Commodity Certificate, Form CCC–341.

(j) "Port value" shall mean the exporter's sales price of the commodity basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, for shipment from private stocks to be exported under this program. In the case of c&f and cif sales the port value shall not include the ocean freight (c&f) or ocean freight and marine and war risk insurance (cif).

(k) "Purchase price" shall mean the value of the commodities obtained from CCC to be applied to the credit arrangement as determined by CCC or as provided under the applicable commodity export sales announcement.

(l) "Principal value" shall mean the purchase price of the commodities obtained from CCC or the port value in the case of private stocks for which certificates are issued.

(m) "Political risks" shall mean risk of loss due to (1) inability of the foreign bank, through no fault of its own to convert foreign currency to dollars, or (2) nondelivery of the commodity covered by a credit arrangement into the eligible destination through no fault of the foreign bank or importer or exporter because of the cancellation of previously issued and valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree or regulation having the force of law which prevents the import of such shipment into the eligible destination or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion or other like disturbance occurring in the eligible destination, expropriation, confiscation, or other action by the government of the eligible destination.

(n) "Commercial risks" shall mean risk of loss due to any cause other than a political risk .

(o) "Agency-branch banks" shall mean those foreign agency and branch banks supervised by New York State banking authorities or by other States which may provide similar supervision, as approved by the Administrator, FAS.

(p) "U.S. banks" shall mean those banks organized under the laws of the United States, a State, or the District of Columbia.

(q) "Bank obligation" shall mean an acceptable obligation of a U.S. bank, agency-branch bank, or foreign bank to pay to CCC in United States dollars the principal value plus interest upon expiration of the credit period if payment is not received from other sources. The bank obligation shall be in the form of an acceptable irrevocable letter of credit issued, confirmed or advised by a U.S. or agency-branch bank.

(r) "Monthly Sales List" shall mean the CCC Monthly Sales List which is published monthly in the FEDERAL REGISTER.

(s) "United States" shall mean the 50 States, the District of Columbia, and Puerto Rico.

(t) "Credit period" shall mean the number of months specified in the credit approval. Such period shall start on the date of delivery (or weighted average delivery date) of commodities purchased from CCC or the date of issuance of a certificate by CCC for export from private stocks.

(u) "Credit approval" shall mean the document signed by the General Sales Manager approving the credit arrangement or the designation of a credit approval number by the ASCS office.

§ 1488.3 Submission of applications for a credit approval.

(a) An eligible exporter may submit an application for a credit approval. Applications for credit approvals for the following commodities and credit periods and for amounts of $4,000,000 or less may be approved by the appropriate ASCS office.

Cotton—12 months.
Grain Sorghum—12 months.
Tobacco—12 months.
All other eligible commodities—6 months.

Where an application for a credit approval is approved by an ASCS office the bank obligation must be issued by a U.S. or agency-branch bank as provided under paragraph (d) of this section. CCC may change the commodity listing and length of credit period specified above but so far as practicable will issue at public notice at least 60 days before the effective date of each change. CCC reserves the right to reject any and all applications. Applications for credit approvals involving credit periods longer than those specified above or for amounts of more than $4,000,000 and for all transactions where a confirmed or advised foreign bank obligation is to be furnished must be submitted to the General Sales Manager's Office, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(b) General Sales Manager's Office: Those applications which are required to be submitted to the General Sales Manager shall be submitted in writing to the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250. Each such application shall refer to GSM–3, Revision II, and such reference

shall have the effect of incorporating in the application all the terms and conditions of GSM–3, Revision II. The following information shall be included in the exporter's application:

(1) The name of the commodity or commodities to be exported, the class, grade, quality, as applicable, and the quantity.

(2) Country of destination.

(3) The approximate principal value of the commodities to be exported.

(4) Credit period requested.

(5) Justification for a credit period requested in excess of 12 months for cotton, tobacco, and grain sorghums, and 6 months for all other eligible commodities.

(6) The name and address of the foreign bank, if any, which will furnish the foreign bank obligation.

(c) Criteria for approving longer credit periods: Credit periods beyond 6 or 12 months but not beyond 36 months may be granted by the General Sales Manager in cases where extension of credit will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by Communist suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and barter transactions.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the U.S. and other exporting countries.

In considering applications involving export of commodities to eligible countries in a good financial and balance of payments situation, principal reliance will be placed upon subparagraphs (1), (2), and (3) of this paragraph.

(d) ASCS office: Any exporter desiring a credit approval from an ASCS office shall designate in his application the commodity, the length of the credit period, and the eligible destination. Application may be made by phone or in writing. The assignment of a credit approval number and issuance of a written confirmation by the ASCS office shall have the effect of incorporating all the terms and conditions of GSM–3, Revision II, in all transactions thereunder. Bank obligations under credit approvals by an ASCS office must be letters of credit issued by a U.S. or agency-branch bank. Confirmed or advised foreign bank obligations are not acceptable under this paragraph (d).

(e) Additional information: If the General Sales manager or the ASCS office requires additional information, the applicant will be so advised.

§ 1488.4 Coverage of bank obligations.

(a) *U.S. and agency-branch banks—issuances.* U.S. and agency-branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) *U.S. and agency-branch banks—confirmations and advices.* If a foreign bank obligation is to be furnished, except as provided in paragraphs (c), (d), and (e) of this section, a U.S. or agency-branch bank must advise 100 percent of the foreign bank obligation and must add its confirmation for at least 10 percent pro rata. For the confirmed portion, the U.S. or agency-branch bank shall be liable for commercial risks but not for political risks; for the unconfirmed portion, the U.S. or agency-branch bank shall not be liable for either commercial or political risks. The foreign bank shall be liable without regard to risks for both the confirmed and unconfirmed portions of its obligation.

(c) *U.S. banks and foreign branches.* A U.S. bank which confirms obligations of its foreign branches must confirm the full amount of letters of credit issued by such branches and will be liable without regard to risks for payment of such obligation.

(d) *Agency-branch banks and banks in home office country.* An agency-branch bank which confirms obligations issued by banks in the country in which the home office of the agency-branch bank is located must confirm the full amount of letters of credit issued by such foreign banks and will be liable without regard to risks for payment of such obligations.

(e) *Exception from requirement for 10 percent confirmation by U.S. and agency-branch banks.* Under special circumstances, upon application in writing, the Administrator, FAS, may reduce or waive the requirement for 10 percent participation by a U.S. or agency-branch bank, but a bank will not be relieved from an obligation once it has been undertaken.

(f) *CCC drafts.* Under those letters of credit which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed. Unless otherwise expressly stated therein, the CCC statement which accompanies the draft shall be deemed to constitute a representation by CCC that it was not aware at the time the draft was drawn of the existence of any political risks as defined in § 1488.2(m). If a U.S. or agency-branch bank dishonors a CCC draft, it shall return the dishonored draft together with its statement of the reasons for nonpayment and any documents not required to substantiate that portion of the payment it has made. Under confirmed portions of letters of credit as described in paragraph (b) of this section, a U.S. or agency-branch bank which certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft may request refund from CCC of the amount so paid. Upon approval of such request by CCC, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate running from the date payment was originally made to CCC to but not including the date of refund by CCC. Under unconfirmed portions of letters of credit as described in paragraph (b) of this section, remittance to CCC will be considered as final, and the U.S. and agency-branch banks will not thereafter have recourse to CCC.

(g) *Notes and acceptances.* Notes and drafts endorsed or accepted by a U.S. bank, or any letter of credit which provides for bank acceptances of a CCC time draft (bankers acceptance) will not be accepted by CCC.

(h) *Cancellations.* CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

§ 1488.5 Interest.

CCC will announce in the Monthly Sales List the interest rates applicable under this program. The announced rate for bank obligations issued or confirmed by U.S. and agency-branch banks will be at least 1 percent lower than the announced rate for unconfirmed obligations of foreign banks; however, if a U.S. or agency-branch bank which has confirmed a foreign bank obligation is relieved from liability thereunder due to a political risk the rate for unconfirmed obligations of foreign banks shall be applicable to 100 percent of the foreign bank obligation. The interest rate applicable to each transaction under an approved credit arrangement will be the rate so announced and in effect on the date of purchase of eligible commodities from CCC or issuance of an Export Commodity Certificate. Such interest shall run on the principal value due from the date of each delivery (or the weighted average delivery date) to the exporter of commodities acquired from CCC including tobacco pledged as security for a CCC loan, or in the case of export from private stocks, the date of issuance by CCC of the certificate, to the date of payment to CCC, and shall be paid together with the principal value on the day following the expiration of the credit period unless prior payment is made.

§ 1488.6 Special conditions applicable to cotton exported from private stocks.

(a) Upland cotton exported from private stocks hereunder shall be "eligible cotton" as defined in § 1427.1952(a) of the 1964–66 Cotton Equalization Program—Payment-in-Kind Regulations as amended (§§ 1427.1950–1427.1973 of this chapter), and the evidence of exportation of such cotton shall meet the requirements set forth in § 1427.1967(b) of such regulations for satisfactory evidence of exportation of cotton under the 1964–66 Cotton Equalization Program.

(b) Extra long staple cotton exported from private stocks hereunder shall meet the requirements of the first paragraph of subsection A, Exportation of Cotton, of section II, Export Conditions, of the Extra Long Staple Cotton Export Program (Announcement CN–EX–22); and the evidence of exportation of such cot-

ton shall meet the requirements of subsection D, Satisfactory Evidence of Exportation, of such section II of Announcement CN–EX–22.

§ 1488.7 Expiration of period for purchases from CCC or exports from private stocks.

Each credit approval will be valid only for purchases from CCC or exports from private stocks during the following periods, unless otherwise expressly stated therein:

(a) A maximum period of 90 days from the date of the credit approval for purchases from CCC, including purchases of tobacco pledged as security for a CCC loan.

(b) A maximum period of 120 days from the date of the credit approval for export of private stocks (date of export shall be the on-board date of the ocean bill of lading or date of entry, as shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, if exported by rail or truck).

Upon receipt by CCC of acceptable evidence of a firm contract requiring export deliveries involving longer periods, CCC will specify the periods in the related credit approval.

§ 1488.8 Advance payment.

If the exporter receives payment, in whole or in part, from or on behalf of the foreign importer of the principal value of the commodities exported under the credit arrangement prior to maturity of the credit period, he shall remit promptly to CCC such payment received plus interest for the actual credit period utilized.

§ 1488.9 Purchases of commodities from CCC inventory and tobacco under CCC loan.

(a) Eligible commodities that are available from CCC inventory and tobacco pledged as security for a CCC loan will be sold in accordance with the terms and conditions of the applicable commodity export sales announcement, issued by CCC, including the requirements therein for evidence of export. The ASCS offices which are responsible for export sales of CCC-owned commodities are listed in the Monthly Sales List. Tobacco pledged as security for a CCC loan may be acquired from tobacco associations designated in the CCC export sales announcement.

(b) In submitting an offer to purchase a commodity under a credit arrangement, the exporter shall furnish the applicable ASCS office or tobacco association the credit approval number. The exporter shall submit to the ASCS office from which deliveries of commodities purchased from CCC will be received (or the Fiscal Division, ASCS, U.S. Department of Agriculture, Washington, D.C., 20250, in the case of tobacco under CCC loan), a bank obligation in such form as may be acceptable to CCC as provided in § 1488.4. The exporter shall pay to CCC at the applicable ASCS office promptly upon demand dollar amounts which represent any adjustment in the purchase price made pursuant to the CCC export sales announcement for failure to export, damages if any, and any other amounts which are due and payable to CCC under such announcement. These items are not part of the credit arrangement.

§ 1488.10 Issuance of certificates in advance of exportation of private stocks.

(a) If the exporter desires issuance of a certificate prior to export of private stocks, he shall submit a written application to the appropriate ASCS office listed in § 1488.12. Each application shall include:

(1) The credit approval number.

(2) The value of the certificate desired.

(3) The estimated port value.

(b) Each application shall be accompanied by an acceptable irrevocable letter of credit issued by a U.S. or agency-branch bank in the amount of 110 percent of such estimated port value.

(c) Upon receipt of the application and letter of credit, the ASCS office will issue to the exporter a certificate for the amount of the estimated port value or the value of the certificate desired, whichever is less. Within 30 days from the date of issuance of the advance certificate or any extension thereof by CCC the exporter shall submit to the appropriate ASCS office the documents, including the bank obligation, specified in paragraphs (b), (c), and (d) of § 1488.11. CCC will consent to cancellation of the letter of credit specified above in this section upon timely receipt of the documents, including the bank obligation, specified in paragraphs (b), (c), and (d) of § 1488.11, provided the port value of the private stocks exported is equal to or exceeds the amount of the certificate. If the port value of private stocks exported exceeds the amount of the advance certificate, the ASCS office will issue another certificate for such excess but the dollar value of such certificate together with the dollar value of the first certificate shall not exceed 110 percent of the amount of the credit approval. If the port value is less than the amount of the advance certificate, the exporter shall at the time of submission of the documents specified in paragraphs (b), (c), and (d) of § 1488.11, remit in dollars to CCC the amount of such deficiency plus interest from the date of issuance of the certificate to the date of payment at the rate in effect on the date of issuance of the certificate. If such remittance is not received by the appropriate ASCS office, CCC will draw under the letter of credit covering the advance certificate for the amount of the deficiency plus interest before consenting to cancellation of the balance of the letter of credit. If the exporter fails to present the required documents within the 30 day period specified above or any extension thereof, the credit arrangement shall thereupon mature and CCC will draw under the letter of credit for 110 percent of the amount of the advance certificate (and this shall represent full compensation to CCC).

§ 1488.11 Issuance of certificates after export of private stocks.

If an exporter has not received a certificate in advance of the exportation of commodities from private stocks, the exporter shall, within 30 days after exportation of private stocks under a credit arrangement, submit the following documents to the appropriate ASCS office as listed in § 1488.12:

(a) A written application for a certificate showing the credit approval number and the port value of the commodity exported.

(b) A copy of the sales invoice to the foreign importer.

(c) A copy of the document evidencing export as provided under § 1488.6 in the case of cotton and under § 1488.13 in the case of other commodities.

(d) A bank obligation, in such form as may be acceptable to CCC as provided in § 1488.4, covering the credit arrangement. Upon timely receipt of the application and required documents, the ASCS office will issue to the exporter a certificate in the amount of such port value, not to exceed 110 percent of the amount of the credit approval.

If an acceptable application for a certificate and the required documents have not been received within 30 days or any extension approved by CCC from date of exportation of private stocks, the credit arrangement shall be void.

§ 1488.12 ASCS offices responsible for issuing certificates.

Export Commodity Certificate (Form CCC–341) will be issued by ASCS offices under approved credit arrangements as follows:

Kansas City Agricultural Stabilization and Conservation Service Commodity Office, 8930 Ward Parkway, Post Office Box 205, Kansas City, Mo., 64141, Telephone: EMerson 1–0860; Grain, rice, wheat, flour, bulgur, cornmeal, and related commodities.

Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, South, Minneapolis, Minn., 55410, Telephone: 334–3200: Cottonseed oil, soybean oil, and processed commodities.

New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112, Telephone: 527–7766: Cotton.

Fiscal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, Telephone: DU 8–4042: Tobacco.

§ 1488.13 Evidence of export of private stocks and warranty.

(a) If the commodity is cotton, the evidence of exportation shall be as provided under § 1488.6.

(b) If the commodity is other than cotton and is exported by rail or truck, the exporter shall furnish a copy of the bill of lading, certified to by the exporter as being a true copy, under which the commodity is exported and an authenticated landing certificate or similar document issued by an official of the Government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the

gross landed weight of the commodity, and the name and address of both the exporter who exported the commodity from the United States and the importer, to whom it is shipped.

(c) If the commodity is other than cotton and is exported by ocean carrier, the exporter shall furnish a nonnegotiable copy of either (1) an on-board ocean bill or lading or (2) an ocean bill of lading with an on-board endorsement dated and signed or initialed on behalf of the carrier. The bill of lading must be certified to by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter who exported the commodity and the importer to whom it is shipped. If the exporter is unable to supply documentary evidence of export as specified above in this paragraph (c) he shall submit such other documentary evidence as may be acceptable to CCC.

(d) By submitting documents evidencing exportation the exporter represents and warrants that the commodity covered by such documents was not exported to, and has not and will not be transshipped or caused to be transshipped by the exporter to, any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such exportation or transshipment thereto has been obtained from such Bureau.[1]

(e) In the case of commodities transshipped through Canada via Great Lakes, the exporter shall also furnish a certificate that the commodity transshipped was produced in the United States.

§ 1488.14 Evidence of entry into country of destination.

In the case of a credit arrangement involving a credit period in excess of 12 months for cotton, grain sorghums, and tobacco, and in excess of 6 months for all other eligible commodities, the exporter, within ninety (90) days, or such extension of time as may be granted by the General Sales Manager in writing, following shipment from the United States of any agricultural commodity exported under the approved credit arrangement, shall furnish the General Sales Manager with documentary evidence satisfactory to the General Sales Manager of customs entry of the commodity into the country of destination specified in the approved credit arrangement. A certificate signed or authenticated by a customs official of the country of destination stationed in such country shall be satisfactory if it (a) identifies the agricultural commodity (or permits identification through supplementary documents which are furnished the General Sales Manager) as that exported under the credit arrangement, (b) states the quantity of such commodity entered, and (c) states the date of entry. If the certificate is in other than the English language, the exporter also shall provide the General Sales Manager with an English translation thereof. The exporter must also within 10 days or such extension of time as may be granted by the General Sales Manager in writing, following shipment from the United States of any agricultural commodity exported under the approved credit arrangement, except for cotton, furnish the General Sales Manager with copies of all applicable bills of lading properly identified as to the credit approval number. In the event such evidence is not furnished within the time specified, the credit arrangement may be terminated by the General Sales Manager and upon such termination if payment for such commodity has not previously been made, the principal value plus interest shall, upon demand, become due and payable. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity which was exported under a credit arrangement into a country other than that specified in the credit arrangement.

§ 1488.15 Liability for payment.

Except as provided in §§ 1488.8 and 1488.20, if exportation is made within the coverage of the bank obligation submitted in accordance with §§ 1488.9, 1488.10, and 1488.11, CCC will look solely to such bank obligation for payment at maturity of the principal value, plus interest, due under the credit arrangement, but the exporter shall remain liable for any amounts not covered by the bank obligation which are owing to CCC and for any remittance required by § 1488.8 or § 1488.20. CCC shall pay to the exporter the amount, if any by which the amounts accepted by CCC are in excess of the amounts due CCC.

§ 1488.16 Assignment.

The exporter shall not assign any claim or rights to any amounts payable under the credit arrangement, in whole or in part without written approval of CCC. In the case of failure of a foreign bank to meet its obligation, the exporter shall assign to CCC, upon request, any claim he may have against the foreign importer or any other party to the transaction.

§ 1488.17 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the credit arrangement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the credit arrangement without liability to CCC. Should the credit arrangement be annulled, CCC will promptly consent to the reduction or cancellation of related letters of credit except for amounts outstanding under a credit arrangement.

§ 1488.18 Shipment of commodities on vessels calling at Cuban ports.

Any commodity exported under a CCC credit arrangement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963.

§ 1488.19 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the credit arrangement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the credit arrangement if made with a corporation for its general benefit.

§ 1488.20 Nonuse of Government financing.

(a) The exporter warrants that neither he nor any other person or firm which exports or sells for export the agricultural commodities eligible for export financing under this program will accept in payment for such agricultural commodities funds made available by the U.S. Government, or any agency thereof, expressly for the purchase of agricultural commodities produced in the United States, or funds made available as the result of the financing by the U.S. Government, or any agency thereof.

(b) If the warranty set forth in this section is not complied with, the principal value and accrued interest under the credit arrangement shall, upon demand, become due and payable by the exporter.

§ 1488.21 Exporter's records and accounts.

The U.S. Department of Agriculture shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to contracts between the exporter and the importer until the expiration of 3 years after maturity of the related credit arrangement.

§ 1488.22 Communications.

Unless otherwise provided, any written requests, notifications, or communications with respect to the credit arrangement by the applicant shall be addressed to the General Sales Manager's Office, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of Budget in accordance with the Federal Reports Act of 1942.

[1] Information to exporters: The Department of Commerce Regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

Effective date. Date of signature.

Signed at Washington, D.C., on February 15, 1966.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 66-1876; Filed, Feb. 21, 1966; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Designation of Countries

On January 15, 1966, there was published in the FEDERAL REGISTER (31 F.R. 538-539) a notice with respect to proposed amendments to § 94.1 of Part 94, Chapter I, Title 9, Code of Federal Regulations. A careful study of all technical aspects of the matter indicates that meat handled in accordance with the proposed specified conditions and imported into the United States will not constitute an undue risk of introduction of disease into this country. Under these circumstances, after due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), said § 94.1, relating to the designation of countries where rinderpest or foot-and-mouth disease exists and prohibitions upon the importation from such countries of ruminants and swine and the meat thereof, is hereby amended in the following respects:

In § 94.1, paragraph (b) is amended, and a new paragraph (c) is added, as follows:

§ 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.

* * * * *

(b) The bringing within the territorial limits of the United States of cattle, sheep, or other ruminants, or swine, or of fresh, chilled, or frozen meat of such animals (including such animals or meat on board a vessel or other means of conveyance for use as sea stores or otherwise), which originate in or are shipped from a country designated in paragraph (a) of this section as a country infected with rinderpest or foot-and-mouth disease or which enter a port in or otherwise transit such a country, is prohibited, except as provided in Part 92 of this chapter for wild ruminants and wild swine, and except as provided in paragraph (c) of this section for meat.

(c) Meat of ruminants or swine originating in and shipped from a country other than those designated in paragraph (a) of this section as infected with rinderpest or foot-and-mouth disease and which enters ports of infected countries en route to the United States, may be imported into the United States if:

(1) The meat is accompanied by the foreign meat inspection certificate or certificates required under § 327.6 of Chapter III of this title;

(2) The hold or compartment of the transporting carrier into which the meat was loaded was sealed in the country of origin by an official of such country with seals approved by the Animal Health Division of the U.S. Department of Agriculture, so as to prevent contamination, and the loading of any cargo into and the removal of any cargo from such sealed hold or compartment, en route to the United States;

(3) The seals used to seal such hold or compartment of such carrier are serially numbered and recorded on the certificate or certificates, referred to in subparagraph (1) of this paragraph accompanying the shipment;

(4) Upon arrival of the carrier in the United States port of entry the seals are found by a representative of the Animal Health Division of this Department to be intact and such representative finds that there is no evidence indicating that the seals were tampered with; and

(5) Such meat is found by a representative of this Department to be as represented in the certificate or certificates referred to in (1) above.

(Sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306)

The foregoing amendments clarify certain provisions of the regulations in 9 CFR 94.1 and relieve certain restrictions under specified conditions imposed under such regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that the amendments should be made effective promptly.

Effective date. The amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of February 1966.

R. J. ANDERSON,
Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 66-1921; Filed, Feb. 21, 1966; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

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

Generic Names and Definitions of Manufactured Fibers; Corrections

On February 8, 1966, the Federal Trade Commission issued miscellaneous amendments to § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70). Such amendments were published in the FEDERAL REGISTER on February 11, 1966.

The chemical symbol appearing in amended paragraph (b) of § 303.7 (Rule 7) following the words "acrylonitrile units" as appearing on Page 2652 of the Friday, February 11, 1966, issue of the FEDERAL REGISTER is hereby corrected as follows:

$$(-CH_2-\underset{\displaystyle CN}{\underset{|}{CH}}-)$$

The chemical symbol appearing in subparagraph (2) of amended paragraph (j) of § 303.7 (Rule 7) following the words "acrylonitrile units" as appearing on Page 2652 of the Friday, February 11, 1966, issue of the FEDERAL REGISTER is hereby corrected as follows:

$$(-CH_2-\underset{\displaystyle CN}{\underset{|}{CH}}-)$$

(Sec. 7(c) of the Textile Fiber Products Identification Act; 72 Stat. 1717; 15 U.S.C. 70e)

By direction of the Commission.

Issued: February 17, 1966.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-1812; Filed, Feb. 21, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

PART 8—COLOR ADDITIVES

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Rules of Practice and Procedure

Pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act and section 3(a)(2) of the Federal Hazardous Substances Labeling Act (sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371; sec. 3(a)(2), 74 Stat. 374; 15 U.S.C. 1262), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That Title 21 be amended in the following respects:

§§ 1.701–1.715 [Revoked]

1. By revoking §§ 1.701 to 1.715, inclusive.

2. By adding to Part 2 the following new Subpart F:

Subpart F—Public Hearings

Sec.

AUTHORITY: The provisions of this Subpart F issued under sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371; sec. 3(a)(2), 74 Stat. 374; 15 U.S.C. 1262.

§ 2.48 Purpose of holding public hearings.

Procedure for the issuance, amendment, or repeal of regulations under sections 201(v)(2)(C) and (3) (procedure for listing habit-forming drugs and drugs having a potential for abuse), 401 (definitions and standards for food), 403(j) (foods for special dietary uses), 404(a) (emergency permit control for the interstate shipment of certain classes of food), 406 (tolerances for poisonous ingredients in food), 501(b) (tests and methods of assay for drugs described in official compendia), 502(d) (habit-forming drugs), 502(h) (drugs liable to deterioration), 502(n) (drug advertisements), 506(c) (insulin), and 706 (color additives listing and certification) of the Federal Food, Drug, and Cosmetic Act, and section 3(a)(2) of the Federal Hazardous Substances Labeling Act is described in section 701(e)(1) of the Federal Food, Drug, and Cosmetic Act. Public hearings contemplated by this Subpart F arise only through the rule-making provisions cited and will be granted only where adverse effect and/or reasonable grounds can be shown. Hearings will be limited to the issues raised by the objections filed within the statutory time limits, or extended as specified in the order of the Commissioner.

§ 2.49 [Reserved]

§ 2.50 [Reserved]

RULES OF PRACTICE AND PROCEDURE FOR FILING PROPOSALS, PETITIONS, OBJECTIONS, AND HOLDING PUBLIC HEARINGS UNDER SECTION 701 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

GENERAL INFORMATION

§ 2.51 Scope of rules.

The sections in this Subpart F govern the practices and procedures in proceedings and hearings conducted pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, et seq., as amended; 21 U.S.C. 301–392).

§ 2.52 Definitions.

As used in this Subpart F the following terms shall have the meanings specified:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(b) The term "Department" means the U.S. Department of Health, Education, and Welfare.

(c) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(d) The term "Commissioner" means the Commissioner of Food and Drugs, Food and Drug Administration.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "presiding officer" means the Commissioner or a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U.S.C. 1001 et seq.).

(g) The term "Hearing Clerk" means the hearing clerk of the Department.

(h) The term "FEDERAL REGISTER" means the publication provided for by the Federal Register Act of July 26, 1935, and acts supplementary thereto and amendatory thereof (44 U.S.C. 301–314).

(i) The term "proceeding" means any action taken pursuant to section 701(e)(1) of the act for the issuance, amendment, or repeal of any regulation issued pursuant to sections 201(v)(2)(C) and (3), 401, 403(j), 404(a), 406, 501(b), 502(d), (h), and (n), 506(c), 706(b), (c), and (d), and section 3(a)(2) of the Federal Hazardous Substances Labeling Act.

(j) The term "hearing" means any hearing held pursuant to section 701(e)(3) of the act.

(k) Any term not defined in this section shall have the definition set forth in section 201 of the act, and Part 1 of this chapter.

§ 2.53 Filing; address; hours; papers to be filed.

Documents required or permitted to be filed in, and correspondence relating to, proceedings governed by the regulations in this Subpart F shall be filed with the Hearing Clerk, Room 5440, Department of Health, Education, and Welfare, Washington, D.C., 20201. This Office is open Monday through Friday from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays.

§ 2.54 Inspection of records.

Subject to the provisions of law restricting public disclosure of information, all documents filed in the docket in any proceeding may be inspected and copied in the office of the Hearing Clerk.

§ 2.55 Information; special instructions.

Information regarding procedure under these rules and instructions supplementing these rules in special instances will be furnished on application to the Hearing Clerk.

§ 2.56 Use of gender and number.

Words importing the singular number may extend and be applied to the plural. Words importing the masculine gender may be applied to the feminine gender.

§ 2.57 Waiver, suspension, amendment of rules.

The Commissioner or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this Subpart F, by announcement at the hearing or by notice in advance of the hearing, if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

APPEARANCE, PRACTICE, AND BURDEN OF PROOF

§ 2.58 Appearance.

Any interested person may appear in person or by or with counsel or other duly qualified representative in any proceeding or hearing and may be heard with respect to matters relevant to the issues under consideration.

§ 2.59 Authority for representation.

Any individual acting in a representative capacity in any proceeding may be required by the Commissioner or the presiding officer to show his authority to act in such capacity.

§ 2.60 Written appearance.

Any interested person desiring to appear at any hearing or prehearing conference shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance as specified in § 2.64 setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. The written notice of appearance shall conform to the form set forth in § 2.64. Any person or representative shall state with particularity in the notice of appearance his interest in the proceeding and shall set forth the objection or issue concerning which such person desires to be heard.

§ 2.61 Practice defined.

Practice before the Commissioner shall comprehend all matters connected with any proceeding or hearing conducted pursuant to section 701 of the act (21 U.S.C. 371).

§ 2.62 Conduct of hearings.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, continued use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct, at any hearing before the Commissioner or a presiding officer, shall constitute grounds for immediate exclusion from the hearing.

§ 2.63 Burden of proof.

(a) At any hearing held as provided in section 701 of the act, the originator of the proposal or petition for the issuance, amendment, or repeal of any regulation contemplated under section 701(e)(1) of the act, shall be, within the meaning of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)), the proponent of the rule or order, and accordingly shall have the burden of proof.

(b) Any adversely affected person filing an objection pursuant to section 701(e)(2) of the act, which objection proposes the substitution of a new provision for that provision objected to, shall have the burden of proof in relation to the new provision so proposed.

§ 2.64 Form of written appearance.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

In the matter of:

(Identify the matter in which the appearance is being filed, as set forth in the notice of hearing.)

Docket No. FDC-____ written appearance.

Pursuant to the provisions of § 2.60 of the regulations governing the procedure in the referenced matter, please enter the appearance of the undersigned,

_____
(Name. Please type or print)

_____
(Street address)

_____
(City and State)

appearing in behalf of,

_____
(Name)

_____
(Street address)

_____
(City and State)

(A) (Give a specific statement of the interest of the undersigned in the proceeding.)

(B) (Set forth the specific objection or issue concerning which the undersigned desires to be heard.)

All notices to be sent pursuant to this appearance should be addressed to:

_____
(Name)

_____
(Street address)

_____
(City and State)

_____
(Signature of principal)

_____
(Signature of authorized counsel or representative)

FILING PETITIONS, PUBLICATION OF PROPOSALS AND PETITIONS, FILING OBJECTIONS AND REQUESTS FOR HEARINGS

§ 2.65 Procedure for filing petitions.

(a) Petitions for the issuance, amendment, or repeal of any regulation subject to the provisions of section 701(e) of the act (except petitions filed under sections 506(c) and 706 of the act, which shall conform to the requirements and procedures of sections 506 and 706 of the act and the sections promulgated thereunder (21 CFR Parts 164 and 8, respectively)), shall be submitted in quintuplicate to the Commissioner. If any part of the material submitted is in a foreign language it shall be accompanied by an accurate and complete English translation. The petition shall state the petitioner's mailing address to which a copy of the notice contemplated by section 701(e)(2) of the act may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

_____
(Date)

COMMISSIONER OF FOOD AND DRUGS,
Department of Health, Education, and Welfare,
Washington, D.C., 20204.

DEAR SIR: The undersigned _____, submits this petition pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act with respect to the issuance (amendment or repeal) of a regulation under _____ (the blank to be filled in with the appropriate section of the Federal Food, Drug, and Cosmetic Act: sections 201(v)(2)(C) or (3), 401, 403(j), 404(a), 406, 501(b), 502 (d), (h), or (n); or with section 3(a)(2) of the Federal Hazardous Substances Labeling Act).

Attached hereto, in quintuplicate and constituting a part of this petition, are the following:

(A) The proposed regulation in the form proposed by the petitioner.

(B) A statement of the grounds upon which the petitioner relies for the issuance (amendment or repeal) of the regulation. (Such grounds shall include a reasonably precise statement of the facts relied upon by the petitioner. If it appears that reasonable grounds for the action proposed are not stated in the petition, the petition will be denied.)

(C) If the petition seeks the amendment or repeal of an existing regulation, a reference to the section of Title 21, Chapter I,

of the Code of Federal Regulations where it appears.

Very truly yours,

(Petitioner)

Per ---

(Indicate authority)

Mail address ---

This petition must be signed by the petitioner or by his attorney or authorized representative, or (if a corporation) by an authorized official.

All petitions shall be submitted in quintuplicate. A single copy will not be accepted for filing.

(c) The Commissioner shall notify the petitioner promptly after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reason therefor. A petition shall not be accepted for filing if any of the data prescribed in paragraph (b) of this section are lacking or are not set forth so as to be readily understood. If petitioner desires, he may supplement a deficient petition after notification of deficiency. The proposal contained in any petition filed with the Commissioner for the issuance, amendment, or repeal of any regulation subject to the provisions of section 701(e) of the act, and any proposal initiated by the Commissioner under section 701(e)(1)(A) shall be published in the FEDERAL REGISTER as provided in § 2.66.

§ 2.66 Proposals and petitions.

(a) The Commissioner, under the authority delegated to him by the Secretary (21 CFR 2.90), on his own initiative or upon petition filed with him by any interested person stating reasonable grounds therefor, shall publish in the FEDERAL REGISTER any proposal or petition to issue, amend, or repeal any regulation contemplated under the following sections of the act: Sections 201(v)(2)(C) and (3), 401, 403(j), 404(a), 406, 501(b), 502 (d), (h), and (n), 506(c), 706 (b) and (c); and section 3(a)(2) of the Federal Hazardous Substances Labeling Act.

(b) Such published notice will provide for a time period of not less than 30 days within which all interested persons may present their views and comments thereon in writing.

(c) As soon as practicable after the expiration of the time for filing views and comments the Commissioner shall publish in the FEDERAL REGISTER his order acting upon such proposal or petition. Except as provided in § 2.67, this order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under this section.

§ 2.67 Objections to the Commissioner's order and requests for hearings.

(a) On or before the 30th day after the date of the publication of the Commissioner's order in the FEDERAL REGISTER as specified in § 2.66(c), any person who will be adversely affected by such order, if placed in effect, may submit objections thereto to the Commissioner and request a public hearing on the stated objections.

(b) These objections shall be accepted for filing only when they comply with all the following provisions:

(1) Objections shall be received by the Hearing Clerk if postmarked on or before the 30th day after the date of publication of the Commissioner's order in the FEDERAL REGISTER.

(2) Each objection to a provision of the Commissioner's order shall be separately numbered.

(3) Objections must establish that the objector will be adversely affected by the order.

(4) Objections must specify with particularity the provisions of the order to which objection is taken.

(5) Objections must be supported by reasonable grounds which, if true, are adequate to justify the relief sought.

(c) If the statement of objections is not accepted for filing because of failure to comply with paragraph (b) of this section, the Commissioner shall so inform the objector and state the reasons for refusing to file the objections.

(d) If objections to the Commissioner's order issued pursuant to a petition are filed by a person other than the petitioner, the Food and Drug Administration shall mail a copy of the objections to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

(e) As soon as practicable after the time for filing objections has expired, the Commissioner shall publish a notice in the FEDERAL REGISTER specifying those parts of the order that have been stayed by the filing of objections or, if no objections have been filed, stating that fact.

PUBLIC HEARINGS AND NOTICE THEREOF

§ 2.68 Hearings under section 701(e) of the act.

(a) Under the authority delegated to him by the Secretary (21 CFR 2.90), the Commissioner on his own initiative or upon a petition of any interested person adversely affected stating reasonable ground therefor, shall hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by objections filed pursuant to § 2.67 to any proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the act: Sections 201(v)(2)(C) and (3), 401, 403(j), 404(a), 406, 501(b), 502 (d), (h), and (n), 506(c), and 706(b), (c), and (d); and section 3(a)(2) of the Federal Hazardous Substances Labeling Act.

(b) Concurrently with the action taken pursuant to § 2.67, if a proceeding is stayed by the filing of objections, and a public hearing is requested, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the receipt of objections, those parts of the order that have been stayed by the filing of objections, and announcing that a public hearing will be held to receive evidence on the issues raised by such objections.

§ 2.69 Notice of hearing.

(a) As soon as practicable after a request for a public hearing has been filed, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice of hearing.

(b) The notice of hearing shall set forth the following information:

(1) A statement of the provisions of the order to which objections have been filed, and a summary of the objections.

(2) A statement of the issues raised by the objections.

(3) The designation of the presiding officer to conduct the hearing.

(4) The place where the hearing will be held.

(5) The time within which written appearances must be filed.

(6) The time (not earlier than 30 days after the date of publication of the notice of hearing in the FEDERAL REGISTER) when the hearing will commence.

§ 2.70 Time and place of hearing.

The hearing will commence at the place and time announced in the notice of hearing, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

DESIGNATION, POWERS, RESPONSIBILITIES AND DUTIES OF PRESIDING OFFICER

§ 2.71 Presiding officer.

A presiding officer shall preside over all hearings held pursuant to section 701 of the act. The presiding officer shall be either the Commissioner or a hearing examiner qualified under section 11 of the Administrative Procedure Act and designated by the Commissioner to conduct the hearing.

§ 2.72 Commencement of functions.

The functions of the presiding officer shall commence upon his designation and terminate upon the certification of the record to the Commissioner.

§ 2.73 Authority of presiding officer.

Hearings shall be conducted in an informal but orderly manner in accordance with this Subpart F and the requirements of the Administrative Procedure Act, and where such sections or the Administrative Procedure Act are inapplicable or incomplete, in accordance with the directions of the presiding officer. The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings and prehearing conferences, and, upon proper notice to change the date, time, and place of hearings and prehearing conferences previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Regulate the course of the hearing and the conduct of counsel therein.

(f) Examine witnesses and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Fix the time for filing motions, petitions, briefs, findings, or other items in matters pending before him.

(i) Rule on motions and other procedural items pending before him.

(j) Take any action permitted to the presiding officer as authorized by this Subpart F or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

PREHEARING AND OTHER CONFERENCES

§ 2.74 Prehearing conference.

The presiding officer on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference for:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admission of facts, and documents.

(c) The possibility of limitation of the number of expert witnesses.

(d) The identification, and if practicable, the scheduling of witnesses to be called.

(e) The advance submission at the prehearing conference of all documentary evidence in quintuplicate to be marked for identification. (When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts thereof, adequately identified, and shall supply copies of such excerpts together with the original document to the presiding officer for examination and study by all other parties and for use by opposing counsel for purpose of cross-examination.)

(f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 2.75 Exclusion of witnesses and documentary evidence.

The failure to identify witnesses and submit documentary evidence at the prehearing conference in accordance with the requirements of § 2.74 of this Subpart F may result in the testimony or documents not being heard or received in evidence, in the absence of a showing that the offering party had good cause for the failure to produce the documents or identify the witnesses.

§ 2.76 Prehearing order.

The presiding officer may have the prehearing conference reported verbatim and shall make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and a statement of the issues for hearing. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

§ 2.77 Other conferences.

The presiding officer may also direct all parties and their representatives to appear at conferences at any reasonable time during the hearing, with a view to simplification, clarification, or shortening of the hearing.

HEARING PROCEDURES

§ 2.78 Statements of position.

The presiding officer may require parties to exchange written statements of position, with copies to all other parties, prior to the beginning of a hearing. These statements should include a showing of the theory of the party submitting this statement and will not be subject to cross-examination.

§ 2.79 Evidentiary purpose of hearing.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received into evidence; rather, it should be presented in opening or closing statements of counsel, memoranda, or briefs, as determined by the presiding officer.

§ 2.80 Submission of documentary evidence and identification of witnesses subsequent to prehearing conference.

(a) All documentary evidence not submitted at the prehearing conference shall be submitted to the presiding officer as soon as possible, with a showing that the offering party had good cause for failing to produce the documents at the prehearing conference. If the presiding officer determines that good cause does exist, the documents shall be submitted to the parties sufficiently in advance of the offer of such documents for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The authenticity of all published documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with this section, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.

(c) Any witness identification not submitted at the prehearing conference shall be submitted to the presiding officer as soon as available, with a showing that the offering party had good cause for failing to produce the identification at the prehearing conference. If the presiding officer determines that good cause does exist, the identification shall be submitted to the parties to the hearing as soon as possible.

§ 2.81 Submission and receipt of evidence.

(a) *Witnesses.* The presiding officer may direct that summaries of the direct testimony of witnesses be prepared in writing and served in advance of the hearing. If so directed, such summaries shall be served on all parties, a copy to the presiding officer as directed. Witnesses will not be permitted to read summaries of their testimony into the record and all witnesses shall be available for cross-examination. Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) *Scope of testimony.* When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) *Evidence.* The presiding officer shall admit only evidence that is relevant, material, reliable, and not unduly repetitious.

(d) *Opinion testimony.* Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) *Documents to be filed.* The presiding officer shall file as exhibits copies of the following documents:

(1) The proposal to issue, amend, or repeal a regulation as published in the FEDERAL REGISTER, described in § 2.66(a).

(2) The order of the Commissioner as published in the FEDERAL REGISTER, described in § 2.66(c).

(3) The notice of receipt of objections as published in the FEDERAL REGISTER, described in § 2.67(e).

(4) The notice of public hearing as published in the FEDERAL REGISTER, described in § 2.69.

(5) The prehearing order, if any, as described in § 2.76.

(6) Any other document necessary to show the basis for the hearing.

§ 2.82 Inspection of documents.

All documents constituting the record bearing on the matter or matters in controversy, and not entitled to protection under section 301(j) of the act, accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk.

§ 2.83 Objections.

If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 2.84 Affidavits.

Upon a showing of their relevancy, materiality, and competency, affidavits may be marked as exhibits at the prehearing conference. Every interested person shall be permitted to examine all affidavits that have been so filed and to file counteraffidavits with the presiding officer, within a period of time to be fixed by the presiding officer, not more

than 15 days following the close of the hearing. Subject to the provisions of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006), these affidavits may be admitted into evidence. If so admitted, the Commissioner and presiding officer will consider the lack of opportunity for cross-examination in determining the weight to be attached to statements made in the form of affidavits.

§ 2.85 Samples.

Samples may be displayed at the hearing and may be described for purposes of the record, but shall not be admitted in evidence as exhibits.

§ 2.86 Exceptions to rulings.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action that he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 2.87 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to show the contrary.

§ 2.88 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 2.89 Appeal from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the Commissioner prior to his consideration of the entire proceeding, except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the Commissioner within such period that the presiding officer directs. No oral argument will be heard unless the Commissioner directs otherwise.

THE RECORD

§ 2.90 Official transcript; indexing of record.

(a) *Official transcript.* Testimony given at a public hearing shall be reported verbatim. The Department will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the transcript of the testimony and exhibits taken at the hearing or of any part thereof shall be entitled to the same upon application to the official reporter and upon payment of the costs thereof.

(b) *Indexing of record.* (1) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(2) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 2.91 Exhibits.

All written statements, charts, tabulations, reports, documents, and similar data offered in evidence at the hearing shall be marked for identification, and upon a showing satisfactory to the presiding officer of the authenticity, relevancy, materiality, and reliability, shall be received in evidence, subject to section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)). Exhibits shall be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion in determining whether the exhibit will be read in evidence or whether additional copies will be required to be submitted within a time to be specified by the presiding officer. Where relevant and material matter offered into evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter will be excluded and will be segregated, insofar as practicable, subject to the direction of the presiding officer.

§ 2.92 Record of the hearing.

The record of the hearing will include the transcript of the testimony, including any exhibits, together with any written arguments, briefs, or memoranda of law filed with the presiding officer. As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the hearing clerk.

§ 2.93 Correction of record.

At the close of the hearing, the presiding officer shall afford witnesses and their counsel time (not longer than 30 days, except in unusual cases) in which to submit written proposed corrections of the transcript, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

§ 2.94 Record for decision.

The transcript of testimony and exhibits together with any written arguments that may have been filed in the proceeding, including rulings, shall constitute the exclusive record for decision.

BRIEFS, REQUESTS FOR FINDINGS, DECISIONS, EXCEPTIONS, ORAL ARGUMENT; FINAL ORDER

§ 2.95 Briefs.

The time for filing briefs and reply briefs (if permitted) with the presiding officer shall be fixed by him. The person submitting a brief shall file five copies with the hearing clerk. Briefs shall include a statement of position on each issue as supported by the evidence of record, together with specific and complete citations of the pages of the transcript and exhibits, together with citations of authorities relied upon. Briefs shall contain proposed findings of fact and conclusions of law when requested by the presiding officer.

§ 2.96 Decisions.

As soon as practicable after the time for filing of briefs has expired, the presiding officer shall prepare a report and shall certify the record together with his report to the Commissioner.

§ 2.97 Tentative order.

(a) As soon as practicable thereafter the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER his tentative order, including detailed findings of fact and conclusions upon which it is based.

(b) The tentative order shall specify a reasonable time (ordinarily not to exceed 60 days), within which any party of record may file exceptions to the proposed order. The exceptions shall point out with particularity the alleged errors in said order and shall contain a specific reference to the pages of the transcript of the testimony or to exhibits on which exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof and if oral argument on the exceptions is desired, such a request shall be made with the exceptions. The Commissioner will grant or deny oral argument in his discretion.

§ 2.98 Final order.

As soon as practicable after the time for filing exceptions has passed, the Commissioner shall cause to be published in the FEDERAL REGISTER his final order in the proceeding, which shall set forth detailed findings of fact and conclusions upon which the order is based. This order shall specify the date on which it shall take effect. (Sec. 701(e)(3), Federal Food, Drug, and Cosmetic Act.)

JUDICIAL REVIEW

§ 2.101 Copies of petitions for judicial review.

The Assistant General Counsel, Food and Drug Division, Department of Health, Education, and Welfare, has been

designated by the Secretary as the officer upon whom copies of petitions for judicial review, filed pursuant to section 701(f)(1) of the act, shall be served. Such officer shall be responsible for filing in the court the record of the proceedings on which the final order is based. The record of the proceeding shall be certified by the Commissioner.

JUDICIAL STANDARDS OF PRACTICE

§ 2.102 Conduct.

Parties and their representatives appearing in hearings held pursuant to section 701 of the act, whether or not members of the bar, are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party should use his best efforts to restrain his client from improprieties in connection with proceeding.

§ 2.103 [Reserved]

§ 2.104 Ex parte communications.

If any official of the Food and Drug Administration is contacted by any individual in private or public life concerning any matter which is the subject of a public hearing, the official who is contacted shall prepare a memorandum setting forth the substance of the conversation and shall file this memorandum in the appropriate public docket file.

3. By redesignating §§ 2.90, 2.91, 2.101, 2.102, and 2.103 as §§ 2.120, 2.121, 2.171, 2.172, and 2.173, respectively.

4. By revising § 8.21 to read as follows:

§ 8.21 Hearing procedure.

Public hearings will be conducted in accordance with the rules provided in Subpart F of Part 2 of this chapter.

5. By revising the "Cross-Reference" of Part 10 to read as follows:

CROSS-REFERENCE: For other regulations in this chapter concerning definitions and standards for foods, see also §§ 1.13, 3.1, 3.17, 3.38, 121.8 and Parts 14 through 53, inclusive. For other regulations in this chapter concerning procedure for establishing regulations, see also Subpart F of Part 2.

6. By adding to Part 146 a new § 146.15, reading as follows:

§ 146.15 Hearing procedure.

Hearings held pursuant to § 146.6 will be conducted in accordance with the rules provided in Part 130 of this chapter.

7. By adding to Part 164 a new § 164.16, reading as follows:

§ 164.16 Hearing procedure.

Hearings held pursuant to § 164.9 will be conducted in accordance with the rules provided in Part 130 of this chapter.

8. By revising § 191.201(d) to read as follows:

§ 191.201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances.

* * * * *

(d) The procedure at such public hearing shall follow that provided in Subpart F of Part 2 of this chapter.

Effective date. These rules shall become effective upon publication in the FEDERAL REGISTER and shall apply to hearing proceedings instituted thereafter, pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act.

These rules come within the excepted provisions of section 4(a) of the Administrative Procedure Act, with reference to prior notice and delayed effective date.

(Sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371; sec. 3(a)(2), 74 Stat. 374; 15 U.S.C. 1262)

Dated: February 15, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-1855; Filed, Feb. 21, 1966; 8:48 a.m.]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C YELLOW NO. 5; LISTING FOR FOOD AND DRUG USE SUBJECT TO CERTIFICATION

The Commissioner of Food and Drugs, based on a petition filed by the Certified Color Industry Committee, % Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, and other relevant material, finds that FD&C Yellow No. 5, identified below, is safe for use as a color additive in or on foods and ingested drugs under the conditions prescribed in this order, and that certification is necessary for the protection of the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c)(1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That Part 8 be amended by adding to Subpart C a new § 8.275 and by adding to Subpart E a new § 8.4175, as follows:

§ 8.275 FD&C Yellow No. 5.

(a) *Identity.* (1) The color additive FD&C Yellow No. 5 is the trisodium salt of 3-carboxy-5-hydroxy-1-*p*-sulfophenyl-4-*p*-sulfophenylazopyrazole.

(2) Color additive mixtures for food use made with FD&C Yellow No. 5 may contain only those diluents listed in Subpart D of this part as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* FD&C Yellow No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.), not more than 6.0 percent.
Chlorides and sulfates (calculated as the sodium salts), not more than 7.0 percent.
Water insoluble matter, not more than 0.2 percent.
Phenylhydrazine-*p*-sulfonic acid, not more than 0.1 percent.
Other uncombined intermediates, not more than 0.2 percent each.
Subsidiary dyes, not more than 1.0 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 1 part per million.
Pure color, not less than 87.0 percent.

(c) *Uses and restrictions.* FD&C Yellow No. 5 may be safely used for coloring foods generally, subject to the following restrictions:

(1) The quantity of FD&C Yellow No. 5 does not exceed 300 parts per million by weight of the food in a form suitable for consumption.

(2) It may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless artificial color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Yellow No. 5 shall be certified in accordance with regulations in Subpart A of this part.

§ 8.4175 FD&C Yellow No. 5.

(a) *Identity.* (1) The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 8.275(a)(1) and (b).

(2) Color additive mixtures for ingested drug use made with FD&C Yellow No. 5 may contain only those diluents listed in Subpart F of this part as safe and suitable in color additive mixtures for coloring ingested drugs.

(b) *Uses and restrictions.* FD&C Yellow No. 5 may be safely used for coloring ingested drugs generally, provided that not more than 30 milligrams of the color additive is consumed per day if the recommended drug dosage is followed.

(c) *Labeling requirements.* The label of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) *Certification.* All batches of FD&C Yellow No. 5 shall be certified in accordance with regulations in Subpart A of this part.

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

to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 706(b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c)(1), (d))

Dated: February 16, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1856; Filed, Feb. 21, 1966; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

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

[BDSA Reg. 2 (formerly NPA Reg. 2); Amdt. 8, Feb. 23, 1966]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

Regulation 2, Amendment 8—Change in List A

FEBRUARY 23, 1966.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives including trade association representatives and consideration was given to their recommendations.

This amendment supersedes Amendment 4 to BDSA Reg. 2 (formerly NPA Reg. 2) of January 11, 1957. It affects BDSA Reg. 2 as heretofore amended by excluding domestic refined copper produced in the United States from the category of copper raw materials not subject to ratings.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2) is hereby amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA and therefor no rating shall be effective to obtain any of them:

Communications services.

Copper raw materials as that term is defined in BDSA Order M-11A (as the same may be amended from time to time), except copper-base alloy ingot, shot and waffle (as defined in that order) containing 3 percent or more of nickel (by weight), and domestic refined copper, as defined in Direction 2 to BDSA Order M-11A.

Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

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

This amendment shall take effect February 23, 1966.

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

[F.R. Doc. 66-1914; Filed, Feb. 21, 1966; 8:51 a.m.]

[BDSA Order M-11A, Dir. 2, Feb. 23, 1966]

M-11A—COPPER AND COPPER-BASE ALLOYS

Direction 2—Domestic Refined Copper Set-Aside

FEBRUARY 23, 1966.

This direction to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there was consultation with industry representatives including trade association representatives and consideration was given to their recommendations.

Sec.
1 What this direction does.
2 Definitions.
3 Use of rated orders for domestic refined copper.
4 Opening of order books.
5 Acceptance of orders.
6 Rejection of rated orders.
7 Priority status of delivery orders.
8 Reserved portion of production (set-aside).
9 Records and reports.
10 Communications.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, P.L. 88-343, 78 Stat. 235.

Sec. 1 What this direction does.

This direction applies to producers of domestic refined copper. It contains rules pertaining to the opening of order books, the acceptance and rejection of rated orders, and establishes a set-aside for the required acceptance of such orders by producers of domestic refined copper on an equitable basis.

Sec. 2 Definitions.

As used in this direction:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(c) "Domestic refined copper" means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powder mill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal.

(d) "Producer of domestic refined copper" means any person who produces domestic refined copper for his own account in his own facility or who contracts for its production elsewhere from his own raw materials for his account under toll arrangements.

(e) "Copper controlled materials" means brass mill products, copper wire mill products, copper powder mill products, or copper foundry products, as defined in BDSA Order M-11A.

(f) "Copper controlled material producer" means any person who produces a copper controlled material.

(g) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by BDSA Reg. 2 (formerly NPA Reg. 2), DMS Reg. 1 or any other applicable regulation or order of BDSA.

(h) "Mandatory acceptance order" means any authorized controlled material order, rated order, certified order, or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in calendar year 1965, including any domestic refined copper produced for his account by another person under toll arrangements.

Sec. 3 Use of rated orders for domestic refined copper.

A copper controlled material producer must use the rating DO-D1 or DX-D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders, in accordance with the provisions of Section 4(c), 4(d), and 4(e) of DMS Reg. 1, Dir. 3: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the copper controlled material produced or to be produced therefrom.

Sec. 4 Opening of order books.

Each producer of domestic refined copper shall open his order books for the purpose of accepting rated orders no later than the first day of the month preceding the calendar month for which delivery is requested.

Sec. 5 Acceptance of rated orders.

(a) Each producer of domestic refined copper shall, after receipt of any rated order tendered to him, promptly accept or reject such order. Receipt of a rated order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such an order. Upon such acceptance or rejection, he shall promptly notify, by letter or telegram, the person who tendered the order, of such accept-

ance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 5 consecutive calendar days after receipt.

(b) Each producer of domestic refined copper must comply with such production and other directives as may be issued from time to time by BDSA and with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) and of all other applicable regulations and orders of BDSA.

Sec. 6 Rejection of rated orders.

A producer of domestic refined copper must accept all mandatory acceptance orders; however, he may reject rated orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received from a person other than a copper controlled material producer.

(2) If the order is received after the 10th day of the month preceding the month of delivery requested in the order: *Provided*, That a DX order must be accepted without regard to this provision unless it is impracticable for him to make delivery within the required delivery month, in which event he must accept such order for the earliest practicable delivery date: *Provided further*, That acceptance of a DX order by a producer of domestic refined copper prior to the date he opens his order books shall not effect an opening of his books so as to require acceptance of other orders for domestic refined copper.

(3) If the order is one for less than 20,000 pounds.

(4) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(5) If the order calls for delivery of a quantity of domestic refined copper which, together with the quantity of that material for which he had previously accepted rated orders for delivery during the same month, would exceed the quantity of that material which he is required to reserve pursuant to Sec. 8 of this direction: *Provided, however*, That a DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance.

Sec. 7 Priority status of delivery orders.

Each producer of domestic refined copper who accepts rated orders for domestic refined copper pursuant to this direction, shall make delivery pursuant to such orders in preference to any other delivery order for domestic refined copper which is not a rated order. However, a delivery order for domestic refined copper pursuant to a directive issued by BDSA, shall take precedence over any other delivery order (including rated orders) previously or subsequently received.

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least ten percent (10%) of his average monthly production of domestic refined copper (as defined in sec. 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however*, That DX rated orders must be accepted in accordance with the provisos contained in sec. 6 (2) and (5) above.

Sec. 9 Records and reports.

(a) Producers of domestic refined copper shall make and preserve for at least 3 years thereafter, accurate and complete records of production, receipts, sales and deliveries of domestic refined copper. Such records shall include, but shall not be limited to, all rated orders received by such producers. Records shall be maintained in sufficient detail to permit the determination after audit whether each transaction involving rated orders complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm, or other photographic copies, or in the storage devices of automatic data processing equipment, instead of the originals by the producer of domestic refined copper who, at the time such microfilm or other photographic copies or magnetic tapes are made, maintains such types of record information in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business, where maintained.

(c) Each producer of domestic refined copper shall transmit two copies of a supplementary consolidated company report Form 6-1046MS (covering domestic refined copper) to the Bureau of Mines, U.S. Department of Interior, Washington, D.C., 20240.

(d) Producers of domestic refined copper subject to this direction shall make such records and submit such reports to BDSA as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139-139F).

Sec. 10 Communications.

All communications concerning this direction shall be addressed to the Business and Defense Services Administration, Washington, D.C., 20230. Ref: BDSA Order M-11A.

This direction shall become effective February 23, 1966.

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

[F.R. Doc. 66-1915; Filed, Feb. 21, 1966; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Ch. 31

NONDUPLICATION; FEDERAL PROGRAMS

In § 21.22, paragraphs (b)(5) and (c)(3) and (5) are amended to read as follows:

§ 21.22 Nonduplication; Federal programs.

* * * * *

(b) *Programs barred.* * * *

(5) The Financial Assistance Program in the Senior Reserve Officers' Training Corps of the Air Force, Army, or Navy (Public Law 88-647; 10 U.S.C. Ch. 103) (Similar to the former regular Navy Reserve Officers' Training Corps program, Holloway Plan).

* * * * *

(c) *Programs not barred.* * * *

(3) Enrolled in a school and participating in the 2-year Senior Reserve Officers' Training Corps, or the 4-year Senior Reserve Officers' Training Corps program of the Air Force, Army, or Navy, other than the Financial Assistance Program. (See paragraph (b)(5) of this section.)

* * * * *

(5) Receiving benefits under Public Law 87-256 (22 U.S.C. Ch. 33; Fulbright Act), or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

Approved: February 15, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-1850; Filed, Feb. 21, 1966; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular 2203]

PART 19—WILDERNESS PRESERVATION

On pages 9363-9364 of the FEDERAL REGISTER of July 28, 1965, there was pub-

lished the notice and text of a proposed addition to Subtitle A of Title 43, Code of Federal Regulations.

The addition was of a new Part 19 to provide regulations necessary to implement certain provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136) relating to functions performed by the Secretary of the Interior.

Interested persons were invited to participate in the consideration of the proposed regulations by presenting written comments, suggestions, or objections within 60 days from July 28, 1965. A number of written communications were received and all have been carefully considered.

The following revisions are being incorporated into the regulations:

1. A new § 19.2—Definitions is added.

2. A new § 19.3—Reviews of roadless areas and roadless islands is added. This section states the objective of the reviews and carries into effect the time schedule specified in the Act.

3. The section originally proposed as § 19.2—Liaison with other governmental agencies and submission of views by interested persons is renumbered § 19.4. This section is revised to permit the receipt of recommendations from any persons concerning any roadless areas or roadless islands which are under current review, and to assure that such recommendations will be accorded careful consideration.

4. The section originally proposed as § 19.3—Hearing procedures is renumbered § 19.5. This section is revised to provide that public notice of any public hearing shall be published at least 60 days before the date of hearing. The section also provides that a summary of any public views received shall be forwarded with recommendations of the Secretary to the President.

5. A new § 19.6—Regulations respecting administration and uses of wilderness areas under jurisdiction of the Secretary is added. This section provides that regulations shall be developed to protect any such areas that may be designated by statute and to preserve their wilderness character.

6. The section originally proposed as § 19.4—Private contributions and gifts is renumbered § 19.7. The section is revised to recognize that gifts tendered to the Secretary under the provisions of section 8(a) of the Taylor Grazing Act may consist of land but not interests in land.

7. The section originally proposed as § 19.5—Prospecting, mineral locations, mineral patents, and mineral leasing within National Forest Wilderness is renumbered § 19.8 without change.

8. Editorial changes of minor nature have also been made.

The revised regulations are adopted as set forth below and will become effective upon publication in the FEDERAL REGISTER.

Part 19, consisting of Subparts A and B, is added to read as follows:

Subpart A—National Wilderness Preservation System

Subpart B—Wilderness Preservation of Lands Exclusively Administered Through the Bureau of Land Management

AUTHORITY: The provisions of this Part 19 issued under 78 Stat. 890; 16 U.S.C. 1131–1136 and R.S. 2478; 43 U.S.C. 1201.

Subpart A—National Wilderness Preservation System

§ 19.1 Scope and purpose.

This subpart sets forth sections dealings with the administration by the Department of the Interior of certain provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136).

§ 19.2 Definitions.

As used in this subpart the term:

(a) "National Forest Wilderness" means an area or part of an area of national forest lands designated by the Wilderness Act or by a subsequent act of Congress as a wilderness area.

(b) "National Park System" means all federally owned or controlled areas administered by the Secretary through the National Park Service.

(c) "National Wilderness Preservation System" means the federally owned areas designated by the Wilderness Act or subsequent acts of Congress as wilderness areas.

(d) "National Wildlife Refuge System" means those lands and waters administered by the Secretary as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any statute, proclamation, executive order, or public land order.

(e) "Roadless area" means a reasonably compact area of undeveloped Federal land which possesses the general characteristics of a wilderness and within which there is no improved road that is suitable for public travel by means of four-wheeled, motorized vehicles intended primarily for highway use.

(f) "Roadless island" means a roadless area that is surrounded by permanent waters or that is markedly distinguished from surrounding lands by topographical or ecological features such as precipices, canyons, thickets, or swamps.

(g) "Secretary" means the Secretary of the Interior or an official of the Department of the Interior who exercises authority delegated by the Secretary of the Interior.

(h) "Wilderness" means a wilderness as defined in section 2(c) of the Wilderness Act.

§ 19.3 Reviews of roadless areas and roadless islands.

(a) The Secretary is required by section 3(c) of the Wilderness Act to review every roadless area of 5,000 contiguous acres or more in each unit of the National Park System and every roadless area of 5,000 contiguous acres or more and every roadless island in the national wildlife refuges and game ranges of the National Wildlife Refuge System, which was under the supervision of the Secretary on September 3, 1964. The Secretary is further required to recommend to the President whether each such area and island is suitable or not suitable for preservation as wilderness. Reports and recomendations must be submitted by the Secretary in time to permit the President to advise the Congress of his recommendations thereon:

(1) Covering not less than one-third of such areas and islands by September 3, 1967;

(2) Covering not less than an additional one-third by not later than September 3, 1971; and

(3) Covering the remainder by not later than September 3, 1974.

(b) The primary objective of the Department of the Interior's review of roadless areas and roadless islands pursuant to section 3(c) of the Wilderness Act and the regulations of this Part shall be to identify and recommend for preservation as wilderness, by inclusion in the National Wilderness Preservation System, those areas which, after consideration of all relevant factors, it is concluded will achieve the policy of the Congress, as expressed in section 2(a) of the Wilderness Act.

(c) Nothing in the sections of this part shall, by implication or otherwise, be construed to lessen the authority of the Secretary with respect to the maintenance of roadless areas within units of the National Park System or the maintenance of roadless areas and islands within units of the National Wildlife Refuge System.

§ 19.4 Liaison with other governmental agencies and submission of views by interested persons.

(a) When a review is initiated under the provisions of section 3(c) of the Wilderness Act and the sections of this part, arrangements shall be made for appropriate consideration of problems of mutual concern with other Federal agencies and with regional, State, and local governmental agencies.

(b) Any person desiring to submit recommendations as to the suitability or nonsuitability for preservation as wil-

derness of any roadless area in any unit of the National Park System, or of any such area or any roadless island in any unit of the National Wildlife Refuge System, may submit such recommendations at any time to the superintendent or manager in charge of the unit. Such recommendations will be accorded careful consideration and shall be forwarded with the report of review to the Office of the Secretary.

§ 19.5 Hearing procedures.

(a) Before any recommendation of the Secretary concerning the suitability or nonsuitability of any roadless area or island for preservation as wilderness is submitted to the President, a public hearing or hearings shall be held thereon at a location or locations convenient to the area or areas affected. If the lands involved are located in more than one State, at least one such hearing shall be held in each State. At least 60 days before the date of any such hearing, public notice thereof shall be published in the FEDERAL REGISTER and in newspapers of general circulation in the area. The public notice shall contain or make reference to a map of the lands involved and a definition of boundaries and a statement of the action proposed to be taken by the Secretary thereon.

(1) Any hearing held under this section shall be presided over by a hearing officer designated by the Secretary.

(2) Any person may present testimony at the hearing orally or in writing, or both, by notification to the hearing officer in accordance with the published notice of the hearing. Witnesses shall not be subjected to cross-examination but the hearing officer may invite responses by witnesses to questions he may ask for the purpose of clarifying the testimony presented.

(3) The witnesses shall not be sworn, but statements made by them orally or in writing are subject to the provisions of 18 U.S.C. 1001, which makes it a crime for any person knowingly and willfully to make to any agency of the United States any false, fictitious, or fraudulent statement as to any matter within its jurisdiction.

(4) A verbatim record of the hearing shall be kept.

(5) The hearing officer may be instructed by the Secretary to prepare and submit a recommendation concerning the suitability or nonsuitability of the area or areas for preservation as wilderness.

(6) A copy of the transcript of the hearing record, and of any recommendation made by the hearing officer as a result thereof, shall, during the pendency of the subject matter, be maintained for public examination (i) in an office of the Department of the Interior convenient to the area or areas affected, and (ii) in the headquarters office of the Department in Washington, D.C.

(7) The Secretary reserves the right at all times to consider information available to his office from any source, not limited to the record of the public hearing or hearings, in the further consideration of proposed recommendations concerning the suitability or the nonsuitability of the area or areas for preservation as wilderness.

(b) At least 30 days before the date of any such public hearing, the hearing officer shall advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and the other Federal departments and agencies concerned, and invite such officials and agencies to submit their views at the hearing. The Governor, the governing board, and the other Federal agencies may also submit views following the hearing but such views must be received in the Office of the Secretary by no later than 30 days following the date of the hearing to assure that they will receive consideration.

(c) Any public views received pursuant to the provisions of this section will be accorded careful consideration and a summary thereof shall be forwarded with the recommendations of the Secretary to the President with respect to the area under consideration.

§ 19.6 Regulations respecting administration and uses of wilderness areas under jurisdiction of the Secretary.

Regulations respecting administration and use of areas under the jurisdiction of the Secretary which may be designated as wilderness areas by statute shall be developed with a view to protecting such areas and preserving their wilderness character for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, with inconsistent uses held to a minimum.

§ 19.7 Private contributions and gifts.

(a) The Secretary is authorized by section 6(b) of the Wilderness Act to accept on behalf of the United States private contributions and gifts to be used to further the purposes of the act. The Secretary, under the authorization of section 6(b), may accept on behalf of the United States any sums of money, marketable securities or other personal property (but not real property) to be used for such things as expediting reviews of roadless areas and islands under his jurisdiction, expediting mineral resource surveys of National Forest Wilderness, or fostering public information and research related to wilderness preservation.

(b) Anyone desiring to make a contribution or gift under the provisions of this section may submit an offer to the Secretary of the Interior, Washington, D.C., 20240, stating the amount of money or describing the securities or other personal property involved. If the offer involves property other than cash, the statement should set forth that the offeror is the owner of the property free and clear of all encumbrances and adverse claims. The offeror may specify a particular purpose for which the offer is made, but the Secretary may in his discretion reject any offer entailing purposes, terms, or conditions unacceptable to him.

(c) Sums of money and marketable securities received under this section that are not otherwise restricted and are allocated to furthering the purposes of the Wilderness Act as it relates to lands within the National Park System shall be transferred to a special account in the National Park Trust Fund and shall be administered in accordance with the provisions of 36 CFR Part 9.

(d) Offers of gifts of land to promote the purposes of a grazing district or facilitate administration of public lands, including preservation and management of wilderness, values, may be tendered to the Secretary under the provisions of section 8(a) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315g). Offers of gifts of land or interests in land to facilitate administration or contribute to improvement, management, use, or protection of public lands and their resources, including the preservation and management of wilderness values, may be tendered to the Secretary under the provisions of section 103(a) of the Public Land Administration Act of July 14, 1960 (74 Stat. 506; 43 U.S.C. 1364). Persons desiring to make such offers should follow the procedures established by 43 CFR Subpart 2111.

(e) Under the provisions of the Act of June 5, 1920 (41 Stat. 917; 16 U.S.C. 6), the Secretary is authorized, in his discretion, to accept donations of patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments for the purposes of the National Park System. Persons desiring to offer lands, rights-of-way, or buildings under the provisions of the Act of June 5, 1920, should make inquiry of the superintendent of the national park or monument within which the property is located.

§ 19.8 Prospecting, mineral locations, mineral patents, and mineral leasing within National Forest Wilderness.

Regulations issued under the provisions of the Wilderness Act pertaining to prospecting, mineral locations, mineral patents, and mineral leasing within National Forest Wilderness are contained in Parts 3327 and 3638 of Subchapter C of Chapter II of this Title.

Subpart B—Wilderness Preservation of Lands Exclusively Administered Through the Bureau of Land Management

§ 19.25 Retention and management of certain classes of public lands for wilderness preservation.

(a) Section 1(a) of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–1418) directs the Secretary, among other things, to develop and promulgate regulations containing criteria under which he will determine which of the public lands and other Federal lands administered by the Secretary exclusively through the Bureau of Land Management shall be retained in Federal ownership, at least until June 30, 1969,

and managed for certain purposes. Section 3 of the same Act directs the Secretary to develop and administer for multiple use and sustained yield of the several products and services obtainable therefrom those public lands he determines to be suitable for interim management in accordance with such regulations. Among the uses listed in the Act for which lands retained in Federal ownership are authorized to be managed is wilderness preservation.

(b) Sections issued under the authority of the Act of September 19, 1964, are contained in Parts 2410 and 2411 of Subchapter B of Chapter II of this Title.

(78 Stat. 890; 16 U.S.C. 1131–1136 and R.S. 2478; 43 U.S.C. 1201)

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 17, 1966.

[F.R. Doc. 66–1871; Filed, Feb. 21, 1966; 8:50 a.m.]

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

SUBCHAPTER C—MINERALS MANAGEMENT

[Circular 2204]

PART 3320—ACTS CONCERNING LIMITED AREAS

Subpart 3327—Prospecting and Mineral Leasing Within National Forest Wilderness

PART 3630—AREAS SUBJECT TO SPECIAL MINING LAWS

Subpart 3638—Prospecting, Mineral Locations, and Mineral Patents Within National Forest Wilderness

On pages 9362–9363 of the FEDERAL REGISTER of July 28, 1965, there were published notices and texts of proposed additions to Subchapter C of Chapter II, Title 43, Code of Federal Regulations.

These additions were:

1. Addition of a new Subpart 3314 to Part 3310 to provide regulations necessary to implement certain provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136) related to prospecting and mineral leasing within National Forest Wilderness.

2. Addition of a new Subpart 3638 to Part 3630 to provide regulations necessary to implement certain provisions of the Wilderness Act relating to prospecting, mineral locations, and mineral patents within National Forest Wilderness.

Interested persons were invited to participate in the consideration of the proposed regulations by presenting written comments, suggestions, or objections within 60 days from July 28, 1965. A number of written communications were received and all have been carefully considered.

The following revisions are being incorporated into the regulations:

1. The new Subpart originally proposed as Subpart 3314 in Part 3310 is redesignated Subpart 3327 in Part 3320 in order to place it within a Part which deals with statutes concerned with limited areas.

2. The section originally numbered § 3314.3—Prospecting within National Forest Wilderness (now numbered § 3327.3) is revised to direct attention to the fact that no applications for mineral leases, licenses, or permits on lands within National Forest Wilderness will be granted after December 31, 1983.

3. The section originally numbered § 3314.4—Mineral leases, licenses, and permits within National Forest Wilderness (now numbered § 3327.4) is revised (a) to remove the word "generally" in the phrase "to the same extent as generally applicable before September 3, 1964"; (b) to provide that the operation of the laws pertaining to mineral leasing in National Forest Wilderness shall be subject to the provisions of such regulations as may be prescribed by the Secretary of Agriculture pursuant to section 4(d)(3) of the Wilderness Act; and (c) to advise all persons seeking or holding a mineral lease, license, or permit within National Forest Wilderness issued after September 3, 1964, to make inquiry of the officer in charge of the National Forest concerning applicable regulations of the Secretary of Agriculture.

4. A new § 3327.5 is added implementing the provision of the Wilderness Act withdrawing from mineral leasing all lands within National Forest Wilderness effective at midnight, December 31, 1983.

5. Section 3638.3—*Prospecting within National Forest Wilderness* is revised to direct attention to the fact that no claim may be located after midnight, December 31, 1983, and no valid discovery may be made after that time on any location purportedly made before that time.

6. Section 3638.4—*Mineral locations within National Forest Wilderness* is revised to provide that the operation of the United States mining laws in National Forest Wilderness shall be subject to the provisions of such regulations as may be prescribed by the Secretary of Agriculture pursuant to section 4(d)(3) of the Wilderness Act.

7. Section 3638.5—*Mineral patents within National Forest Wilderness* is revised to provide that the use of patented land shall be subject to regulations prescribed by the Secretary of Agriculture as provided in the Wilderness Act.

8. A new § 3638.6 is added. This section implements the provision of the Wilderness Act withdrawing from the operation of the mining laws all lands within National Forest Wilderness effective at midnight, December 31, 1983.

9. Several editorial changes of minor nature have also been made.

Subpart 3327—Prospecting and Mineral Leasing Within National Forest Wilderness

Sec.
3327.1 Scope and purpose.
3327.2 Definition.
3327.3 Prospecting within National Forest Wilderness for the purpose of gathering information about mineral resources.
3327.4 Mineral leases, licenses, and permits within National Forest Wilderness.
3327.5 Withdrawal from mineral leasing.

AUTHORITY: The provisions of this Subpart 3327 issued under 78 Stat. 890; 16 U.S.C. 1131–1136 and R.S. 2478; 43 U.S.C. 1201.

§ 3327.1 Scope and purpose.

This subpart sets forth procedures to be followed by persons wishing to prospect on lands within National Forest Wilderness, and special provisions pertaining to mineral leases, licenses, and permits within National Forest Wilderness.

§ 3327.2 Definition.

As used in this subpart the term "National Forest Wilderness" means an area or part of an area of National Forest land designated by the Wilderness Act as a wilderness area within the National Wilderness Preservation System.

§ 3327.3 Prospecting within National Forest Wilderness for the purpose of gathering information about mineral resources.

(a) The provisions of the Wilderness Act do not prevent any activity, including prospecting, within National Forest Wilderness for the purpose of gathering information about mineral or other resources if such activity is conducted in a manner compatible with the preservation of the wilderness environment. While information gathered by prospecting concerning mineral resources within National Forest Wilderness may be utilized in connection with applications for mineral leases, licenses, or permits on lands which may be open to such applications, attention is directed to the fact that no such applications will be granted after December 31, 1983.

(b) All persons wishing to carry on any activity, including prospecting, for the purpose of gathering information about mineral or other resources on lands within National Forest Wilderness should make inquiry of the officer in charge of the National Forest in which the lands are located concerning the regulations of the Secretary of Agriculture governing surface use of the lands for such activity.

§ 3327.4 Mineral leases, licenses, and permits within National Forest Wilderness.

(a) Until midnight, December 31, 1983, all laws pertaining to mineral leasing and the regulations of this chapter pertaining thereto effective during such period, shall, to the same extent as applicable before September 3, 1964, extend to National Forest Wilderness, subject to the provisions of such regulations as may be prescribed by the Secretary of Agriculture pursuant to section 4(d)(3) of the Wilderness Act.

(b) All mineral leases, licenses, and permits covering lands within National Forest Wilderness, issued on or after September 3, 1964, shall contain such stipulations as may be prescribed by the Secretary of Agriculture pursuant to section 4(d)(3) of the Wilderness Act for the protection of the wilderness character of the lands consistent with the use of the lands for the purposes for which they are leased, licensed, or permitted. In

addition to containing such stipulations as may be prescribed by the Secretary of Agriculture, any mineral lease, license, or permit covering lands within National Forest Wilderness shall contain a provision that it is issued subject to the provisions of the Wilderness Act and the regulations issued thereunder.

(c) All persons seeking or holding a mineral lease, license, or permit covering lands within National Forest Wilderness, issued on or after September 3, 1964, should make inquiry of the officer in charge of the National Forest in which the lands are located concerning the applicable regulations of the Secretary of Agriculture.

§ 3327.5 Withdrawal from mineral leasing.

Effective at midnight, December 31, 1983, subject to valid rights then existing, the minerals in lands within National Forest Wilderness are withdrawn from leasing by virtue of the provisions of section 4(d)(3) of the Wilderness Act.

Subpart 3638 is added to read as follows:

Subpart 3638—Prospecting, Mineral Locations, and Mineral Patents Within National Forest Wilderness

Sec.

AUTHORITY: The provisions of this Subpart 3638 issued under 78 Stat. 890; 16 U.S.C. 1131–1136 and R.S. 2478; 43 U.S.C. 1201.

§ 3638.1 Scope and purpose.

This subpart sets forth procedures to be followed by persons wishing to prospect on lands within National Forest Wilderness, and special provisions pertaining to mineral locations and mineral patents within National Forest Wilderness.

§ 3638.2 Definition.

As used in this subpart the term "National Forest Wilderness" means an area or part of an area of National Forest lands designated by the Wilderness Act as a wilderness area within the National Wilderness Preservation System.

§ 3638.3 Prospecting within National Forest Wilderness for the purpose of gathering information about mineral resources.

(a) The provisions of the Wilderness Act do not prevent any activity, including prospecting, within National Forest Wilderness for the purpose of gathering information about mineral or other resources if such activity is conducted in a manner compatible with the preservation of the wilderness environment. While information gathered by prospecting concerning mineral resources within National Forest Wilderness may be utilized in connection with the location of valuable mineral deposits which may be discovered through such activity and which may be open to such location, attention is directed to the fact that no claim may be located after midnight, December 31, 1983, and no valid discovery may be made after that time on any location purportedly made before that time.

(b) All persons wishing to carry on any activity, including prospecting, for the purpose of gathering information about mineral or other resources on lands within National Forest Wilderness should make inquiry of the officer in charge of the National Forest in which the lands are located concerning the regulations of the Secretary of Agriculture governing surface use of the lands for such activity.

§ 3638.4 Mineral locations within National Forest Wilderness.

(a) Until midnight, December 31, 1983, the mining laws of the United States and the regulations of this chapter pertaining thereto, including any amendments thereto effective during such period, shall to the same extent as applicable before September 3, 1964, extend to National Forest Wilderness, subject to the provisions of such regulations as may be prescribed by the Secretary of Agriculture pursuant to section 4(d)(3) of the Wilderness Act.

(b) All mineral locations established after September 3, 1964, and lying within the National Forest Wilderness, shall be held and used solely for mining or processing operations and uses incident thereto, and such locations shall carry with them no rights in excess of those rights which may be patented under the provisions of § 3638.5 of this chapter.

(c) All persons wishing to carry on any activity under the mining laws on lands within National Forest Wilderness, on or after September 3, 1964, should make inquiry of the officer in charge of the National Forest in which the lands are located concerning the regulations of the Secretary of Agriculture governing activities to be performed thereon in connection with the locations of mining claims.

§ 3638.5 Mineral patents within National Forest Wilderness.

(a) Each patent issued under the U.S. mining laws for mineral locations established after September 3, 1964, or validated by discovery of minerals occurring after September 3, 1964, and lying within National Forest Wilderness shall, in accordance with the provisions of section 4(d)(3) of the Wilderness Act:

(1) Convey title to the mineral deposits within the patented lands, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the National Forest rules and regulations;

(2) Reserve to the United States all title in or to the surface of the lands and products thereof; and

(3) Provide that no use of the surface of the patented lands or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as expressly provided in the Wilderness Act.

(b) Each patent to which the provisions of this section are applicable shall contain the express condition that the use of the patented lands shall be subject to regulations prescribed by the Secretary of Agriculture as referred to in § 3638.4(a) of this subpart and that the patented lands shall be held open for reasonable inspection by authorized officers of the U.S. Government for the purpose of observing compliance with the provisions thereof.

§ 3638.6 Withdrawal from operation of the mining laws.

Effective at midnight, December 31, 1983, subject to valid rights then existing, the minerals in lands within National Forest Wilderness are withdrawn from the operation of the mining laws by virtue of the provisions of section 4(d)(3) of the Wilderness Act.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 17, 1966.

[F.R. Doc. 66-1870; Filed, Feb. 21, 1966; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Loxahatchee National Wildlife Refuge, Fla.

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

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

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

The sport fishing season on the refuge extends from February 23, 1966, to February 22, 1967.

(1) Fishing is restricted to 1 hour before sunrise to 1 hour after sunset.

(2) Boats may enter or leave the refuge only at the three public ramps as follows: (a) North end of refuge at S–5A landing; (b) headquarters boat ramp; (c) S–39 boat ramp on south end of refuge.

(3) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets or other set tackle prohibited.

(4) Boats, including boats with motors are permitted except that air-thrust boats may be authorized only by special permit issued by the refuge manager, and speedboats and racing craft are prohibited except for official purposes.

(5) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

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

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 14, 1966.

[F.R. Doc. 66–1829; Filed, Feb. 21, 1966; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 94, Amdt. 1]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Correction

In F.R. Doc. 65–5903 appearing in the FEDERAL REGISTER issue of June 8, 1965 (30 F.R. 7490), concerning adoption of certain fees for processing applications named therein, the bracketed designation in the heading should read "[General Order 94, Amdt. 1]" and the part heading should read "Part 221—Documentation, Transfer or Charter of Vessels".

Dated: February 18, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66–1916; Filed, Feb. 21, 1966; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6832; Amdt. 39–197]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–200 and –300 Series Airplanes Equipped With JT4 Engines

Amendment 39–151 (30 F.R. 13357), AD 65–25–1, requires replacement of the thrust reverser P_{s_4} line tube assemblies incorporating stainless steel sleeves with tube assemblies incorporating carbon steel sleeves on Boeing Model 707–200 and –300 Series airplanes equipped with JT4 engines. Subsequent to the issuance of Amendment 39–151, the Agency has determined that, due to unavailability of parts, compliance with the AD cannot be accomplished within 1,200 hours after the effective date of the original AD, and has determined that the 1,200-hour compliance time for installation of case-hardened sleeves may be extended to 3,000 hours' time in service, provided nickel or silver plated carbon steel sleeves are installed within 1,200 hours' time in service after the effective date of the AD. Therefore, the AD is being superseded by a new AD that provides an increased compliance time for replacement of stainless steel sleeves with case-hardened sleeves if nickel or silver plated carbon steel sleeves are installed within 1,200 hours' time in service after the effective date of the new AD.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707–200 and –300 Series airplanes equipped with JT4 engines.

Compliance required as indicated, unless already accomplished.

To prevent loose B-nuts on the thrust reverser P_{s_4} lines, accomplish one of the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region—

(a) Within the next 1,200 hours' time in service after the effective date of this AD, replace P_{s_4} tube assemblies (located between the P_{s_4} engine bleed port and the thrust reverses directional control valve that incorporate stainless steel 17–4 PH CRES sleeves with tube assemblies that incorporate case-hardened 316 CRES sleeves in accordance with Boeing Service Bulletin 2228, dated August 9, 1965, or later FAA-approved revision; or

(b) Within the next 1,200 hours' time in service after the effective date of this AD, replace P_{s_4} tube assemblies (located between the P_{s_4} engine bleed port and the thrust reverser directional control valve) that incorporate stainless steel 17–4 PH CRES sleeves with tube assemblies that incorporate nickel plated carbon steel sleeves or silver plated carbon steel sleeves in accordance with Boeing Service Letter 6–7161–4–8966, dated May 11, 1965, and within the next 3,000 hours' time in service after the effective date of this AD, replace the assemblies that incorporate nickel or silver plated carbon steel sleeves with tube assemblies that incorporate case-hardened 316 CRES sleeves in accordance with Boeing Service Bulletin 2228, dated August 9, 1965, or later FAA-approved revision.

This supersedes Amendment 39-151 (30 F.R. 13357), AD 65–25–1.

This amendment becomes effective February 22, 1966.

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

Issued in Washington, D.C., on February 16, 1966.

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

[F.R. Doc. 66–1962; Filed, Feb. 21, 1966; 9:14 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Interest on Indebtedness Incurred or Continued To Purchase or Carry Tax-Exempt Bonds

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 265 of the Internal Revenue Code of 1954 to section 216 of the Revenue Act of 1964 (78 Stat. 56), such regulations are amended as follows:

PARAGRAPH 1. Section 1.265 is amended by adding a new sentence at the end of paragraph (2) of section 265 and by adding a historical note. The amended and added provisions read as follows:

§ 1.265 Statutory provisions; expenses and interest relating to tax-exempt income.

SEC. 265. *Expenses and interest relating to tax-exempt income.* No deduction shall be allowed for— * * *

(2) *Interest.* Interest on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest on which is wholly exempt from the taxes imposed by this subtitle. In applying the preceding sentence to a financial institution (other than a bank) which is a face-amount certificate company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 and following) and which is subject to the banking laws of the State in which such institution is incorporated, interest on face-amount certificates (as defined in section 2(a)(15) of such Act) issued by such institution, and interest on amounts received for the purchase of such certificates to be issued by such institution, shall not be considered as interest on indebtedness incurred or contained to purchase or carry obligations the interest on which is wholly exempt from the taxes imposed by this subtitle, to the extent that the average amount of such obligations held by such institution during the taxable year (as determined under regulations prescribed by the Secretary or his delegate) does not exceed 15 percent of the average of the total assets held by such institution during the taxable year (as so determined).

[Sec. 265 as amended by sec. 216, Rev. Act 1964 (78 Stat. 56)]

PAR. 2. Section 1.265–2 is amended to read as follows:

§ 1.265–2 Interest relating to tax exempt income.

(a) *In general.* No amount shall be allowed as a deduction for interest on any indebtedness incurred or continued to purchase or carry obligations, the interest on which is wholly exempt from tax under subtitle A of the Code, such as municipal bonds, Panama Canal loan 3-percent bonds, or obligations of the United States, the interest on which is wholly exempt from tax under subtitle A, and which were issued after September 24, 1917, and not originally subscribed for by the taxpayer. Interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry (1) obligations of the United States issued after September 24, 1917, the interest on which is not wholly exempt from the taxes imposed under subtitle A of the Code, or (2) obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer, the interest on which is wholly exempt from the taxes imposed by subtitle A of the Code, is deductible. For rules as to the inclusion in gross income of interest on certain governmental obligations, see section 103 and the regulations thereunder.

(b) *Special rule for certain financial institutions.* (1) No deduction shall be disallowed, for taxable years ending after February 26, 1964, under section 265 (2) for interest paid or accrued by a financial institution which is a face-amount certificate company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 and following) and which is subject to the banking laws of the State in which it is incorporated, on face-amount certificates (as defined in section 2(a)(15) of the Investment Company Act of 1940) issued by such institution and on amounts received for the purchase of such certificates to be issued by the institution, if the average amount of obligations, the interest on which is wholly exempt from the taxes imposed by subtitle A of the Code, held by such institution during the taxable year, does not exceed 15 percent of the average amount of the total assets of such institution during such year. See subparagraph (3) of this paragraph for treatment of interest paid or accrued on face-amount certificates where the figure is in excess of 15 percent. Interest expense other than that paid or accrued on face-amount certificates or on amounts received for the purchase of such certificates does not come within the rules of this paragraph.

(2) This subparagraph is prescribed under the authority granted the Secretary or his delegate under section 265(2) to prescribe regulations governing the determination of the average amount of tax-exempt obligations and of the total assets held during an institution's taxable year. The average amount of tax-exempt obligations held during an institution's taxable year shall be the average of the amounts of tax-exempt obligations held at the end of each week ending within such taxable year. The average amount of total assets for a taxable year shall be the average of the total assets determined at the beginning and end of the institution's taxable year. If the Commissioner, however, determines that any such amount is not fairly representative of the average amount of tax-exempt obligations or total assets, as the case may be, held by such institution during such taxable year, then the Commissioner shall determine the amount which is fairly representative of the average amount of tax-exempt obligations or total assets, as the case may be. The percentage which the average amount of tax-exempt obligations is of the average amount of total assets is determined by dividing the average amount of tax-exempt obligations by the average amount of total assets, and multiplying by 100. The amount of tax-exempt obligations means that portion of the total assets of the institution which consists of obligations the interest on which is wholly exempt from tax under subtitle A of the Code, and valued at their adjusted basis, appropriately adjusted for amortization of premium or discount. Total assets means gross assets of the institution taken at their adjusted basis less all of the liabilities other than the liability on the face amount certificates and amounts received for the purchase of such certificates. To the extent, if any, that reserves for such items as depreciation, bad debts, amortization or similar items have not been used as adjustments to basis, such amounts shall be treated as liabilities.

(3) If the percentage computation required by subparagraph (2) of this paragraph results in a figure in excess of 15

percent for the taxable year, there is interest that does not come within the special rule for certain financial institutions contained in section 265(2). The amount of such interest is obtained by multiplying the total interest paid or accrued for the taxable year on face-amount certificates and on amounts received for the purchase of such certificates by the percentage figure equal to the excess of the percentage figure computed under subparagraph (2) of this paragraph over 15 percent. See paragraph (a) for the disallowance of interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is wholly exempt from tax under subtitle A of the Code.

(4) Every financial institution claiming the benefits of the special rule for certain financial institutions contained in section 265(2) shall file with its return for the taxable year:

(i) A statement showing that it is a face-amount certificate company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 and following) and that it is subject to the banking laws of the State in which it is incorporated.

(ii) A detailed schedule showing the computation of the average amount of tax-exempt obligations, the average amount of total assets of such institution, and the total amount of interest paid or accrued on face-amount certificates and on amounts received for the purchase of such certificates for the taxable year.

[F.R. Doc. 66–1810; Filed, Feb. 21, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77]

[Docket No. 3666; Notice No. 72]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

FEBRUARY 10, 1966.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed below.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before March 8, 1966. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–90 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (29 F.R. 18660, 18665, Dec. 29, 1964) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Add				
Igniters, rocket motor, class A explosives.	Example A	No exemption, 73.79		Not accepted.
Igniters, rocket motor, class B explosives.	Example B	No exemption, 73.92	Red#	550 pounds.
Rocket engines (liquid), class B explosives.	do	No exemption, 73.95		Not accepted.
Rocket motors, class A explosives	Example A	No exemption, 73.79		Do.
Rocket motors, class B explosives	Example B	No exemption, 73.92	Red#	550 pounds.
Cancel				
Rocket ammunition without projectiles.	do	No exemption, 73.90		Not accepted.

PART 73—SHIPPERS

Subpart B—Explosives; Definitions and Preparation

In § 73.53 amend paragraph (p) and entire paragraph (t) (29 F.R. 18684, Dec. 29, 1964) to read as follows:

§ 73.53 Definition of class A explosives.

* * * * *

(p) *Rocket ammunition.* Rocket ammunition (including guided missiles) is ammunition designed for launching from a tube, launcher, rails, trough, or other launching device, in which the propellant material is a solid propellant explosive. It consists of an igniter, rocket motor, and a projectile (warhead) either fuzed or unfuzed, containing high explosives or chemicals. Rocket ammunition may be shipped completely assembled or may be shipped unassembled in one outside container.

* * * * *

(t) *Jet thrust units (jato), class A explosives; rocket motors, class A explosives; igniters, jet thrust (jato), class A explosives; and igniters, rocket motor, class A explosives:*

(1) Jet thrust units (jato), class A explosives, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(2) Rocket motor, class A explosives, is a device containing a propelling charge and consisting of one or more continuous type combustion unit(s) closed at one end (closure may be an igniter with a thrust plate) and with a nozzle(s) at the other end. (The rocket motor carries its own solid oxidizer-fuel combination.) The propelling charge consists of a mixture of chemicals and/or chemical compounds which when ignited is capable of burning rapidly and producing considerable pressure and which will sustain a detonation. Rocket motors, class A explosives, should be nonpropulsive in shipment (see subparagraph (i) of this paragraph). Rocket motors, class A explosives, are designed to be ignited by an electrically actuated device which may be an igniter, or by other means. They are used to propel and/or provide thrust for guided missiles, rockets, or spacecraft.

(i) A rocket motor to be considered "nonpropulsive" must be capable of unrestrained burning and will not move appreciably in any direction when ignited by any means. Blast deflectors, thrust neutralizers, or other similar devices must be proven adequate by test prior to authorization for use.

(3) Igniters, jet thrust (jato), class A explosives, and igniters, rocket motor, class A explosives, are devices consisting of an electrically operated or remotely controlled ignition element and a charge of fast-burning composition meeting the definition prescribed for Type 1 class A explosives (see paragraph (a) of this section), assembled in a unit for use in igniting the propelling charge of jet thrust units or rocket motors.

* * * * *

Amend entire § 73.79 (29 F.R. 18693, Dec. 29, 1964) to read as follows:

§ 73.79 Jet thrust units (jato); rocket motors; igniters, jet thrust (jato); and igniters, rocket motor, class A explosives.

(a) Jet thrust units or rocket motors, class A explosives, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government. Jet thrust units; rocket motors; igniters, jet thrust; and igniters, rocket motor, class A explosives, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§ 78.165, 78.168, 78.172, or 78.185 of this chapter) wooden boxes or wooden boxes, fiberboard lined.

(2) Wooden boxes, wooden crates or other containers of approved military specifications which comply with § 73.7(a).

(3) Jet thrust units or rocket motors, class A explosives, may be packed in the same outside shipping container with their separately packaged igniters or igniter components, class A, B, or C explosives, when containers are approved by the Bureau of Explosives or when containers are of approved military specifications complying with § 73.7(a).

(b) Jet thrust units; rocket motors; igniters, jet thrust; and igniters, rocket motor, class A explosives packed in any other manner must be approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS A EXPLOSIVES," "ROCKET MOTORS, CLASS A EXPLOSIVES," "IGNITERS, JET THRUST, CLASS A EXPLOSIVES," or "IGNITERS, ROCKET MOTOR, CLASS A EXPLOSIVES," as appropriate.

(d) Jet thrust units; rocket motors; igniters, jet thrust; and igniters, rocket motor, class A explosives must not be offered for transportation by rail express, except as provided in § 73.86 or § 75.675 of this chapter.

In § 73.88 amend paragraph (c) and entire paragraph (e); add paragraphs (h) and (i) (29 F.R. 18694, Dec. 29, 1964) to read as follows:

§ 73.88 Definition of class B explosives.

* * * * *

(c) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar. It consists of an igniter, a rocket motor, and empty projectile, inert-loaded projectile, or solid projectile.

* * * * *

(e) Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; and igniters, rocket motors, class B explosives:

(1) Jet thrust units (jato), class B explosives, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(2) Rocket motor, class B explosives, is a device containing a propelling charge and consisting of one or more continuous type combustion unit(s), closed at one end (closure may be an igniter with a thrust plate) and with a nozzle(s) at the other end. The propelling charge consists of a mixture of chemicals and/or chemical compounds which when ignited is capable of burning rapidly and producing considerable pressure and which will not sustain a detonation. (The rocket motor carries its own solid oxidizer-fuel combination.) Rocket motors, class B explosives, should be nonpropulsive in shipment (see subparagraph (i) of this paragraph). Rocket motors, class B explosives, are designed to be ignited by an electrically actuated device which may be an igniter, or by other means. They are used to propel and/or provide thrust for guided missiles, rockets, or spacecraft.

(i) A rocket motor to be considered "nonpropulsive" must be capable of unrestrained burning and will not move appreciably in any direction when ignited by any means. Blast deflectors, thrust neutralizers or other similar devices must be proven by test prior to authorization for use.

(3) Igniters, jet thrust (jato), class B explosives, and igniters, rocket motor, class B explosives, are devices consisting of an electrically operated or remotely controlled ignition element and a fast burning composition which functions by rapid burning rather than detonation, assembled in a unit for use in igniting the propelling charge of jet thrust units, rocket motors, or rocket engines.

* * * * *

(h) Starter cartridges, jet engine, class B explosives consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small compartment that incloses an electrical squib, small amounts of black powder, and smokeless powder, which constitutes an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(i) Rocket engine (liquid), class B explosives is a complete, self-contained rocket propulsion unit which contains an oxidizer and a fuel, each separated by an aluminum or stainless steel wall of not less than 0.250 inch thickness. Double walls are permitted. Pressurization of the propellant tanks is by use of a gas generator. The ignition source must be in an unarmed position for shipment. Rocket engines (liquid) are used to propel or provide thrust for rockets, missiles or spacecraft.

Amend entire § 73.90 (29 F.R. 18694, Dec. 29, 1964) to read as follows:

§ 73.90 Rocket ammunition with empty, inert-loaded, or solid projectiles.

(a) Rocket ammunition with empty, inert-loaded, or solid projectiles must be well packed and properly secured in strong wooden or metal containers.

(b) Each package must be plainly marked "ROCKET AMMUNITION WITH EMPTY PROJECTILES," "ROCKET AMMUNITION WITH INERT-LOADED PROJECTILES," or "ROCKET AMMUNITION WITH SOLID PROJECTILES," as appropriate.

(c) Rocket ammunition must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

Amend entire § 73.92 (29 F.R. 18695, Dec. 29, 1964) to read as follows:

§ 73.92 Jet thrust units (jato); rocket motors; igniters, jet thrust (jato); igniters, rocket motor; and starter cartridges, jet engine, class B explosives.

(a) Jet thrust units or rocket motors, class B explosives, must not be shipped with igniters assembled therein, unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government. Jet thrust units; rocket motors; igniters, jet thrust; igniters, rocket motor; and starter cartridges, jet engine, class B explosives, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§ 78.165, 78.168, 78.172, or 78.185 of this chapter) wooden boxes or wooden boxes, fiberboard lined.

(2) Spec. 15B (§ 78.169 of this chapter) wooden boxes. Authorized only for igniters, jet thrust or igniters, rocket motor, class B explosives.

(3) Spec. 23F (§ 78.214 of this chapter) fiberboard boxes. Authorized only for igniters, jet thrust; igniters, rocket motor; or starter cartridges, jet engine, class B explosives, which must be packed in tightly closed inside fiberboard boxes, at least 200-pound test (Mullen or Cady), or metal containers. Starter cartridges, jet engine, must have igniter wires short-circuited when packed for shipment.

(4) Wooden boxes, wooden crates or other containers of approved military specifications which comply with 73.7(a).

(5) Jet thrust units or rocket motors, class B explosives, may be packed in the same outside shipping container with their separately packaged igniters or igniter components, class B or C explosives, when the containers are approved by the Bureau of Explosives or when the containers comply with paragraph (a) (4) of this section.

(b) Jet thrust units; rocket motors; igniters, jet thrust; and igniters, rocket motor, Class B explosives, packed in any other manner must be approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "JET THRUST UNIT, CLASS B EXPLOSIVES," "ROCKET MOTOR, CLASS B EXPLOSIVES," "IGNITERS, JET THRUST, CLASS B EXPLOSIVES," "IGNITERS, ROCKET MOTOR, CLASS B EXPLOSIVES," or "STARTER CARTRIDGES, JET ENGINE, CLASS B EXPLOSIVES," as appropriate.

(d) Label. Each outside container of jet thrust units; rocket motors; igniters, jet thrust; igniters, rocket motor; and starter cartridges, jet engine, class B explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

Add § 73.95 (29 F.R. 18697, Dec. 29, 1964) to read as follows:

§ 73.95 Rocket engines (liquid), class B explosives.

(a) Rocket engines (liquid), class B explosives must not be shipped with igniters or initiators assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government, and only when authorized by appropriate Military Commands (see § 73.51(q)), or by the Bureau of Explosives. Rocket engines must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172, or 78.185 of this chapter) wooden boxes or wooden boxes, fiberboard lined.

(2) Wooden boxes or metal containers of approved military specifications which comply with § 73.7(a).

(b) Rocket engines (liquid), class B explosives, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, class B explosives when authorized by appropriate Military Commands (see § 73.51 (q)), or when containers are approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "ROCKET ENGINES (LIQUID) CLASS B EXPLOSIVES."

(d) Rocket engines (liquid), class B explosives must not be offered for transportation by rail express except as provided in § 73.86 and § 75.675 of this chapter.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.400 amend paragraph (f) (29 F.R. 18768, Dec. 29, 1964) to read as follows:

§ 73.400 Explosives.

* * * * *

(f) Each shipment of explosive power devices, class B; jet thrust units, class B explosives; rocket motors, class B explosives; igniters, jet thrust, class B explosives; igniters, rocket motor, class B explosives; starter cartridges, jet engine, class B explosives; and propellant explosives, class B, when offered for transportation by rail express must bear the label prescribed by § 73.412.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 amend paragraph (b) and the introductory text of paragraph (c) (29 F.R. 18776, 18777, Dec. 29, 1964) to read as follows:

§ 74.526 Loading explosives into cars.

* * * * *

(b) Shipments of explosive bombs, unfuzed projectiles, rocket ammunition, and rocket motors, class A or class B explosives, when not packed in wooden boxes, and large metal containers of incendiary bombs, each weighing 500 pounds, or more, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs, rocket ammunition, or rocket motors, class A or class B explosives, which, due to size, cannot be loaded in closed cars may be loaded in open-top cars or on flat cars, but must be protected against weather and accidental ignition.

* * * * *

(c) Explosives, class A or class B, may be loaded and transported in tight, closed truck bodies or trailers on flat cars; and wooden boxed bombs, rocket ammunition, and rocket motors, class A or class B explosives, which due to their size cannot be loaded in tight, closed truck bodies or trailers, may be loaded in or on open-top truck bodies or trailers, but must be protected against accidental ignition, provided all of the following requirements are fulfilled and provided wooden containers are painted or treated with fire-retardant and waterproof material of a type approved by the Bureau of Explosives:

* * * * *

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 74.538 paragraph (a) Chart amend items "f", "1", and "2" in both horizontal and vertical columns (29 F.R. 18780, 18781, Dec. 29, 1964) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

"f" Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), class A; igniters, jet thrust, class A; rocket motors, class A; igniters, rocket motor, class A[c]

* * * * *

"1" Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles.

"2" Propellant explosives, class B; jet thrust units (jato), class B; igniters, jet thrust, class B; rocket motors, class B; rocket engines (liquid), class B; igniters, rocket motor, class B; starter cartridges, jet engine, class B.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848 paragraph (a) Chart amend items "f", "1", and "2" in both horizontal and vertical columns (29 F.R. 18805, Dec. 29, 1964) to read as follows:

(a) * * *

"f" Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), class A; igniters, jet thrust, class A; rocket motors, class A; igniters, rocket motors, class A[c]

* * * * *

"1" Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles.

"2" Propellant explosives, class B; jet thrust units (jato), class B; igniters, jet thrust, class B; rocket motors, class B; rocket engines (liquid), class B; igniters, rocket motor, class B; starter cartridges, jet engine, class B.

* * * * *

Section	Paragraph	Reason for amendment
72.5	(a) Commodity list	To provide commodity descriptions for rocket motors, igniters for rocket motors, and rocket engines; to cancel the "Rocket ammunition without projectiles" description made obsolete by the "Rocket motors, class B explosives" description.
73.53	(p)	To recognize the distinction now made between jet thrust units and rocket motors, class A explosives; to accommodate component parts of rocket ammunition shipped unassembled in one outside container.
73.53	(t)	To define rocket motors, and igniters for rocket motors, class A explosives; to relegate the use of jet thrust units for the purpose defined as distinct from rocket motors; to give a criteria for rocket motors considered to be nonpropulsive in transportation.
73.79	Entire section	To prescribe packaging and marking requirements for rocket motors, and rocket motor igniters, class A explosives; to provide for jet thrust units or rocket motors packed in the same outside shipping container with their separately packaged igniters.
73.88	(e)	To redefine rocket ammunition in conformance with § 73.88(e)(2) because "rocket ammunition without projectiles," as previously defined, will now be described as "rocket motor."
73.88	(e)	To define rocket motors, and igniters for rocket motors, class B explosives; to relegate the use of jet thrust units, class B explosives for the purpose defined as distinct from rocket motors; to give a criteria for rocket motors considered to be nonpropulsive in transportation.
73.88	(h)	Formerly § 73.88(e)(2). No substantive change.
73.88	(i)	To define rocket engines (liquid), class B explosives.
73.90	Entire section	To make editorial changes consistent with the new definition of rocket ammunition, class B explosives.
73.92	do	To prescribe packaging and marking requirements for rocket motors, and rocket motor igniters, class B explosives.
73.95	do	To prescribe packaging and marking requirements for rocket engines (liquid), class B explosives.
73.400	(f)	To prescribe labeling requirements for shipments of rocket motors class B explosives by rail express.
74.526	(b)	To replace the terminology "jet thrust units" with "rocket motors"; to extend the closed car exemptions to rocket motors, class B explosives.
74.526	(c)	To extend the loading requirements for class A explosives in truck bodies or trailers on flat cars to class B explosives also; to authorize rocket motors, class A or class B explosives to be loaded in or on open-top truck bodies or trailers under certain conditions.
74.538 77.848	(a) Chart	To provide for rocket motors, rocket motor igniters, and rocket engines (liquid) in the loading and storage chart.

[F.R. Doc. 66-1802; Filed, Feb. 21, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 905.120 et seq.) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 31 F.R. 13933), regulating the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendments to said rules and regulations were proposed by the Growers Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendments would (1) redefine the districts comprising the production area and (2) change the representation of those districts.

The amendments are as follows:

1. Add a new § 905.125 *Redefinition of districts,* as follows:

§ 905.125 Redefinition of districts.

(a) "Citrus District One" shall include the counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Citrus District Two" shall include the counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts One, Two, and Three of Volusia County, and that part of the counties of Indian River and Brevard not included in Regulation Area II.

(c) "Citrus District Three" shall include the county of St. Lucie and that part of the counties of Brevard, Indian River, Martin, and Palm Beach described as lying within Regulation Area II, and County Commissioner's Districts Four and Five of Volusia County.

(d) "Citrus District Four" shall include the counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and that part of the counties of Palm Beach and Martin not included in Regulation Area II.

(e) "Citrus District Five" shall include the county of Polk.

2. Add a new section—§ 905.126 *Changes in district representation*—as follows:

§ 905.126 Changes in district representation.

The representation or membership on the Growers Administrative Committee is changed to provide for:

(a) Two (2) members and their respective alternates shall be producers of citrus in District 1;

(b) Two (2) members and their respective alternates shall be producers of citrus in District 2;

(c) Two (2) members and their respective alternates shall be producers of citrus in District 3;

(d) One (1) member and his alternate shall be producers of citrus in District 4; and

(e) Two (2) members and their respective alternates shall be producers of citrus in District 5.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the seventh day after 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)).

Dated: February 15, 1966.

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

[F.R. Doc. 66–1820; Filed, Feb. 21, 1966; 8:45 a.m.]

[7 CFR Part 992]

[Docket No. AO–358]

GRAPES PRODUCED IN CALIFORNIA (AND POSSIBLY ARIZONA)

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the 10th floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, Calif., beginning at 9:30 a.m., P.s.t., March 14, 1966, and continuing through March 17, with respect to a proposed marketing agreement and order regulating the handling of grapes produced in California (and possibly Arizona). If not concluded, the hearing will adjourn and continue on March 21. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

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

A Grape Stabilization Committee, which represents a large group of grape producers and handlers, under the chairmanship of A. Setrakian requested the hearing on the proposed marketing agreement and order, the provisions of which are set forth hereinafter. The request resulted from a meeting in Fresno, Calif., on January 29, 1966, at which the Grape Stabilization Committee was established.

DEFINITIONS

§ 992.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the Act.

§ 992.2 Act.

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

§ 992.3 Person.

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

§ 992.4 Area.

"Area" means the State of California excluding the counties of Marin, Sonoma, Napa, Solano, Yolo, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito and Monterey. (Evidence will be received as to whether or not the State of Arizona or any excluded counties should be included.)

§ 992.5 Grapes.

"Grapes" means any grapes produced within the area, whether fresh or dried.

§ 992.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and use or sale, whether directly or indirectly, of grapes.

§ 992.7 Handle.

"Handle" means to receive, acquire, or use grapes, whether or not of own production, or to otherwise place grapes into the current of commerce or consumption outlets, within the area or from such area to points outside thereof: *Provided,* That this term shall not include acts of delivery of a producer to a recognized handler.

§ 992.8 Handler.

"Handler" means any person who handles grapes and includes, but is not limited to, any shipper, packer, vintner, distiller, or processor of grapes.

§ 992.9 Crop year.

"Crop year" means the 12-month period beginning with May 1 of any year and ending with April 30 of the following year.

§ 992.10 Part and subpart.

"Part" means the order regulating the handling of grapes and all rules, regula-

tions and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE ADMINISTRATIVE COMMITTEE

§ 992.20 Establishment and membership.

(a) A Grape Administrative Committee (herein referred to as committee) is hereby established consisting of 83 members of whom 48 shall represent producers and 35 shall represent handlers. For each member there shall be an alternate member.

(b) The producer members shall be not less than three from each county size or larger district or one member for about each 10,000 grape acres as follows:

(1) 5 from District 1—That portion of San Joaquin County north of State Highway No. 4 and those California counties to the north and east.

(2) 5 from District 2—That portion of San Joaquin County south of State Highway No. 4, Stanislaus, Tuolumne, Merced, Mariposa Counties.

(3) 5 from District 3—Madera County and the Biola and Kerman districts of Raisin Order No. 989 .

(4) 15 from District 4—Fresno County other than the portion in District 3.

(5) 7 from District 5—Tulare and Kings Counties.

(6) 5 from District 6—Kern and San Luis Obispo Counties.

(7) 3 from District 7—San Bernardino, Los Angeles, Ventura and Santa Barbara Counties.

(8) 3 from District 8—Riverside, Orange, San Diego and Imperial Counties.

(c) The handler members shall be 5 shippers of fresh grapes, 10 raisin packers and 20 vintners or distillers. Of the shippers of fresh grapes, one shall represent large shippers of over ____ tons, one represent medium shippers of ____ to ____ tons, one represent shippers of less than ____ tons, and one each to represent shippers in districts 6 and 8. Two raisin packers shall represent each of the five divisions established under Raisin Order No. 989 (Part 989 of this chapter). Of the vintners or distillers, seven shall represent producer cooperatives, one each from the five largest and two to represent all other cooperatives, and thirteen shall represent independents, one each from the nine largest firms, one each to represent firms located in producer districts 7 and 8 and two to represent all others.

(d) The producer members from each district shall be a subcommittee of the committee and shall be the primary body to consider and recommend any adjustments in allotments made to producers in their district.

§ 992.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any category. In making any such changes, consideration shall be given to such factors as similarity in interests, or geographical shifts in the numbers of producers, handlers, or grape acreages.

§ 992.22 Eligibility.

Each producer member, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected. Each handler member and his alternate shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and his membership shall terminate whenever he ceases thus to be a handler.

§ 992.23 Term of office.

Members and alternate members shall serve for terms of three years ending on January 31 but each such member and alternate shall serve until his successor is selected and has qualified.

§ 992.24 Nomination.

Producers and handlers specified in § 992.20, or as such may be changed pursuant to § 992.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the committee, to the Secretary no later than January 5 immediately preceding the commencement of the term office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee.

§ 992.25 Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate number specified in § 992.20, by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other eligible persons.

§ 992.26 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 992.27 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 992.28 Alternate members.

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

§ 992.29 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 992.30 Compensation and expenses.

The members of the committee and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 992.31 Procedure.

Except as set forth in this subpart, all decisions of the committee reached at an assembled meeting shall be by majority vote of the producers as a group and the handlers as a group concurring. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum shall consist of not less than 32 producer members and 22 handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 992.21. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, a 90 percent affirmative vote means adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

§ 992.32 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

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

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

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

§ 992.33 Duties.

The committee shall have among others the following duties:

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

(b) To keep minutes, books, and other records which clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select officers from among its members and to adopt such rules and regulations for the conduct of its business as it may deem desirable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

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

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part;

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act; and

(l) During each January the committee shall review and report to the Secretary on the effectiveness of this part and if found necessary or desirable, shall recommend appropriate amendments to the Secretary.

§ 992.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes or the products of such grapes. The expense of such projects shall be paid from the funds collected pursuant to § 992.62.

Marketing Policy

§ 992.40 Marketing policy.

Prior to March 15 of each year, or in the initial crop year as soon as practicable, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) The anticipated trade demand for the crop year, in terms of fresh grapes and for all outlets. This trade demand shall be not less than the commercial movement of the most recent crop year adjusted after the 1967 crop year for the growth rate in each outlet (the formula to be set forth in administrative rules) but any growth rate adjustment shall require not less than two-thirds approval by the handler members of the affected outlet;

(b) The recommendation to the Secretary as to the producer allotment percentage which will release a salable quantity equivalent to the anticipated trade demand plus the algebraic difference of the prior year obtained by subtracting actual receipts from trade demand in the crushing outlet: *Provided*, That for the crop year beginning May 1, 1966, the salable quantity may be reduced by 300,000 tons or such lesser tonnage as the committee may recommend.

§ 992.41 Establishment.

If on the basis of the committee recommendation and other information the Secretary concurs on the need for volume regulation he shall establish a producer allotment percentage for the crop year in accordance with § 992.40. Similarly, if a recommendation of quality regulation on grapes for crushing is received, in accordance with § 992.43, he shall establish the appropriate quality regulation.

Receiving Regulation

§ 992.42 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided*, That sweepings or other residual material from raisin processing, other than from reconditioning rain damaged raisins, may be received from any packer of raisins, directly or indirectly and used as distilling material. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 989, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The term "sweepings" or "residual material" means any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing. This prohibition shall not apply in crop years in which rain damage insurance (Federal or commercial) is not available to raisin producers.

§ 992.43 Quality regulation of grapes for crushing.

(a) *Limitation.* Whenever two-thirds of the vintner members of the committee conclude on appropriate standards of quality for grapes to be used in the production of wine, they may recommend, and the Secretary establish, such standards for any one or more crop years. In any such crop year, no handler of grapes for crushing shall receive and use grapes failing to meet such standards except as distilling material.

(b) *Inspection.* Whenever a limitation has been established pursuant to paragraph (a) of this section, no handler shall receive and use any lot of grapes which has not been inspected and certified as to quality or such lot was harvested from a vineyard certified to be standard grapes and acquired under such regulations as the committee, with the approval of the Secretary, may prescribe. Acceptable inspections and certifications shall be those of the Federal-State or State Inspection Service of the State of California.

§ 992.45 Allotment of salable quantity.

(a) *Limitation.* No handler shall purchase from, or handle on behalf of, any producer any grapes in excess of the producer's annual allotment: *Provided*, That total acquisitions from any producer which do exceed the producer's annual allotment by small quantities (not more than 5 tons fresh weight basis) shall be deemed to be in compliance with this part. All other receipts, or the equivalent thereof in juice or other product, in excess of permitted acquisitions shall be disposed of in feed or other nonnormal outlets under such rules and regulations as the committee, with the approval of the Secretary, may prescribe and no payment shall be made to the producer on such excess. In determining allotments each ton of raisins shall be deemed to be 4½ tons of fresh grapes.

(b) *Allotment bases.* Each producer's allotment base shall be the amount of commodity sold (including handled) by such producer during the representative period, May 1, 1965, through April 30, 1966: *Provided*, That the committee may adjust such base by applying his 1963 or 1964 yield per acre, whichever is higher, to his 1965 acreage. In the case of a producer with new or additional acreage committed to grape production prior to February 22, 1966, with replanted acreage, or any producer whose sales (including quantity handled) were not representative due to adverse weather, disease, failure to harvest or other factor, the allotment base on such acreage for a particular year shall be an amount equal to the current quantity available for sale by such producer divided by the allotment percentage of the marketing year, but shall not exceed the average amount per acre for the like variety obtained from other vines of the producer or, if none, from adjacent vine-

yards in the locality of production in the representative period. Upon reaching the average amount per acre of the locality, the producer's allotment base shall be fixed at such average amount. In accordance with the foregoing and based on reports of handlers, producer certification or other information, the committee shall establish each producer's allotment base. The right of each producer to retain an allotment base shall rest on his continuing ability to produce the commodity; i.e., as long as he owns or controls and farms any grape acreage with sufficient productive capacity to produce his annual allotment or within 2 calendar years of the harvesting of any crop he replants any vineyard which has been removed. Any such producer may shift his productive capacity to one or more other varieties or to different land. Adjustments in allotment bases shall be made according to such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

(c) *Additional allotment bases.* The committee shall permit an increase in the availability of grapes for early fresh shipment from District 8 by issuing over the next three years additional allotment bases not to exceed 125 percent of the 1965 total. Other allotment bases may be issued by the committee, with the approval of the Secretary, upon a finding that trade demand over the long run will exceed the applicable total allotment bases for a varietal grouping or marketing category of grapes in any district or group of districts.

(d) *Issuance of annual allotments to producers.* As early as practicable, in each year, the committee shall furnish each producer a qualification form. Such form shall contain space for the producer to show locations where he intends to produce his annual allotment, acreage by varieties and quantities sold, whether he is shifting to land not previously owned or controlled, whether he is converting to different varieties, and an agreement by the producer to report his production to the committee and to abide by such requirements as are necessary to carry out the provisions of this part. Such form shall be used by the committee to qualify and issue to each producer his appropriate annual allotment which for grapes other than varietals (those listed in Appendix A and such additions as may be made by the committee with the approval of the Secretary) shall be his allotment base adjusted to reflect any removal of acreage, multiplied by the allotment percentage and for varietals shall be his allotment base multiplied by the allotment percentage or 100 percent, whichever is greater. To expedite issuance of annual allotments to reflect quantities currently available from new acreage, the committee may use, with the approval of the Secretary, approximate yields per acre by age of vines and by varieties. Each allotment shall be a total for all varieties and the producer may select the varieties delivered to fill the allotment.

(e) *Filling deficiencies.* A producer who produced poor quality or less than his annual allotment, under conditions where he had sufficient acreage to produce his allotment and made a bona fide effort to grow and harvest such acreage, may fill any deficit in his allotment by acquiring grapes from another producer. Such filling of a deficit shall be subject to such rules and regulations as may be established by the committee with the approval of the Secretary.

§ 992.46 Transfer of locations.

A producer may change the location(s) where he produces his annual allotment to other land which he owns or leases. The committee shall, by such means as are provided in § 992.45(c), obtain information as to the location(s) where each producer intends to produce each allotment.

§ 992.47 Transfer to another producer.

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

§ 992.50 Exemption.

The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes produced in the course of research, educational or related activity or which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

REPORTS AND RECORDS

§ 992.53 Reports.

(a) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, place of production, and producer's name and address.

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

§ 992.54 Records.

Each handler shall maintain such records pertaining to all grapes received or used, whether fresh or dried, as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the crop year to which such records relate or for such lesser period as the committee may direct.

§ 992.55 Verification of reports and records.

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

§ 992.56 Confidential information.

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

EXPENSES AND ASSESSMENTS

§ 992.61 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 992.62 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to grapes received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per fresh ton equivalent ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee may be required throughout the period during which this part is in effect and irrespective of whether par-

ticular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of 4 months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

MISCELLANEOUS PROVISIONS

§ 992.65 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 992.66 Personal liability.

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

§ 992.67 Separability.

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

§ 992.68 Derogation.

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

§ 992.69 Duration of immunities.

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

§ 992.70 Agents.

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

§ 992.71 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 992.72.

§ 992.72 Termination or suspension.

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

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to enable him to find whether or not a majority of producers favor termination of this subpart.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 992.73 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 992.74 Effect of termination or amendment.

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

§ 992.75 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

APPENDIX A

The following varieties are varietals for the purposes of § 992.45(d):

Aleatico, Alvarelhao, Barbera, Beclan, Boaldoce, Cabernet Sauvignon, Catarratto, Chenin Blanc, Emerald Riesling, Experimental No. 101, F-5, Flora, Franken Riesling,[1] French Colombard, Freisa, Golden Muscat, Grey Riesling, Green Hungarian, Grignolino, Inzolia, Johannisberger Riesling,[2] Malavasia Blanca, Malvoisie, Mataro, Mondeuse,[3] Muscat Bordolaise, Muscat Canelli,[4] Muscat Hamburg,[5] Niagara, Nebbiolo, Pagadebito, Pedro Ximenes, Pedro Zumbom, Petite Sirah,[6] Peverella, Royalty, Rubired, Ruby Cabernet, S-26, St. Emilion,[7] St. Macaire, Salvador, Sauvignon, Sauvignon Blanc, Sauvignon Vert,[8] Scarlet, Semillon, Souzao, Tinta Cao, Tinta Madera, Touriga, Traminer, Trousseau, Valdepenas, Verdona, Walschriesling, White No. 2, Zante, and Zinfandel.

§ 992.97 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 992.98 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 992.99 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of grapes produced in California, in the same manner as is provided for in this

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[1] Franken Riesling includes Sylvaner.

[2] Johannisberger Riesling includes White Riesling.

[3] Mondeuse includes Crabb's Black Burgundy and Refosco.

[4] Muscat Canelli includes Muscat de Frontignon.

[5] Muscat Hamburg includes Black Muscat.

[6] Petite Sirah includes Durif.

[7] St. Emilion includes Trebbiano and Ugni Blanc.

[8] Sauvignon Vert includes Colombard.

agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.[1]

Copies of this notice of hearing may be obtained from the field offices of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, either at Room 836, 630 Sansome Street, San Francisco, Calif, 94111, or at 3525 East Tulare Street, Fresno, Calif., 93702.

Dated: February 17, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-1877; Filed, Feb. 21, 1966; 8:50 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A5]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions 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), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, N. Mex., on January 20, 1966, pursuant to notice thereof which was issued January 10, 1966 (31 F.R. 477).

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

1. The pricing of Class II milk and proposals for diversion payments with respect to such milk; and

2. The quantity of pool milk a producer-handler may receive without becoming a fully regulated handler.

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

1. Provisions should be included in the Rio Grande Valley order which will reduce the cost to handlers with respect to certain uses of Class II milk. For skim milk in producer milk which is disposed of as livestock feed or dumped the credit should be the value of such skim milk at the Class II price. For skim milk in producer milk used to produce condensed skim milk, or milk or skim milk transferred or diverted as Class II milk from pool plants or farms in the marketing area to nonpool plants outside the marketing area, the credit should be 15 cents less. These provisions should apply through February 1967.

The Rio Grande Valley order classifies as Class II milk all milk not disposed of for fluid use, except for shrinkage or plant loss in excess of stated limits. Class II milk is priced on the basis of a butter-non-fat dry milk formula price, which is reduced 13 cents per hundredweight during the months of March through June.

Two producer cooperative associations proposed that:

1. The 13-cent reduction apply also during July and August, except for milk used to produce cottage cheese;

2. The entire Class II price be reviewed; and

3. A diversion payment based on mileage be allowed cooperatives with respect to milk transferred or diverted from marketing area points to nonpool manufacturing plants outside the marketing area.

A proprietary handler proposed revision of the Class II price formula to effect a reduction of approximately 75 cents per hundredweight, and a reduction in the Class II butterfat differential from 0.115 to 0.95 times the price of butter.

Approximately 90 percent of the producer milk priced under the Rio Grande Valley order is produced in the marketing area. The remaining 10 percent is currently supplied by producers located in Kansas, Arizona, and Utah. During each of the past 2 years this in-area production has averaged about 24 million pounds per month. Despite the fact that total Class I sales of handlers regulated by the order have on the average been somewhat more than in-area production, substantial quantities of milk have had to be moved to distant manufacturing plants for surplus disposal. In 1964 the quantity so moved was 14.8 million pounds, which represented 5 percent of the in-area production and about 26 percent of all producer milk classified as Class II milk. In 1965, out-of-area shipments for Class II use increased to almost 21 million pounds, more than 7 percent of in-area production, and 35 percent of all producer milk classified as Class II milk.

An annual average of about 3 million pounds (2.9 in 1964, 3.0 in 1965) per month of fluid other source milk is imported by Rio Grande handlers. This is principally milk priced under the North Central Iowa order. In 1964 an average of 2.6 million pounds of other source milk were classified as Class I milk and in 1965 other source milk in Class I averaged 2.8 million pounds per month.

The increase in the quantity of milk transported from the marketing area in 1965 did not result from increased supplies of producer milk. Total receipts of producer milk declined slightly more than 1 percent, with in-area production being down one-half percent and producer milk delivered from out of the area declining about 9 percent. Total Class I sales decreased from 1964 somewhat more than producer receipts, and a somewhat higher proportion of total Class I sales was assigned to other source milk, so that the percentage of producer milk classified as Class I was only 81.3 percent in 1965 as compared with 82.4 percent in 1964. Substantial contributing factors in the increase of out-of-market surplus shipments were the closing early in 1965 of the only plant in the area devoted to manufacturing dairy products, and the decreased Class II use of one handler as noted later in this decision.

One of the two proponent cooperative associations, the Dairy Farmers Association, has been responsible for the actual transportation of milk to distant manufacturing plants. The other, the New Mexico Milk Producers Association, has assumed a portion of this transportation cost, as have some individual producers. Neither of these associations operates a milk plant. Both are engaged in transportation of milk from farms to bottling plants as needed.

For milk diverted from farms to distant manufacturing plants, the association must account to the pool at the Class II price, pay order administrative costs and transportation costs, against the total of which they can credit the amount received for the milk at the manufacturing plant. In 1965 costs exceeded income by about $269,000 of which about $220,000 was borne by the Dairy Farmers Association and the remainder by the New Mexico Milk Producers Association and certain nonmember producers. An average of 13 cents per hundredweight of all deliveries was deducted for these costs by the Dairy Farmers Association in making settlement with its member producers.

It is the contention of the proponent associations that the surplus disposal of milk that handlers do not take on a day-to-day basis is a service to all producers in the market for which costs should be borne by all producers sharing in the marketwide pool.

The most economical means for all producers to supply the Class I needs of the market would be for nearby milk to be delivered to bottling plants to the full extent it is available and for distant supplies to be delivered only when needed. Seasonal and day-to-day reserves could then be converted to manufactured products in areas in which there are now facilities. This optimum arrangement, however, has not occurred in the Rio Grande Valley market. As a consequence locally produced milk is transported out of the market while distant supplies move to the market, both as pro-

[1] Applicable only to the proposed marketing agreement.

ducer milk or as milk priced under another order.

There are no facilities now operated in the Rio Grande Valley marketing area for the manufacture of dairy products other than cottage cheese and ice cream. The only plant devoted to production of manufactured dairy products ceased operations early in 1965. The ice cream facilities in use do not include condensing equipment necessary to concentrate nonfat milk solids in skim milk for use in ice cream. While there is substantial need for butterfat in cream for ice cream use, there are presently no facilities to make economic use of most of the skim milk that would result if producer milk were separated as a source of cream for ice cream.

One handler who in 1964 had an outlet for skim milk resulting from separation testified that his use of Class II milk in that year was 2.6 million pounds greater than in 1965 when he had no such outlet, and purchased 65,000 pounds more butterfat than in 1964. He claimed the average cost of butterfat in 40 percent cream delivered to El Paso, Tex., during 1965 was 76 cents per pound. Another handler claimed that his use of butterfat in ice cream in 1965 was about 284,000 pounds of which 90 percent was purchased as cream from outside sources. He estimated that this represented approximately 20 percent of the need for butterfat in ice cream in the entire market. His cost of butterfat in cream during March through August 1965 was from 81.25 cents to 84.25 cents per pound of butterfat delivered to Albuquerque. Both handlers said that they would use considerable producer milk as a source of cream for ice cream if costs were competitive with outside sources.

It is evident that the lack of opportunity for economic use of Class II milk is one of the principal reasons that Rio Grande Valley handlers refuse to accept milk in excess of their immediate needs for fluid use and cottage cheese. If producer groups do not move this milk for surplus disposal, handlers may find it more attractive to purchase additional supplies from other order markets because the volume of such purchases can be readily adjusted to immediate needs. It is also evident that surplus disposal by transportation to available manufacturing milk outlets has been very costly due to the distances involved. The cost of this service which benefits all producers on the market has not been shared by all producers sharing in the uniform price of the market.

While production of milk in Midwestern States has declined sharply in recent months, there is no present assurance that this will immediately require Rio Grande Valley handlers to rely upon supplies of producer milk to the extent that they will accept a substantial quantity of milk for uneconomic uses. It is concluded that for a temporary period at least provision should be made to price certain Class II uses of milk to handlers at prices at which they can afford to use the milk with the facilities at hand.

The principal use available to Rio Grande Valley handlers is that of cream for ice cream. The lack of an economic use of skim milk resulting from separation of cream for ice cream is the deterrent which has prevented handlers from using producer milk for this purpose. Separation of 100 pounds of 3.5 percent milk without plant loss results in 8.75 pounds of 40 percent cream and 91.25 pounds of skim milk. At the December 1965 Class II price and butterfat differential, the value of the 91.25 pounds of skim milk would have been 64.1 cents and the value of the 8.75 pounds of cream would have been $2.617, or almost 75 cents per pound of butterfat in cream. For the period March through July 1965 (the period for which substantial evidence was given concerning costs of imported cream) the Class II price averaged $2.985 for 3.5 percent milk and the Class II butterfat differential averaged 6.8 cents. At such prices the skim value would have been 55.2 cents and the value of the cream $2.433, or 69.5 cents per pound of butterfat.

These values of butterfat in cream are fully competitive with the costs shown for imported cream, even after consideration of substantial costs of receiving and separation. In order to encourage handlers to make the maximum use of producer milk as cream in ice cream, it is concluded that for a limited time handlers should not be charged for the skim milk that they must dispose of as livestock feed or by dumping. These are uses for which practically no economic return is realized.

The charge for milk or skim milk which is transported to manufacturing plants outside the area, either by diversion from in-area farms or by transfer from in-area pool plants, should also be substantially reduced at this time. The same reduction should apply if skim milk is used in the marketing area to produce condensed skim milk. This is the simplest form of manufacturing whereby skim milk may be concentrated to provide solids for ice cream. It is possible that with this price reduction local condensing may be stimulated, either by installation of new equipment or reopening of facilities now closed.

These price reductions can best be accomplished at this time by providing credits for the Class II uses specified. These price reductions are provided only for the period through February 1967. As of March 1, 1967, the present Class I pricing provisions of the order expire. It is desirable that both Class I and Class II pricing provisions be reviewed together prior to that time. Since the proposed provisions are of a temporary nature, the use of credits provides a more convenient method for accomplishing the intended result than would establishment of a separate class or classes for the Class II uses for which price reductions are provided herein.

The amount of credit per hundredweight on skim milk disposed of for livestock feed or dumped should be the difference between the Class II price for 3.5 percent milk and 35 times the Class II butterfat differential. This rate per hundredweight is the actual value of skim milk in Class II milk, and represents the basis for the values quoted above for 91.25 pounds of skim milk. For transfer or diversions to out-of-area manufacturing plants or skim milk used to produce condensed skim milk, the credit per hundredweight should be 15 cents less. Such uses represent economic uses of the milk or skim milk for which producers should receive some returns. While not subject to allocation priority over nonfluid skim milk products, producer milk should have priority over other source fluid milk products for regular (noncredit) Class II uses. This may be accomplished by limiting the volume on which credits may be computed to that by which producer milk classified as Class II milk exceeds the total use of fluid milk products in regular Class II uses.

By providing a credit to the reporting handler with respect to milk moved to distant manufacturing plants the general purpose of the diversion payment proposed by the cooperative association will be served, in that the amounts of these credits will be shared by all producers through the blend price. The Dairy Farmers Association has been the reporting handler with respect to all milk diverted to such plants, and thus will have their pool obligation reduced by the amount of credit applicable. For milk first received at a pool plant and then transported by the association, a continuation of the arrangements heretofore used would seem to provide the same relief to the association as on diverted milk. A uniform rate of credit, rather than payments on a mileage basis, will simplify administration of the provision, and also encourage the most economic disposal of milk.

The proposal to extend for 2 months the present 13-cent reduction in the Class II price should not be adopted on the basis of this record. While the volume of milk requiring surplus disposal is greater in July and August than in March or April, the credit provisions herein provided may be expected to apply to this increased volume. (The net price charged for the uses designated is the same whether or not the 13-cent adjustment is used in computation of the Class II price.) The 13-cent adjustment is provided on the basis that at certain periods a higher proportion of Class II milk needs to be in lower valued uses than at other periods. Indeed, the provision for reduced prices on these lower return uses, as herein provided, raises a question as to the need for any seasonal adjustment of the Class II price. In view of the fact that the reductions herein provided are for a temporary period, it is concluded that the seasonal adjustment should continue at this time, but not be extended.

2. No change should be made in the quantity of pool milk a producer-handler may receive without becoming a fully regulated handler.

Under the Rio Grande Valley order a handler who markets milk of his own production is exempt from the pricing and pooling feature of the order if he receives no milk from other producers, and no more than 11,000 pounds per month from pool plants.

A producer-handler, who until recently was a fully regulated handler with substantial own farm production, proposed that the limit on pool receipts be the larger of 11,000 pounds or 20 percent of own farm production. He claimed that with the additional receipts thus permitted he could bid on certain military contracts now set aside for small business. He claims that the only other handlers in the El Paso portion of the marketing area qualified to bid on such set-aside contracts use milk from other states. If successful in obtaining a contract he would use locally produced milk. The evidence makes clear that this producer-handler would increase his own farm production to serve additional civilian business he may secure, but not for military contracts. He considers them subject to too much fluctuation for investment in production resources to supply them.

The 11,000-pound limit is provided to allow a producer-handler to receive some milk in emergencies without opportunity for the market pool to carry all of the reserves necessary for his day-to-day operation. To increase this limit to 20 percent of own farm production in this case would insure that producers whose milk is priced would be carrying in the pool reserve supplies for this producer-handler's benefit.

If this producer-handler desires to participate in military contracts subject to small business set-aside, he may do so either by resuming the status of a fully regulated handler or by increasing his production of milk to supply the increased sales. The counter-proposal of a producers' association that the limit should be the smaller of 20 percent of own farm production or 11,000 pounds should not be adopted on the basis of this record. Such a provision would obviously have no effect upon the operations of the proponent. No evidence was produced concerning the operations of other producer-handlers. There is thus no basis for determining the need for the provision.

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 herein.

(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.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. A new § 1138.55 is added to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through February 1967, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

(a) For skim milk in producer milk classified as Class II milk pursuant to § 1138.41(b) (2) and (3), at a rate per hundredweight equal to the amount by which the Class II price pursuant to § 1138.51(b) exceeds 35 times the butterfat differential specified in § 1138.53(b).

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 15 cents.

(c) The total quantity upon which credits pursuant to this section are computed may not exceed the quantity of producer milk classified as Class II milk for the handler, less the quantity of fluid milk products in Class II uses not specified in paragraphs (a) and (b) of this section for such handler.

2. In § 1138.70, the period at the end thereof is deleted, a semicolon is substituted, the word "and" is inserted immediately thereafter, and a new paragraph (f) is added to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

* * * * *

(f) Deduct the amount of any credits computed pursuant to § 1138.55.

Signed at Washington, D.C., on February 17, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-1884; Filed, Feb. 21, 1966; 8:51 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1508]

RELIEF FROM CEASE AND DESIST ORDERS

Notice of Proposed Rule Making

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), I hereby propose to amend Part 1508 of Title 29 of the Code of Federal Regulations by adding paragraph (b) and (c) to § 1508.16 to read as set forth below.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, within 45 days after this notice is published in the FEDERAL REGISTER.

As amended, 29 CFR 1508.16 would read as follows:

§ 1508.16 Decision and order of the Director.

(a) Upon the basis of and after due consideration of the whole record, the Director shall render his decision, which shall adopt, modify, or set aside the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of the reasons or bases for the action taken. With respect to the findings of fact, the Director shall upset only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties.

(b) When a final order of the Director issued pursuant to § 1508.13(c) of this part or paragraph (a) of this section has been in force for 2 years or more, a party may file with the Director a petition for modification or vacation of the order. Such petition must be in writing, and must be based upon satisfactory compliance with the order during the 24 months immediately preceding the filing thereof and upon such changes in conditions and circumstances as to demonstrate, if established, that a continuation of the order in full force and effect would be inequitable. Such changes in conditions and circumstances as are relied upon must be expressly set forth together with the reasons why petitioner believes relief is justified and the precise nature of the relief sought. The

petition may be supported by affidavits as to matters of fact.

(c) If, after such investigation as the Director deems appropriate, in his judgment sufficient cause has been shown to justify the relief requested, he will enter an order granting relief. If in his judgment, sufficient cause has not been shown he shall so notify petitioner, who may then in writing request a hearing. Upon receipt of such request the Director will refer the petition with its supporting documents and the request to the Chief Hearing Examiner who will assign the matter for a hearing to be held on not less than 10 days notice at a time and place to be set by the hearing examiner. The Deputy Solicitor of Labor may file a pleading and otherwise appear in opposition to the petition. The hearing will be subject to all of the provisions of §§ 1508.9 through 1508.22 of this part.

(72 Stat. 835; 33 U.S.C. 941)

Signed at Washington, D.C., this 15th day of February 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-1832; Filed, Feb. 21, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 45]

OLEOMARGARINE, MARGARINE

Standard of Identity for Liquid Margarine

Notice is given that a petition has been filed by Fricks' Foods, Inc., Cedartown, Ga., 30125, and Osceola Foods, Inc., Osceola, Ark., 72370, proposing the establishment of a definition and standard of identity for oleomargarine in liquid form, as follows:

§ 45.__ Liquid oleomargarine, liquid margarine; identity; label statement of optional ingredients.

(a) Liquid oleomargarine, liquid margarine conforms to the definition and standard of identity and to the requirements for label declaration of optional ingredients prescribed for oleomargarine by § 45.1, except that it is in liquid rather than plastic form.

(b) The name of the food for which a definition and standard of identity is prescribed by this section is "liquid oleomargarine" or "liquid margarine."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 16, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1857; Filed, Feb. 21, 1966; 8:48 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 16987; Order E-23259]

WESTERN MONTANA SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 16th day of February 1966.

In Docket 16613 Northwest Airlines, Inc. (Northwest), filed an application for exemption authority to provide air service between Spokane and San Francisco via Boise. For the reasons stated in Order E-23258, issued concurrently with this order, the Board has decided to dismiss Northwest's exemption application.

One of the principal reasons for our action in Docket 16613 was the fact that the markets sought to be served by Northwest are presently authorized for service by United Air Lines, Inc. (United), and are being served by that carrier. In weighing the factors which led to our conclusions set forth in Order E-23258 we become cognizant of the fact that several western Montana communities, particularly Missoula and Bozeman, now served by Northwest via Spokane on flights between the West Coast and eastern points on Northwest's system lack single-carrier service to Boise. While Northwest proposed no direct service in its exemption application, pursuant to section 401(g) of the Federal Aviation Act the Board upon its own initiative has decided to investigate whether or not the public convenience and necessity require improved air service between the two western Montana communities, Missoula and Bozeman, on the one hand, and Boise, Idaho, on the other hand.

We shall include in our investigation the issue of whether there should also be improved air service between Missoula and Bozeman, on the one hand, and Salt Lake City, on the other hand. Today Missoula and Bozeman are both certificated for and receive trunkline service to the east and to the west by Northwest. However, these two communities remain the only certificated points in Montana without single-carrier authority to Salt Lake City.

It is our purpose to limit this investigation specifically to those issues spelled out herein, that is, the need for single-carrier service between Missoula and Bozeman, on the one hand, and Boise and Salt Lake City, on the other hand. Interested applicants may file with the Board certificate applications consistent with the prescribed scope of the investigation within the time for filing as hereinafter established. To the extent that these applications conform to the scope of the proceeding as stated above, motions to consolidate which are filed within the time limit hereinafter established will be granted, unless grounds exist for the dismissal or denial of such motions to consolidate.

Accordingly, it is ordered:

1. That an investigation designated the Western Montana Service Investigation be and hereby is instituted in Docket 16987 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act to determine whether the public convenience and necessity require single-carrier service between Missoula and Bozeman, Mont., on the one hand, and Boise, Idaho, and Salt Lake City, on the other hand;

2. That motions to consolidate applications, petitions for reconsideration of this order, and petitions for leave to intervene be filed no later than 20 days after service date of this order; and that answers to such pleadings be filed no later than 10 days thereafter;

3. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated;

4. That a copy of this order be served upon Northwest Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to the investigation instituted herein;

5. That a copy of this order also be served upon the cities of Missoula and Bozeman, Mont.; Boise, Idaho, and Salt Lake City, Utah; and

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-1814; Filed, Feb. 21, 1966; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4574, etc.]

E. R. GAWTHROP AND J. RALPH GARNER ET AL.

Findings and Order After Statutory Hearing

FEBRUARY 11, 1966.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

By order issued July 14, 1958, the Commission issued certificates of public convenience and necessity to Crescent Oil & Gas Corp. (now El Tres Petroleum Corp.), in Docket Nos. G-12394 and G-12393 to continue any and all sales of natural gas which were previously being rendered by Elge Rasberry, et al., in Docket Nos. G-3597 and G-3654. Rasberry had filed pursuant to section 7(b), abandonment applications in Docket Nos. G-3597 and G-3654, which were dismissed by the July 14, 1958, order. Further examination of the documents reveals that Crescent had acquired all of the properties from which sales were previously made in Docket Nos. G-3597 and G-3654.

Rasberry's FPC Gas Rate Schedule No. 1 was involved in a rate suspension proceeding in Docket No. G-12625,[1] however, the suspended rate was never placed into effect. Accordingly, the certificates issued to Elge Rasberry, et al., in Docket Nos. G-3597 and G-3654 will be terminated, the related FPC Gas Rate Schedule Nos. 1 and 3, respectively, will be canceled, and Docket No. G-12625 will be severed from the proceeding in Docket No. AR61-2, et al., and the rate suspension proceeding in said docket will be terminated.

W. F. Dalton, Trustee, Applicant in Docket No. G-10337, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to J. R. Goff, Trustee, FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Dalton. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-472.[1] Accordingly, Dalton will be substituted in lieu of Goff as respondent in said proceeding, the proceeding will be redesignated, and Dalton will be required to file an agreement and undertaking to assure the refund of any amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on February 10, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought

[1] Consolidated with Docket No. AR61-2, et al.

herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4574, G-10337, G-11074, CI61-198, CI61-691, CI63-459, CI63-848, CI63-931, CI63-951, CI64-329, CI64-747, CI65-522, and CI65-960 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-3696	CI66-505
G-19315	CI66-451
CI60-468	CI66-501
CI61-1147	CI61-691
CI63-1173	CI66-465
CI64-284	CI66-538

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Elge Rasberry, et al., in Docket Nos. G-3597 and G-3654 should be terminated and the related FPC Gas Rate Schedule Nos. 1 and 3, respectively, should be canceled.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. G-12625 should be severed from the proceeding in Docket No. AR61-2, et al., and the rate suspension proceeding in Docket No. G-12625 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that W. F. Dalton, Trustee, should be substituted in lieu of J. R. Goff, Trustee, as respondent in the proceeding pending in Docket No. RI60-472, that said proceeding should be redesignated accordingly, and that W. F. Dalton, Trustee, should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 7 and 16 in the attached tabulation.

(E) The certificates issued herein in Docket Nos. CI64-725 and CI66-513 are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(F) Pan American Petroleum Corp. is herein authorized to sell natural gas issued by Supplement No. 1 to its FPC Gas Rate Schedule No. 403, under its certificate issued in Docket No. CI65-661, and such authorization is conditioned upon Pan American filing a supplement to its rate schedule, applicable to said acreage to provide for a proportional downward B.t.u. adjustment from a base of 1,000 B.t.u. per cubic foot.

(G) The certificates heretofore issued in Docket Nos. G-11074, CI63-848, CI63-931, CI63-951, CI64-329, CI65-522, and CI65-960 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. CI61-691 is amended to include the sales of natural gas from the additional acreage and such authorizations are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(I) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to acreage delete	*New certificate and/or amendment to add acreage*
G-3696	CI66-505
G-19315	CI66-451
CI60-468	CI66-501
CI61-1147	CI61-691
CI63-1173	CI66-465
CI64-284	CI66-538

(J) The certificate heretofore issued in Docket No. CI63–459 is amended to include the interests of the coowners.

(K) The certificates heretofore issued in Docket Nos. G–4574, CI61–198 and CI64–747 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(L) The certificate heretofore issued in Docket No. G–10337 is amended to reflect W. F. Dalton, Trustee as certificate holder in lieu of J. R. Goff, Trustee.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are granted.

(N) The certificates heretofore issued to Elge Rasberry, et al., in Docket Nos. G–3597 and G–3654 are terminated and the related FPC Gas Rate Schedule Nos. 1 and 3, respectively, are canceled.

(O) The certificates heretofore issued in Docket Nos. G–11236, G–11910, G–12562, G–12896 and G–15502 are terminated.

(P) Docket No. G–12625 is severed from the proceeding in Docket No. AR61–2, et al., and the rate suspension proceeding in Docket No. G–12625 is terminated.

(Q) W. F. Dalton, Trustee, is substituted in lieu of J. R. Goff, Trustee, as respondent in the proceeding pending in Docket No. RI60–472 and said proceeding is redesignated accordingly.[2]

(R) Within 30 days from the issuance of this order, W. F. Dalton, Trustee, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI60–472 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(S) W. F. Dalton, Trustee, shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder, and the agreement and undertaking filed by W. F. Dalton, Trustee, in Docket No. RI60–472 shall remain in full force and effect until discharged by the Commission.

(T) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[2] W. F. Dalton, Trustee.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4574 E 11–15–65	E. R. Gawthrop & J. Ralph Garner (successor to Finch & Snider Oil & Gas Co.).	Pennzoil Co., Ten Mile District, Harrison County, W. Va.	Finch & Snider Oil & Gas Co., FPC GRS No. 1.	2	
			Supplement Nos. 1–2	2	1–2
			Notice of succession 10–28–65.		
			Assignment 7–26–65	2	3
			Effective date: 7–26–65		
G–10337 E 12–27–65 [1]	W. F. Dalton, Trustee (successor to J. R. Goff, Trustee).	Trunkline Gas Co., Clear Creek Field, Allen, and Beauregard Parishes, La.	J. R. Goff, Trustee, FPC GRS No. 1.	1	
			Supplement Nos. 1–8	1	1–8
			Notice of succession 12–21–65.		
			Assignment 3–23–65 [2]	1	9
			Effective date: 9–1–65		
G–11074 D 11–18–65	The Superior Oil Co	Kansas-Nebraska Natural Gas Co., Inc., Big Springs Field, Deuel County, Nebr.	Letter agreement 9–29–65.[3 4]	18	+ 9
G–19315 D 12–9–65	Humble Oil & Refining Co.	El Paso Natural Gas Co., Blanco Mesa Verde Field, Rio Arriba County, N. Mex.	Assignment and operating agreement 10–25–65 [5]	162	5
			Effective date: 10–25–65		
CI61–198 E 12–20–65	Wilshire Gas Co. of Texas (successor to Riffe Petroleum Co.).	Panhandle Eastern Pipe Line Co., Bluebell Northwest Field, Seward County, Kans.	Riffe Petroleum Co., FPC GRS No. 1.	5	
			Supplement Nos. 1–2	5	1–2
			Notice of succession 12–10–65.		
			Assignment 1–20–62	5	3
			Effective date: 1–20–62		
CI61–691 (CI61–1147) C 10–22–65 [6 7]	Sinclair Oil & Gas Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 9–21–65.[6]	204	22
			Effective date: 5–20–65		
CI61–691 C 12–13–65 [7]	do.[8]	Michigan Wisconsin Pipe Line Co., Northeast Seiling Field, Dewey County, Okla., and Woodward County, Okla.	Ratified 8–12–65 [9]	204	24
			Ratified 8–23–65 [9]	204	25
			Ratified 9–1–65 [9 10]	204	26
			Ratified 9–1–65 [9 11]	204	27
			Amendment 10–20–65 [12 13]	204	28
CI63–459 12–27–65 [7 14]	Gulf Oil Corp. (Operator), et al.	Michigan Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla.	(15)	243	
CI63–848 C 12–22–65 [16]	Southwestern Development Co.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Letter agreement 6–30–65.[12]	8	8
CI63–931 C 12–22–65 [16]	Okmar Oil Co	Consolidated Gas Supply Corp., Sheridan and Murphy Districts, Ritchie and Calhoun Counties, W. Va.	Letter agreement 5–13–65.[12]	10	1
CI63–951 C 4–2–65	W. H. Hildreth, et al	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Letter agreement 12–9–64.	5	3
			Letter agreement 2–9–65.[12]	5	4
CI63–951 C 11–22–65 [16]	do	do	Supplemental agreement 3–25–65.[17]	5	5
			Letter agreement 7–8–65.[12]	5	6
CI64–329 C 12–16–65 [16]	C. E. Beardmore	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Letter agreement 6–11–65.[12]	3	1
CI64–725 A 12–23–63 C 1–4–64 C 10–11–65 [7]	Samedan Oil Corp. (Operator), et al.[18]	Michigan Wisconsin Pipe Line Co., Northwest Quinlan Pool, Woodward County, Okla.	Contract 11–5–63	17	
			Amendatory agreement 11–4–64.	17	2
			Amendatory agreement 8–30–65.	17	4
CI64–747 E 12–3–65	Oil Industries Associates (successor to Rovboscer, Inc.)	Equitable Gas Co., Clay District, Ritchie County, W. Va.	Rovboscer, Inc., FPC GRS No. 1.	2	
			Certificate of adoption 11–11–65.		
			Assignment 10–29–65 [19]	2	1
			Effective date: 10–29–65		
CI64–836 D 12–6–65 [20]	The Superior Oil Co	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Syracuse Area, Hamilton County, Kans.	Assignment 8–5–65 [21]	111	4
CI65–522 C 11–23–65 [16]	J. R. Abraham	El Paso Natural Gas Co., Tapacito-Pictured Cliffs Pool, Rio Arriba County, N. Mex.	Supplemental agreement 10–14–65.[12]	1	3
CI65–661 A 1–8–65 [22]	Pan American Petroleum Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Amendment 2–19–62 [23]	403	1
CI65–960 D 12–6–65	Petroleum Resources, Inc., et al.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	Letter agreement 9–14–65.[4 23]	4	1
CI66–226 A 9–22–65 [16]	Sun Oil Co. (Southwest Division).	Phillips Petroleum Co., Texas-Hugoton Field, Hansford County, Tex.	Contract 7–27–65 [12]	193	
CI66–379 A 11–8–65 [16]	Gulf Oil Corp	do	Contract 10–1–65 [12]	303	

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 tables.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-391 A 11-12-65 [16]	Ed F. Brock	Phillips Petroleum Co., East Panhandle Field, Wheeler County, Tex.	Contract 10-15-65 [13]	1	
CI66-396 A 11-15-65 [16]	Harold D. Courson (Operator), et al.	Phillips Petroleum Co., Panhandle Field, Wheeler County, Tex.	Contract 8-24-65 [13]	1	
CI66-401 A 11-15-65 [16]	do	do	Contract 10-28-65 [13]	2	
A CI66-451 (G-19315) F 11-29-65	J. Gregory Merrion (Operator), et al. (successor to Humble Oil & Refining Co.).	El Paso Natural Gas Co., Blanco Mesa Verde Field, Rio Arriba County, N. Mex.	Contract 8-10-59 [24]	2	
			Letter agreement 9-23-59. [25]	2	1
			Letter agreement 7-5-60. [26]	2	2
			Letter agreement 4-20-61.	2	3
			Letter agreement 9-28-64.	2	4
			Assignment and operating agreement 10-25-65. [13] [27]	2	5
A CI66-465 (CI63-1173) F 11-24-65	Sunray DX Oil Co. (successor to B. E. Oil, Inc.).	Mountain Fuel Supply Co., Six Mile Spring Field, Sweetwater County, Wyo.	Contract 1-24-63 [28]	260	
			Assignment 8-19-65 [29]	260	1
			Effective date: 8-19-65		
CI66-469 (G-11910) B 12-3-65	Gulf Oil Corp.	Phillips Petroleum Co., East Panhandle Field, Gray County, Tex.	Notice of cancellation 12-1-65. [4] [30]	127	3
CI66-488 (G-11236) B 9-20-65	Roy A. Lamb and A. G. Galt, d.b.a. Pan American Engineering Co. (Operator), et al. [31]	Banquete Gas Co., Inc., South Clara Driscoll Field, Nueces County, Tex.	Notice of cancellation 9-16-65. [4] [30]	1	1
CI66-492 A 12-1-65	Burnham Gas Co.	United Natural Gas Co., Limestone Township, Clarion County, Pa.	Contract 6-1-54 [13]	1	
A CI66-501 (CI60-468) F 12-13-65	Wayne Moore, et ux.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	Contract 3-19-53 [32]	3	
			Letter agreement 5-5-53.	3	1
			Letter agreement 8-14-53.	3	2
			Amendment 10-5-53	3	3
			Letter agreement 11-2-53.	3	4
			Letter agreement 12-15-53.	3	5
			Letter agreement 3-22-54.	3	6
			Letter agreement 9-10-54.	3	7
			Letter agreement 3-21-55.	3	8
			Supplemental agreement 7-23-56.	3	9
			Supplemental agreement 5-28-58.	3	10
			Assignment 2-16-55 [33]	3	11
			Effective date: 11-1-54		
		Effective dates:			
		1-1-55	Assignment 6-23-55 [33]	3	12
		3-1-55	Assignment 6-23-55 [33]	3	[34] 13
		6-1-55	Assignment 9-12-55 [33]	3	14
		6-1-55	Assignment 9-13-55 [33]	3	15
		10-1-55	Assignment 11-10-55 [33]	3	16
		3-1-55	Assignment 12-2-55 [33]	3	[35] 17
		10-1-55	Assignment 12-2-55 [33]	3	18
		11-1-55	Assignment 1-12-56 [33]	3	19
		12-1-55	Assignment 2-27-56 [33]	3	20
		3-1-56	Assignment 3-23-56 [33]	3	21
		3-1-56	Assignment 3-28-56 [33]	3	22
		4-1-56	Assignment 4-19-56 [33]	3	23
		11-1-56	Assignment 12-7-59 [36]	3	[37] 24
		6-1-58	Assignment 12-7-59 [36]	3	[38] 25
		1-1-57	Assignment 12-7-54 [36]	3	[39] 26
		10-1-57	Assignment 12-7-54 [36]	3	[40] 27
		8-1-57	Assignment 12-7-59 [36]	3	28
		9-1-57	Assignment 12-18-59 [36]	3	29
		3-1-63	Assignment 2-10-64 [41]	3	30
A CI66-505 (G-3696) F 12-13-65 [42]	Pearle G. Liddle (successor to J. B. Whisenant).	Montana-Dakota Utilities Co., Worland Field, Washakie and Big Horn Counties, Wyo.	Contract 9-30-49 [43]	1	
			Supplemental agreement 8-11-58. [43]	1	1
			Assignment 9-24-65 [44]	1	2
			Effective date: 1-1-66		
CI66-507 (G-15502) B 12-15-65	Tri-Service Drilling Co.	Northern Natural Gas Pipeline Co., Addie Field, Crockett County, Tex.	Notice of cancellation 12-7-65. [4] [45]	1	1
CI66-508 A 12-17-65 [7]	First Transportation Gas Corp., Inc.	Colorado Interstate Gas Co., Laverne Field, Beaver County, Okla.	Contract 10-28-65 [13]	7	
CI66-513 A 12-17-65 [7]	Falcon Seaboard Drilling Co.	Michigan Wisconsin Pipe Line Co., Southeast Pringey Field, Woodward County, Okla.	Contract 10-25-65 [13]	[46] 23	
CI66-515 A 12-20-65 [7]	Durbin Bond	Cities Service Gas Co., South Bishop Area, Ellis County, Okla.	Ratified 11-17-65	2	
			Contract 10-29-64 [13]	2	1
CI66-516 A 12-20-65 [7]	J. A. LaFortune	Cities Service Gas Co., South Bishop Area, Ellis County, Okla.	Ratified 11-17-65	1	
			Contract 10-29-64 [13]	1	1
CI66-517 A 12-20-65 [16]	Suntex Oil & Gas Co.	Northern Natural Gas Co., Northeast Kiowa Creek Area, Lipscomb County, Tex.	Contract 11-2-65 [13]	2	
CI66-519 A 12-20-65 [7]	Texaco, Inc.	Cities Service Gas Co., Nardin, North Field, Kay County, Okla.	Contract 11-30-65 [13]	363	
CI66-520 A 12-21-65 [16]	Mack Oil Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Kingman County, Kans.	Contract 11-11-65 [13]	4	
CI66-521 A 12-21-65 [16]	Pacific States Gas & Oil, Inc.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 9-20-65 [13]	3	
CI66-522 A 12-21-65 C 1-10-66 [16] [47]	Ventura Oil Co.	Equitable Gas Co., Buckhannon and Meade Districts, Upshur County; and Skin Creek District Lewis County, W. Va.	Contract 11-18-65	3	
			Letter agreement 12-29-65. [13] [47]	3	1
CI66-523 (G-12896) B 12-21-65	Continental Oil Co.	Arkansas Louisiana Gas Co., Chickasha Field, Grady County, Okla.	Notice of cancellation 12-17-65. [4] [30]	150	3
CI66-524 (G-12562) B 12-21-65	do	Arkansas Louisiana Gas Co., Southwest Hunter Field, Garfield County, Okla.	Notice of cancellation 12-17-65. [4] [30]	147	2
CI66-526 A 12-20-65 [16]	R. Wayne Christenson	United Fuel Gas Co., Lincoln District, Wayne County, W. Va.	Contract 11-15-65 [13]	1	
CI66-527 A 12-20-65 [16]	Ralph H. Hamblin, agent.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 11-12-65 [13]	1	
CI66-532 A 12-20-65 [16]	Robert Weeks, agent for Wolf Run Oil & Gas Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Contract 12-2-65 [13]	2	
CI66-533 A 12-15-65 [16]	B. E. Talkington, et al.	Equitable Gas Co., Meade District, Upshur County, W. Va.	Contract 12-2-65 [13]	23	
A CI66-538 (CI64-284) F 12-22-65	Glover Hefner Kennedy Oil Co. (Operator), et al. (successor to Union Oil Co. of California).	Arkansas Louisiana Gas Co., Canute Field, Washita County, Okla.	Contract 8-12-63 [48]	1	
			Letter agreement 8-12-63.	1	1
			Certificate of merger 7-23-65. [49]	1	2
			Assignment 11-23-65 [50]	1	3
			Effective date: 11-23-65		
CI66-540 A 12-27-65 [7]	Roy M. Huffington, Inc. (Operator), et al.	United Fuel Gas Co., Little Pecan Lake Field, Cameron Parish, La.	Contract 9-7-65 [13]	3	
CI66-541 A 12-27-65 [16]	Pacific States Gas & Oil, Inc.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 8-30-65 [13]	1	
CI66-546 A 12-27-65 [16]	Creslenn Oil Co.	Texas Gas Transmission Corp., Cheniere Area, Jackson and Ouachita Parishes, La.	Contract 12-7-65 [13]	11	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-547..... A 12-28-65 [16]	Harper-Smith & Associates, Inc.	United Gas Pipe Line Co., North Willmann Field, San Patricio County, Tex.	Contract 10-20-65 [13].....	2	.....
CI66-548..... A 12-28-65 [16]	Ralph L. Warner, agent.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 12-1-65 [13].....	4	.....
CI66-550..... A 12-29-65 [16]	Pacific States Gas & Oil, Inc.	Equitable Gas Co., Union and De Kalb Districts, Ritchie and Gilmer Counties, W. Va.	Contract 8-19-65 [13].....	2	.....

[1] No change of ownership involved, only a change in trustee designation.
[2] Conveys all rights to W. F. Dalton.
[3] Cancellation agreement whereby seller and buyer agree to delete certain acreage from the contract of Nov. 30, 1951, since the leases covering the acreage have been terminated.
[4] Effective date: Date of this order.
[5] Deletes acreage assigned to J. Gregory Merrion (Operator), et al., in Docket No. CI66-451.
[6] Adds acreage previously dedicated to Sunray DX Oil Co., FPC GRS No. 211 (by order issued Mar. 7, 1962, Opinion No. 353).
[7] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[8] By letter filed Jan. 6, 1966, Applicant advised willingness to accept authorization for the additional acreage conditioned the same as Opinion No. 353.
[9] Adopts terms of the basic contract and adds interest of coowners.
[10] Covers interest of Parker E. Bloomer.
[11] Covers interest of Solon L. Bloomer.
[12] Adds acreage.
[13] Effective date: Date of initial delivery.
[14] Amendment to the certificate filed to include interests of coowners.
[15] No rate filing required, FPC GRS No. 243 on file as Gulf Oil Corp. (Operator), et al.
[16] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[17] Modifies basic contract of Dec. 4, 1965, to extent that seller may compress and pump gas hereafter delivered under terms of basic contract.
[18] By letter filed Jan. 6, 1966, Applicant advised willingness to accept a permanent certificate conditioned the same as Opinion No. 353.
[19] Transfer of interest from Rovboscer, Inc., to Oil Industries Associates.
[20] Amendment moot; by order issued Nov. 16, 1965, in Docket Nos. G-13828, et al., Docket No. CI64-836 was amended to reflect the deletion of acreage which Clayton E. Lee by assignment dated Aug. 6, 1965, reassigned to E. Lyle Johnson in Docket No. CI66-211.
[21] Conveys acreage to Clayton E. Lee (but only above the depth of 2,700 feet below the surface of the ground).
[22] On Jan. 20, 1966, Pan American advised willingness to accept permanent authorization covering the additional acreage dedicated by Supp. No. 1 to its FPC GRS No. 403 conditioned as in Opinion No. 464. The remaining acreage related to the certificate application filed Jan. 8, 1965, was granted by order dated Mar. 22, 1965, in Docket No. G-2684, et al., which issued a certificate in Docket No. CI65-661.
[23] Approximately 229 acres on the Duval Lease were dedicated to the original contract and divided into two tracts "A" and "B" with a specification in the lease stating that if Petroleum Resources, Inc., drills a nonproductive or dry hole well on either tract, that portion of the lease would revert back to ownership of the lessor. Reversion now occurred (releases tract "B" from basic contract).
[24] On file as Humble Oil & Refining Co., FPC GRS No. 162 ("Mesa Verde" Contract).
[25] Changes seller's name under the contract from Humble Oil & Refining Co., a Texas corporation, to Humble Oil & Refining, a Delaware corporation.
[26] Changes the frequency of determinations of specific gravity and gasoline content of the gas from every 3 months to every 6 months.
[27] Assignment and operating agreement from Humble to J. Gregory Merrion (Operator), et al., of nonproductive acreage (assignment covers production down to the base of the Mesa Verde Formation).
[28] On file as B. E. Oil, Inc., FPC GRS No. 1.
[29] From B. E. Oil, Inc., to Sunray DX Oil Co.
[30] Source of gas depleted.
[31] Filing completed Dec. 3, 1965, by Landa Oil Co., successor to Texas Gas Producing Co. who initially filed the application to abandon. Texas Gas previously acquired all the interest of Pan American Engineering Co. Assignment whereby Texas Gas Producing Co. acquired the interests originally owned by Pan American Engineering Co. are being made an exhibit to the rate schedule.
[32] On file as Sunset International Petroleum Corp.'s FPC GRS No. 24 (formerly Sunac Petroleum Corp., FPC GRS No. 17, formerly Stekoll Petroleum Corp., FPC GRS No. 9, formerly Beaver Lodge Oil Corp., FPC GRS No. 1).
[33] Assignment from Beaver Lodge Oil Corp. to Wayne Moore, et ux.
[34] Pertains to McEwen No. 1 Unit.
[35] Pertains to Pubco State No. 18 Unit.
[36] Assignment from Stekoll Petroleum Corp. to Wayne Moore, et ux.
[37] Pertains to Lucerne Gas Unit No. 1-A.
[38] Pertains to Uselman Gas Unit No. 1.
[39] Pertains to Neil Gas Unit No. 1.
[40] Pertains to Three States Gas Unit No. 1.
[41] Assignment from Sunac Petroleum Corp. to Wayne Moore, et ux.
[42] Partial succession to J. B. Whisenant, FPC GRS No. 1. (2/3 of Whisenant's 15 percent or 10 percent working interest in the subject acreage.)
[43] Between The Pure Oil Co. and Montana-Dakota Utilities Co.
[44] From J. B. Whisenant to Pearle G. Liddle.
[45] Production of gas no longer economically feasible.
[46] Contract provides for initial rate of 19.5 cents per Mcf, however, Applicant states it will accept a permanent certificate at 17.0 cents per Mcf conditioned the same as Opinion No. 353.
[47] Amendment to the application filed to show location as "Skin Creek District" in lieu of "Salt Lick District," also dedicates additional acreage.
[48] Basic contract between The Pure Oil Co. and buyer, on file as Union Oil Co. of California, FPC GRS No. 149.
[49] Reflects Pure's merger into Union Oil Co. of California.
[50] Conveys acreage to Applicant.

[F.R. Doc. 66-1775; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket Nos. CS66-76, etc.]

AMERICAN TRADING & PRODUCTION CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 14, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications 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 March 8, 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 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.

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.	Date filed	Name of applicant
CS66-76.....	1-17-66	American Trading & Production Co., c/o George J. Helis, General Manager, Post Office Drawer 992, Midland, Tex., 79701.
CS66-77.....	11-30-65	Paul F. Barnhart, 1721 Chamber of Commerce Bldg., Houston, Tex., 77002.
CS66-78.....	1-24-66	Ada Oil Co., 6910 Fannin St., Houston, Tex., 77025.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Date filed	Name of applicant
CS66-79	1-24-66	Adams Production Co., 6910 Fannin St., Houston, Tex., 77025.
CS66-80	1-24-66	Rio Hondo Oil Co., 6910 Fannin St., Houston, Tex., 77025.
CS66-84	2- 2-66	E. E. Reigle, d.b.a. Richmond Drilling Co., Post Office Box 1547, Midland, Tex., 79701.
CS66-88	2- 3-66	R. C. Davoust, et al., Post Office Box 266, Evansville, Ind.
CS66-89	2- 4-66	Celestine V. Powell, Trust, Gwynn, Va., 23066.
CS66-90	2- 7-66	John L. May, Post Office Box 252, Fort Stockton Tex.
CS66-91	2- 7-66	Clayton W. Williams, Jr., Post Office Box 1621, Fort Stockton, Tex.
CS66-92	2- 7-66	Betty M. Williams, c/o James R. Kerr, Post Office Box 1546, Fort Stockton, Tex.
CS66-93	2- 7-66	W. R. Weaver, c/o Mr. Paul A. Olson, Post Office Box 20010, El Paso, Tex.
CS66-94	2- 7-66	Shirley H. Weaver, Trust, c/o Mr. V. Randolph Delk, 1620 El Paso National Bank Bldg., El Paso, Tex.
CS66-95	2- 2-66	Louis Crouch, Box 687, Lockhart, Tex.

[F.R. Doc. 66-1821; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket No. CP66-256]

KANSAS-NEBRASKA NATURAL GAS CO. INC.

Notice of Application

FEBRUARY 14, 1966.

Take notice that on February 4, 1966, Kansas-Nebraska Natural Gas Co. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66-256 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of the following facilities:

(a) Approximately 29.5 miles of 3-inch pipeline extending from Eustis to Curtis, Nebr., together with two town-border stations,

(b) Approximately 6.5 miles of 2-inch pipeline extending from an existing 12-inch pipeline in Cheyenne County, Nebr., to Potter, Nebr., and one border station,

(c) Approximately 64 miles of 4-inch pipeline between O'Neill and Ainsworth, Nebr., together with seven town border stations and

(d) Approximately 29 miles of 6-inch pipeline to replace nearly an equal amount of 4-inch top of ground line between O'Neill and Clearwater, Nebr.

Applicant states that these proposed facilities will be used to deliver natural gas for general distribution at retail prices by Applicant in the communities of Curtis, Farnan, Potter, Ainsworth, Atkinson, Bassett, Emmet, Long Pine, Newport, and Stuart, Nebr. Applicant further states that the customers receiving natural gas service will contribute to the cost or the branch lines and that the amount of contribution will be based on investment to revenue determined by formula as set forth in the order of the Commission issued in Docket No. CP62-215, Opinion No. 389, 29 FPC 1058, May 27, 1963.

The total estimated cost of Applicant's proposed construction is $964,500, of which Applicant estimates $528,620 will be excess investment for which contribution will be paid. Applicant states that the initial costs will be paid out of current working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 7, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-1822; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket No. CP66-255]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 14, 1966.

Take notice that on February 4, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP66-255 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and operation of gas sales facilities for the sale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities are to be utilized for the sale of natural gas to existing distributors for resale in existing market areas and for direct sales through its Peoples Division. Applicant further states that firm volumes to be delivered will be provided from the existing contract demand of the distributor involved, or from capacity of the existing pipeline facilities in areas where contract demand rate schedules are not applicable.

Applicant requests a waiver of the provisions of § 157.7(c)(1)(i) of the regulations under the Act which prohibits the filing of an abbreviated application when a distributor is required to make a contribution to the Applicant for cost of construction of facilities. The application states that it is Applicant's policy to require distributors, including its Peoples Division, to make a contribution for the cost of constructing measuring and regulating facilities and appurtenances where no additional contract demand is being purchased by such distributors. Applicant states that its policy covering contributions by its jurisdictional customers is contained in its FPC Gas Tariff, Second Revised Volume No. 1 on file with the Commission.

The total cost of Applicant's proposed construction is not to exceed $300,000, which cost will be financed from cash on hand.

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 March 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-1823; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket No. CP66-257]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 14, 1966.

Take notice that on February 4, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP66-257 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain nat-

ural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain facilities, during the calendar year 1966, necessary to transport and receive into its main pipeline system new supplies of gas available from producing areas located adjacent to its system.

Applicant also requests authority to construct and operate horsepower and pipeline additions to present gathering systems. Such additions will be located between the last point of gathering and the mainline in order to maintain mainline design pressures and to transport additional volumes of gas developed in these existing areas.

The application proposes total construction not to exceed $5,000,000, with single project limitation not to exceed $500,000. The proposed facilities will be financed from cash on hand or from cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 7, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-1824; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket No. CP66-258]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

FEBRUARY 14, 1966.

Take notice that on February 4, 1966, Panhandle Eastern Pipe Line Co. (Applicant), 1 Chase Manhattan Plaza, New York, N.Y., 10005, filed in Docket No. CP66-258 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing with the issuance of appropriate authorization, and operate field facilities, including pipeline, compressor, metering and appurtenant equipment, for the purpose of taking into its system the quantities of gas which may become available from time to time during the period of proposed authorization.

Total estimated cost of Applicant's proposed construction is not to exceed $5,000,000, with no single project to exceed $500,000. Applicant plans to finance construction of the proposed facilities with funds on hand.

Potests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before March 7, 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 this application if no protest, or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-1825; Filed, Feb. 21, 1966; 8:45 a.m.]

[Docket No. CP66-259]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 14, 1966.

Take notice that on February 4, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66-259 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate various field facilities necessary to enable Applicant to take into its pipeline system natural gas which may be purchased from producers thereof in the general area of its system from time to time during the 12-month period commencing May 30, 1966.

Applicant states that the purpose of this "budget-type" proposal is to augment its ability to act with reasonable dispatch in securing by contract and connecting to its pipeline system new supplies of natural gas in various producing areas generally coexistensive with said system.

Total estimated cost of Applicant's proposed construction is not to exceed $3,000,000, with no single project expenditure to exceed $500,000, and will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 7, 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 this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-1826; Filed, Feb. 21, 1966; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

RESTRICTIONS UPON USE OF THE TERM "GOODYEAR"

Prohibited Importation

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, under the authority of section 43 of the Trademark Act of 1946, as amended (15 U.S.C. 1125), it is proposed with reference to § 11.13 of the Customs Regulations (19 CFR 11.13), to refuse entry to merchandise, particularly rainwear, boots, and shoes which bears the mark "Goodyear by _____" or "Goodyear deluxe by _____," or any other mark that includes the word "Goodyear," unless it is established to the satisfaction of the collector of customs or district director with jurisdiction over the port

of entry at which entry is made that (1) the imported goods are manufactured by or under license from the Goodyear Tire & Rubber Co., Akron, Ohio, or the Goodyear Rubber Co., Middletown, Conn., or an agent of either company, or (2) the imported goods are so marked to make clear that they are not the product of any American company whose name includes the name "Goodyear" and that the goods have not been manufactured under the license of any such company.

Prior to the issuance of these instructions, consideration will be given to any relevant data, views, or arguments, which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, and received not later than 30 days from date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: February 10, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-1867; Filed, Feb. 21, 1966; 8:49 a.m.]

Office of Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM BELGIUM, HONG KONG, AND THE UNITED KINGDOM

Available Certifications by the Governments of Belgium, Hong Kong, and the United Kingdom

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Government of Belgium, the Department of Commerce and Industry of the Government of Hong Kong and the Customs and Excise of the Government of the United Kingdom under procedures agreed upon between each of these Governments and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from these countries of the following additional commodity:

Hair, human, processed (wigs, etc.)

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 66-1911; Filed, Feb. 21, 1966; 8:51 a.m.]

Office of the Secretary

[Treasury Department Order No. 167-72]

COMMANDANT, U.S. COAST GUARD

Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 4), there are hereby transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury, except as noted below, contained in Public Law 89-198 (10 U.S.C. 1124), providing for the granting of cash and honorary awards to Coast Guard military members, whose suggestions, inventions, or scientific achievements contribute to the efficiency, economy, or other improvement of operations or programs relating to the armed forces.

a. Awards granted under 10 U.S.C. 1124(b) will be subject to Presidential and Secretarial approval.

b Awards in excess of $5,000 will require approval of the Secretary.

c. The Commandant shall prepare for the Secretary the annual program report with appropriate recommendations required under 10 U.S.C. 1124(g).

Dated: February 15, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-1868; Filed, Feb. 21, 1966; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

REGIONAL CIVIL DEFENSE INTERDEPARTMENTAL AND INTERAGENCY COORDINATING BOARDS

Organization and Function

The Assistant Secretary of Defense (Administration) approved the following December 22, 1965:

Refs.: (a) Sec. 401 of Federal Civil Defense Act of 1950, as amended, and Reorganization Plan No. 1 of 1958.

(b) DoD Directive 3025.10, "Military Support of Civil Defense," March 29, 1965.

(c) DoD Instruction 5030.25, "Regional Civil Defense Coordinating Boards," January 22, 1963 (hereby canceled).

I. *Purpose.* A. This Instruction restates the provisions for establishing an interdepartmental Regional Civil Defense Coordinating Board (hereinafter referred to as "the Board") in each of the eight geographical regions serviced by Office of Civil Defense Regional Directors.

B. It sets forth the composition, responsibilities, functions, authority of the Chairman, and relationships of the Board.

II. *Applicability.* A. The provisions of this Instruction apply to all DoD Components whose functional responsibilities are involved in civil defense planning as described in section III below.

B. Its provisions do not preclude the joint convention of the Boards established herein and/or the Office of Emergency Planning (OEP) Regional Preparedness Committees convening as a single body to be cochaired by OEP-OCD, when appropriate and useful (see VA.2, below).

III. *Scope.* Civil Defense Planning, as used in this Instruction, encompasses:

A. Preparation of—

1. Civil defense emergency plans by all Federal agencies, State agencies, and local government agencies:

2. Civil defense contingency plans by the Military Departments to provide for postattack assistance to civil authorities (ref. (b)) including assistance by reserve components.

B. Means for exchanging information among responsible organizations on the locations of nuclear explosions and the patterns of fallout.

C. Systems of assessment of damage and casualties from blast, fire, and fallout.

D. Means for controlling, directing and coordinating the reentry of fire, law and order, rescue, and other emergency services into areas damaged by blast or contaminated by heavy fallout for decontamination, rescue and survival operation in such areas.

E. Provisions for organization of other emergency services, such as water, sanitation, law and order, medical, traffic control, communications, supply, transportation, and including emergency operating procedures.

F. Participation in test exercises.

G. Formulation of chemical and biological defense programs.

IV. *Composition of the Board.* A. *Membership.* 1. The Chairman of each Board shall be the OCD Regional Director, who will be the principal DOD representative on the Board.

2. The following departments and agencies of the Federal Government have been assigned specific emergency preparedness responsibilities and are represented on each Board:

Office of Emergency Planning.[1]
Department of the Army (Principal DOD Military Representative).
Department of the Air Force.
Department of the Navy.
Defense Supply Agency.
Department of Agriculture.
Department of Commerce.
Department of Labor.
Department of Health, Education, and Welfare.
Department of Interior.
Post Office Department.
Atomic Energy Commission.
Federal Aviation Agency.
Federal Commmunications Commission.
General Services Administration.
Housing and Home Finance Agency.
Interstate Commerce Commission.

3. The membership will be expanded as other agencies are assigned specific emergency preparedness responsibilities, or as required.

4. The Chairman may, at his discretion, invite representatives of other Federal agencies, State, sub-State, and local civil defense organizations, and representatives of civic organizations to sit in as observers on Board meetings.

B. *Executive Secretary.* The OCD Regional Director will appoint an Executive Secretary for each Board from among personnel on his staff, who will be responsible for coordinating appropriate regional board matters with Federal agencies, briefing the Board, arrang-

[1] Serves as an observer.

ing meetings, maintaining records, preparing action papers for the Board, and submitting reports to the Board.

V. *Responsibilities and Functions.*—A. *Responsibilities.* 1. The Board shall advise and assist the OCD Regional Director concerned, in carrying out his responsibilities (ref. (a)) in the field of civil defense, and in planning and coordinating civil defense operations.

2. The Chairman shall coordinate the work of the Board with activities of the Office of Emergency Planning (OEP) and the OEP Regional Preparedness Committee in the field of civil defense.

B. *Functions.* Board functions will include, but are not limited to:

1. Coordination and correlation of civilian and military civil defense planning at regional level.

2. Review of policy guidance governing implementation of plans and operational procedures on the following priority programs:

a. Identification, Licensing, Marking, and Provisioning of Shelters, in consonance with the National Shelter Program.

b. Increasing of Shelter Capability, by modification of existing buildings, providing shelter spaces in certain new construction, identification and utilization of shelter spaces in existing buildings, identification of the best available protection space for temporary use until full shelter capability can be achieved, development of home shelters, and development of community shelters by industry, state, and local governments, and other institutions.

c. Development and execution of Plans for Utilization of Shelter Space, including:

(1) Movement to shelter plans.

(2) Internal shelter management.

(3) Acquisition of approved civil defense provisions and equipment required for shelters over and above that furnished by the Federal Government.

(4) Training.

d. Development and execution of plans for:

(1) Warning the public.

(2) Radiological monitoring and reporting.

(3) Informing the public with regard to civil defense activities and plans.

VI. *Relationships.* All significant documentation on matters under consideration at the national level will be furnished to the Chairman of the Board by the Office of Civil Defense, Department of the Army.

VII. *Cancellation.* Reference (c) is hereby superseded and canceled.

VIII. *Effective date and implementation.* This Instruction is effective the date of issuance. Two copies of the implementing regulations shall be forwarded to the ASD(A) within sixty (60) days.

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

FEBRUARY 16, 1966.

[F.R. Doc. 66-1815; Filed, Feb. 21, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 072057]

MONTANA

Notice of Proposed Withdrawal and Reservations of Lands

FEBRUARY 14, 1966.

The Department of Army by the Corps of Engineers, has filed an application, serial number Montana 072057, for the withdrawal of the lands described below from all forms of appropriation including the mineral leasing laws. The area approximates 43,000 acres.

The applicant desires the land for The Libby Dam Reservoir Project.

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 minimum 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 Corps of Engineers.

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.

PRINCIPAL MERIDIAN MONTANA

T. 33 N., R. 25 W.,
Sec. 1, Lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SE¼;
Sec. 6, Lots 3, 4, 5, 8, and 9, SE¼NW¼.
T. 34 N., R. 25 W.,
Sec. 20, E½SE¼SW¼, E½SW¼SE¼SW¼, NE¼SE¼, S½S½NW¼SE¼, and S½SE¼;
Sec. 21, S½;
Sec. 22, S½SW¼;
Sec. 25, W½SW¼SW¼ and E½SE¼SW¼;
Sec. 26, S½NW¼ and S½;
Sec. 27, N½ and N½SE¼;
Sec. 28, N½N½;
Sec. 29, NE¼, NE¼NE¼NW¼, NE¼NW¼NE¼NW¼, S½NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼, and S½NW¼NW¼SW¼;
Sec. 31, Lots 1 and 2, E½NW¼, E½SE¼, and E½W½SE¼;
Sec. 32, SW¼NW¼;
Sec. 35, NE¼ and E½SE¼.
T. 33 N., R. 26 W.,
Sec. 1, SE¼NE¼, E½SE¼, NW¼SE¼, and NE¼SW¼;
Sec. 12, NE¼;
Sec. 13, SW¼NW¼;
Sec. 14, SE¼NE¼ and NE¼SE¼;
Sec. 21, W½SE¼ and SE¼SE¼;
Sec. 22, S½NW¼, S½SW¼, and N½SE¼;
Sec. 27, W½NW¼ and SW¼SW¼;
Sec. 28, NE¼, N½SE¼, and SW¼SE¼;
Sec. 33, NW¼NE¼ and SW¼SE¼;
Sec. 34, SW¼NW¼ and SW¼SW¼.
T. 32 N., R. 26 W.,
Sec. 5, W½E½ and W½;
Sec. 6, E½E½;
Sec. 7, E½E½;
Sec. 8, W½E½ and W½;
Sec. 17, W½E½ and W½;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20, W½E½ and W½ less HES 802;
Sec. 29, W½E½ and W½ less HES 802;
Sec. 30, E½E½ less HES 802;
Sec. 31, E½E½;
Sec. 32, W½E½ and W½.
T. 31 N., R. 26 W.,
Sec. 5, Lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 8, W½E½ and E½W½;
Sec. 16, W½SW¼;
Sec. 20, E½NE¼;
Sec. 27, W½NW¼ and NW¼SW¼;
Sec. 28, E½NW¼ and NE¼SE¼.
T. 30 N., R. 26 W.,
Sec. 3, Lots 3 and 4;
Sec. 4, Lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 8, Lots 1, 2, 3, 4, 5, and 6, SE¼NW¼, and NE¼SW¼;
Sec. 18, Lot 3.
T. 30 N., R. 27 W.,
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 29 N., R. 27 W.,
Sec. 17, Lot 2, NE¼NW¼.
T. 37 N., R. 27 W.,
Sec. 5, Lot 5;
Sec. 30, Lot 4.
T. 32 N., R. 28 W.,
Sec. 5, Lots 6, 7, and 9, SE¼SW¼, and SW¼SE¼;
Sec. 6, Lots 3 and 4, S½NW¼, SW¼, E½SE¼, N½NW¼SE¼, and SW¼SE¼;
Sec. 7, Lots 1 and 4, SW¼NE¼, NW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, N½SW¼, N½NE¼SW¼SW¼, SW¼NE¼SW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, and SW¼SW¼SW¼SW¼;
Sec. 8, Lot 2, W½NE¼, and SE¼NW¼;
Sec. 18, Lot 5, E½E½, SE¼SW¼, and SW¼SE¼ excluding HES 828 and 1217;
Sec. 19, Lot 1.
T. 33 N., R. 28 W.,
Sec. 7, Lots 7 and 8, NW¼;
Sec. 17, Lots 1, 2, 3, 4, and 5, NE¼SW¼;
Sec. 18, Lots 6, 7, 9, and 10, NW¼NE¼, S½N½NW¼SW¼, S½NW¼SW¼, and S½SW¼;
Sec. 19, W½W½SW¼NE¼, W½, NE¼SE¼, NW¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 20, Lots 7, 8, 9, and 10, N½NE¼NW¼, SE¼NE¼NW¼, SW¼SW¼NW¼SE¼, NE¼NW¼SE¼, and N½NW¼NW¼SE¼;
Sec. 21, Lots 3, 4, and 5, NE¼SW¼;
Sec. 27, Lots 1, 2, 3, 4, and 5, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, N½NE¼, N½S½NE¼, E½SE¼SW¼NE¼, S½SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼SE¼, and Lot 2;

Sec. 29, Lot 6, N½NE¼NE¼NE¼, W½NW¼NW¼, SW¼NW¼, W½NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, N½N½ and S½NE¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, Lots 2, 3, and 7, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 34, W½E½, NE¼SW¼NW¼, SE¼NW¼, and E½SW¼.

T. 35 N., R. 28 W.,
Sec. 4, Lots 1, 2, 3, 4, 5, and 6, S½NW¼ and that part HES 278 in NW¼;
Sec. 5, Lots 1, 2, 3, 4, and 5, S½NE¼, SW¼ and that part HES 278 in NE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, SE¼NW¼, and SE¼SE¼;
Sec. 7, Lots 1, 2, 3, 4, and 5, N½NE¼, SE¼NW¼, and E½SW¼;
Sec. 30, Lots 3 and 4, E½SW¼;
Sec. 31, Lots 1 and 2, E½NW¼.

T. 36 N., R. 28 W.,
Sec. 2, Lot 4;
Sec. 3, Lots 2, 3, 4, 6, 7, and 8, S½NW¼, SW¼, and S½NW¼SE¼;
Sec. 9, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 10, Lots 3 and 11, NW¼NW¼;
Sec. 12, W½SW¼;
Sec. 15, Lot 5;
Sec. 16, Lots 1, 2, 3, 4, 6, 7, 8, and 9, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 17, E½;
Sec. 20, All;
Sec. 21, Lot 8, NW¼NW¼;
Sec. 22, SE¼NE¼, SW¼NW¼, and S½;
Sec. 28, Lots 1, 5, 6, and 7, SE¼NE¼, SE¼, and SE¼SW¼;
Sec. 29, Lot 6, NW¼NE¼, and W½;
Sec. 31, Lots 3, 4, and 5, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, Lots 1 thru 9, NW¼NW¼, E½SE¼, and SW¼SE¼;
Sec. 33, N½SE¼, SW¼SE¼, W½W½, and E½SW¼.

T. 37 N., R. 28 W.,
Sec. 12, Lots 2, 3, 6, and 7, W½NW¼, SE¼NW¼, and SW¼;
Sec. 13, W½NE¼, NW¼, and E½SW¼;
Sec. 24, SW¼;
Sec. 25, Lots 4 and 5, NW¼;
Sec. 26, E½SW¼ and E½SE¼;
Sec. 35, N½NE¼, SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, and SW¼SE¼.

T. 29 N., R. 29 W.,
Sec. 4, Lot 2, SE¼SE¼;
Sec. 22, SW¼NE¼ and W½SE¼.

T. 30 N., R. 29 W.,
Sec. 4, Lots 4, 5, and 6, SE¼NW¼, and SW¼;
Sec. 8, Lots 2, 3, and 4, SW¼NE¼, S½SW¼, and SE¼;
Sec. 18, Lot 9, NE¼SW¼, and N½SE¼;
Sec. 34, W½NW¼.

T. 31 N., R. 29 W.,
Sec. 1, Lot 4, SW¼NW¼, and W½SW¼;
Sec. 2, N½SE¼ and SE¼SE¼;
Sec. 3, Lots 1 and 2, SE¼NE¼, and E½SE¼;
Sec. 4, Lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
Sec. 8, E½NE¼NE¼, SW¼SW¼NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, and SE¼;
Sec. 10, NE¼NE¼, E½E½NW¼NE¼, and SW¼NE¼;
Sec. 11, NE¼ and W½;
Sec. 12, W½NW¼;
Sec. 15, All;
Sec. 16, Lots 2, 3, 6, and 7, W½;
Sec. 22, S½NW¼ and W½SW¼;
Sec. 27, W½ and N½NE¼;
Sec. 28, Lots 2, 3, 6, 7, and 8, NW¼, N½SW¼, and SW¼SW¼;
Sec. 32, E½E½, SE¼SW¼, and SW¼SE¼;
Sec. 34, N½NW¼.

T. 32 N., R. 29 W.,
Sec. 1, SE¼;
Sec. 10, N½SW¼ and SE¼;
Sec. 11, S½;
Sec. 12, NE¼ and S½;
Sec. 13, Lots 1, 3, 4, 5, and 6, N½N½, and NE¼SW¼;
Sec. 14, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, and NW¼SE¼;
Sec. 15, N½;
Sec. 22, Lot 1, E½NE¼, N½SE¼, and E½SW¼SE¼;
Sec. 23, Lots 1, 2, 6, and 7, N½NW¼, and SW¼NW¼;
Sec. 24, Lots 1 and 3, NE¼, and N½SE¼;
Sec. 25 (All except platted area of Worland Heights, except Lots 40 and 44; less Patents 54116, 1224, 1273), NE¼, S½NW¼, N½N½SW¼, S½S½SW¼, S½N½SE¼SW¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 26, SE¼NE¼, N½NE¼SE¼, E½SW¼SE¼, and S½SE¼SE¼;
Sec. 27, Lots 1, 2, 5, and 6, E½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 34, Lots 2, 6, and 7, E½NW¼, SW¼NW¼, W½NW¼NW¼, E½E½NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 35, E.½

T. 33 N., R. 29 W.,
Sec. 2, Lots 1 and 2, E½ Lot 3, S½NE¼, E½SE¼NW¼, E½SW¼SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 3, Lots 4, 5, 6, and 7, W½E½, W½SE¼SE¼, SW¼NE¼SE¼SE¼, W½SE¼SE¼SE¼, and SE¼SE¼SE¼SE¼;
Sec. 10, Lots 1 and 2, S½NE¼;
Sec. 11, SW¼NW¼, SW¼, S½SE¼ (Lots 4, 5, and 7, NW¼SE¼, SE¼NW¼, less Patents 978134, 855379);
Sec. 12, Lots 1, 2, 7, 8, and 9, SW¼NE¼, SW¼SW¼ (Lots 12, 13, 14, and Patents 855379, 775404);
Sec. 13, Lots 1, 2, 3, and 4, W½NE¼, NW¼, and W½SE¼, less Patent 775404;
Sec. 24, Lots 1 and 2.

T. 34 N., R. 29 W.,
Sec. 1, Lots 3 and 4, S½NW¼, and W½SW¼;
Sec. 2 (Lots 2, 3, 4, 8, and 9, NW¼SW¼, less Patents 876899, 891576, 935413) and Lots 13 and 14, SW¼SW¼, E½SE¼NE¼, E½W½SE¼NE¼, E½E½SE¼, and E½W½E½SE¼;
Sec. 3 (Lot 1, SE¼NE¼, NE¼SE¼, less Patent 891576), Lots 2, 3, and 4, S½NW¼, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 4, Lots 1 and 2, S½NE¼;
Sec. 10, E½E½;
Sec. 11 (Lots 2 and 3, less Patent 935413) and Lots 6, 7, and 8, W½W½, E½E½E½, and E½W½E½E½;
Sec. 12, W½W½;
Sec. 14, Lots 2, 3, 4, 13, and 14, E½E½E½, E½W½NE¼NE¼, W½NW¼, NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, E½W½NE¼SE¼, E½E½SW¼SE¼, and W½SE¼SE¼;
Sec. 15, E½E½;
Sec. 22, NE¼, W½SE¼, W½E½SE¼, W½E½NE¼SE¼, and W½NE¼SE¼SE¼;
Sec. 23, Lots 4, 10, 12, 13, 14, and 15, E½E½, E½E½NW¼NE¼, SW¼NE, W½NE¼NW¼NW¼, W½NW¼NW¼, W½NW¼SW¼NW¼, E½W½SW¼SW¼, E½NW¼SE¼, E½SW¼NW¼SE¼, and SW¼SE¼;
Sec. 26, Lots 4 and 5, W½E½, and E½E½NE¼NW¼;
Sec. 27, W½NE¼NE¼, W½NE¼, W½W½SE¼NE¼, E½NW¼, SW¼, W½NW¼NE¼SE¼, NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼, N½SE¼SW¼SE¼, and SW¼SE¼SW¼SE¼;
Sec. 34, N½NW¼NE¼, NW¼, W½SW¼, SE¼SW¼, SW¼NW¼SE¼, W½SE¼NW¼SE¼, W½SW¼SE¼, and W½E½SW¼SE¼;
Sec. 35, Lot 6, W½E½, E½E½SW¼, E½W½NE¼SW¼, E½NW¼SE¼SW¼, and NE¼SW¼SE¼SW¼.

T. 35 N., R. 29 W.,
Sec. 1, Lot 5, SW¼, N½SE¼, and SW¼SE¼;
Sec. 11, SE¼;
Sec. 12, Lots 1 through 12 incl., N½NW¼, SW¼NW¼, and SE¼SE¼;
Sec. 13, Lots 1, 2, 3, 4, and 5, NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 14, Lots 1, 2, 3, 4, 5, and 6, NW¼NE¼, and E½W½;
Sec. 23, Lots 1 to 9 incl., NE¼NW¼, and W½W½;
Sec. 24, Lot 1, NW¼, N½SW¼, and SE¼SW¼;
Sec. 25, Lots 1 to 7 incl., E½E½, and NW¼NE¼;
Sec. 26, Lots 1 to 5 incl., SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 33, Lots 3 and 4, N½SE¼;
Sec. 34, Lots 1 to 4 incl., N½S½;
Sec. 35, Lots 1 to 4 incl., NE¼, N½SW¼, and NW¼SE¼;
Sec. 36, Lots 1 to 9 incl., SE¼SW¼.

Embracing approximately 43,263.21 acres.

EUGENE H. NEWELL,
Acting Land Office Manager.

[F.R. Doc. 66-1830; Filed, Feb. 21, 1966; 8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 14, 1966.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 0559219 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to Section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with National Forest Lands to permit more efficient administration thereof in the conservation of national resources.

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, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

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.

He 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 Forest Service.

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 it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 2 N., R. 8 W.,
Sec. 7, lots, 1, 2, 3, 4, E½W½ and E½;
Sec. 19, lots 1, 2, E½NW¼ and NE¼.
T. 2 N., R. 9 W.,
Sec. 13.
T. 9 N., R. 12 W.,
Sec. 5, lots 1, 2, 3, 4, S½ and S½N½ less a tract lying N. 87°39'15" E., 6,452.54 feet from northwest corner of Section 6; Thence S. 35°31'30" E., 1,875.05 feet to point of beginning; Thence E. 208.7 feet; Thence S. 208.7 feet; Thence W. 208.7 feet; and Thence N. 208.7 feet to point of beginning;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 2 S., R. 5 W.,
Sec. 21, SW¼SW¼.

The areas described aggregate 2,908.94 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 66-1831; Filed, Feb. 21, 1966; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. A-374]

CHARLES ROY LESHER AND PHYLLIS A. LESHER

Notice of Loan Application

Charles Roy Lesher and Phyllis A. Lesher, 335 West 12th Street, Juneau, Alaska, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used trolling vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 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 operations of the vessel will or will not cause such economic hardship or injury.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

FEBRUARY 17, 1966.

[F.R. Doc. 66-1865; Filed, Feb. 21, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DELEGATION OF AUTHORITY TO SUSPEND AND DEBAR INDIVIDUALS AND FIRMS

Revocation

I hereby revoke the delegation of authority published in the FEDERAL REGISTER, dated October 2, 1964 (29 F.R. 13579), authorizing the directors of divisions and offices of the Agricultural Stabilization and Conservation Service (ASCS) that report to me as Deputy Administrator, Management, ASCS, to suspend and debar persons under the provisions of the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495).

Effective date. Date of signature.

Signed at Washington, D.C. on February 14, 1966.

R. P. BEACH,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-1879; Filed, Feb. 21, 1966; 8:50 a.m.]

DELEGATION OF AUTHORITY TO SUSPEND AND DEBAR INDIVIDUALS AND FIRMS

Revocation

I hereby revoke the delegation of authority published in the FEDERAL REGISTER, dated October 2, 1964 (29 F.R. 13580), authorizing the directors of the divisions and offices of the Agricultural Stabilization and Conservation Service (ASCS) that report to me as Deputy Administrator, Commodity Operations, ASCS, to suspend and debar persons under the provisions of the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495).

Effective date. Date of signature.

Signed at Washington, D.C., on February 14, 1966.

C. H. MOSELEY,
Acting Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-1880; Filed, Feb. 21, 1966; 8:50 a.m.]

DELEGATION OF AUTHORITY TO SUSPEND AND DEBAR INDIVIDUALS AND FIRMS

Revocation

I hereby revoke the delegation of authority published in the FEDERAL REGISTER, dated October 2, 1964 (29 F.R. 13579), authorizing the Director, Producer Associations Division, Agricultural Stabilization and Conservation Service, to suspend and debar persons under the provisions of the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495).

Effective date. Date of signature.

Signed at Washington, D.C., on February 15, 1966.

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

[F.R. Doc. 66-1881; Filed, Feb. 21, 1966; 8:50 a.m.]

DELEGATION OF AUTHORITY TO SUSPEND AND DEBAR INDIVIDUALS AND FIRMS

Revocation

I hereby revoke the delegation of authority published in the FEDERAL REGISTER, dated October 2, 1964 (29 F.R. 13579), authorizing the State Executive Directors of the Agricultural Stabilization and Conservation Service (ASCS) State offices and the directors of divisions and offices that report to me as Deputy Administrator, State and County Operations, ASCS, to suspend and debar persons under the provisions of the Suspension and Debarment Regulations published in the FEDERAL REGISTER, dated July 29, 1964 (29 F.R. 10495).

Effective date. Date of signature.

Signed at Washington, D.C., on February 16, 1966.

RAY FITZGERALD,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-1882; Filed, Feb. 21, 1966; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ALLIED CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Oxidized Polyethylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1675) has been filed by Allied Chemical Corp., Plastics Division, Post Office Box 365, Morristown, N.J., 07960, proposing the issuance of a regulation to provide for the safe use of oxidized poly-

ethylene as a component of articles intended for use in contact with food.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1858; Filed, Feb. 21, 1966; 8:48 a.m.]

CUMBERLAND CHEMICAL CORP.

Notice of Filing of Petition for Food Additives Propylene Modified Polyvinyl Chloride Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1883) has been filed by Cumberland Chemical Corp., 150 East 42d Street, New York, N.Y., 10017, proposing the issuance of a regulation to provide for the safe use of propylene modified polyvinyl chloride resins as components of articles that contact food.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1859; Filed, Feb. 21, 1966; 8:49 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives Ethylene-Methacrylic Acid-Vinyl Acetate Copolymers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1818) has been filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del., 19898, proposing that § 121.2582 *Ethylene-methacrylic acid copolymers and their partial salts* be amended to provide for the safe use of ethylene-methacrylic acid-vinyl acetate copolymers and/or their ammonium, calcium, magnesium, sodium, or zinc partial salts as articles or components of articles intended for use in contact with food.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1860; Filed, Feb. 21, 1966; 8:49 a.m.]

E. I. DU PONT DE NEMOURS AND CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1794) has been filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del., 19898, proposing an amendment to § 121.2562 *Rubber articles intended for repeated use* to provide for the safe use of the activator magnesium oxide at concentrations greater than 5 percent by weight of rubber articles intended for repeated use in contact with food. It is further proposed to amend § 121.2562 to provide for the safe use of the following substances as ingredients of rubber articles intended for repeated use in contact with food:

1. Elastomers:
   Ethylene - propylene - unconjugated hydrocarbon diene copolymer.
   Urethane polymer derived by reaction of toluene-2-4-diisocyanate and polybutylene glycol (mol. wt. 1,000).
   Vinylidene fluoride perfluoro olefin copolymer.
2. Vulcanizing agents:
   4,4'-Methylene-bis-(2-chloroaniline).
   1,4-Bis(aminocyclohexyl)methane carbamate.
3. Accelerator:
   Hexamethylenediamine carbamate.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1861; Filed, Feb. 21, 1966; 8:49 a.m.]

PACIFIC RESINS & CHEMICALS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1849) has been filed by Pacific Resins & Chemicals, Inc., 3400 13th Avenue SW., Seattle, Wash., 98134, proposing that paragraph (a) of § 121.2542 *Polyamide-epichlorohydrin resin* be amended to read as follows:

(a) Polyamide-epichlorohydrin resin is prepared by reacting adipic acid with diethylenetriamine to form a basic polyamide, and further reaction of the polyamide with epichlorohydrin, or with a mixture of epichlorohydrin and ammonia, to form a water soluble thermosetting resin.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1862; Filed, Feb. 21, 1966; 8:49 a.m.]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives Components of Paper and Paperboard

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1929) has been filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa., 15025, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the safe use of alicyclic petroleum hydrocarbon resins as components of the food-contact surface of paper and paperboard intended for use in contact with foods of the types identified in paragraph (c), table 1, under types I, II, IV-B, VI, VII-B, and VIII.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1863; Filed, Feb. 21, 1966; 8:49 a.m.]

UNION CARBIDE CORP.; EMERY INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives Plasticizers in Polymeric Substances

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1716) has been filed jointly by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y., 10592, and Emery Industries, Inc., Carew Tower, Cincinnati, Ohio, 45202, proposing an amendment to § 121.2511 *Plasticizers in polymeric substances* to provide for the safe use of di(2-ethylhexyl) azelate as a plasticizer in polymeric substances used in the manufacture of articles or components of articles intended for use in contact with food. It is further proposed to amend § 121.2511(b) by deleting the limitation which restricts di-*n*-hexyl azelate to use at levels not to exceed 15 percent by weight of finished articles.

Dated: February 15, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-1864; Filed, Feb. 21, 1966; 8:49 a.m.]

2-AMINOBUTANE

Notice of Change in Condition of Use for Established Temporary Tolerance

Notice of establishment of a temporary tolerance of 20 parts per million for residues of the fungicide 2-aminobutane in or on apples, lemons, and oranges was published in the FEDERAL REGISTER November 17, 1965 (30 F.R. 14386). Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, has requested that the conditions under which the temporary tolerance was established be revised to permit the use of 6,000 pounds of this fungicide rather than 927 pounds. The original request was for use of 6,000 pounds of the active ingredient but was interpreted to apply to 6,000 pounds of total formulation which would contain 927 pounds of the active ingredient. The Commissions of Food and Drugs has concluded that good and sufficient reason

exists for granting the current request and that so granting will continue to protect the public health.

Therefore, notice is given that the quantitative condition of use in the above-cited notice is hereby changed to permit the use of 6,000 pounds of 2-aminobutane. All other conditions with respect to the establishment of the temporary tolerance remain unchanged.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90).

Dated: February 15, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-1828; Filed, Feb. 21, 1966; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ACTING COMMUNITY FACILITIES COMMISSIONER

Designation

Melvin S. Frazier, Regional Counsel, Region VI, is hereby designated to serve as Acting Community Facilities Commissioner during the present vacancy in the position of Community Facilities Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner.

In the absence of Melvin S. Frazier, the Assistant Commissioner for Management Control, Community Facilities Administration, is hereby designated to serve as Acting Community Facilities Commissioner.

This designation supersedes the designation of Acting Community Facilities Commissioner effective March 29, 1965.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective as of the 16th day of February 1966.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-1883; Filed, Feb. 21, 1966; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Application for Construction Permit and Facility License

Please take notice that Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill., 60690, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application dated February 10, 1966, for a construction permit and facility license to authorize construction and operation of a single cycle, forced circulation, boiling water nuclear reactor at Commonwealth Edison Co.'s Dresden Nuclear Power Station located near Morris in Grundy County, Ill.

The proposed reactor, designated by the applicant as the Dresden Nuclear Power Station (DNPS) Unit 3, will have a design capacity of approximately 2600 thermal megawatts but will be operated initially at approximately 2300 thermal megawatts with a net electrical output of 715 megawatts. The DNPS Unit 3 will be located immediately west of and adjacent to the DNPS Unit 2 which is now under construction. A third nuclear reactor located at this approximately 953-acre site, the Dresden Unit 1, has been licensed for operation since September 1959.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of February 1966.

For the Atomic Energy Commission.

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

[F.R. Doc. 66-1872; Filed, Feb. 21, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

California Association of Port Authorities, 681 Market Street, San Francisco, Calif., 94105.

Agreement No. 7345-11, between the members of the California Association of Port Authorities, modifies the basic agreement of the parties which provides for the establishment and maintenance of just and reasonable, and as far as practicable, uniform terminal rates, rules and regulations at the members' terminals in the State of California. The purpose of the modification is to (1) provide that if unanimous approval of the Committee on Tariffs and Practices is not received for requested changes in members' tariffs, a member may take independent action with regard thereto by giving prior written notice as required; (2) amend the provision covering the employment of help necessary to carry on the activities of the Association; (3) provide that the Federal Maritime Commission and each member of the Association will receive a copy of the minutes of each meeting; (4) provide that the Committee on Tariffs and Practices may, on behalf of the membership, approve by unanimous vote the adoption of rates, rules and regulations at members' ports in the State of California; (5) permit the President of the Association to call a meeting by telephone and sets forth the conditions under which such meeting may be conducted.

Dated: February 17, 1966.

By order of the Federal Martime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-1853; Filed, Feb. 21, 1966; 8:48 a.m.]

CHINA NAVIGATION CO., LTD. AND NIPPON YUSEN KAISHA

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. O. Flood, Vice President, Transmarine Navigation Corp., 655 South Flower Street, Los Angeles 17, Calif.

Agreement 9521, between China Navigation Co., Ltd., referred to as the initial carrier, and Nippon Yusen Kaisha, the

delivering carrier, provides for a through billing arrangement for the transportation of general cargo from New Guinea to U.S. Pacific Coast ports with transhipment at Japan in accordance with the terms and conditions specified therein.

Dated: February 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-1854; Filed, Feb. 21, 1966; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

DISASTER FIELD OFFICE, GRAND ISLE, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirely the designation effective BOB October 1, 1965, of Bryan Shoemaker as Manager, Grand Isle, La., Disaster Field Office.

Effective COB December 9, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1834; Filed, Feb. 21, 1966; 8:46 a.m.]

DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective September 14, 1965, of J. N. Patterson as Manager, New Orleans, La., Disaster Field Office.

Effective: COB February 4, 1966.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1835; Filed, Feb. 21, 1966; 8:46 a.m.]

DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Designation of Acting Manager

Pursuant to the authority contained in Paragraph III of Delegation of Authority of Program Coordinator, Disaster Area, Relating to Financial Assistance Functions, effective February 1, 1966, I hereby designate the following SBA employee to serve as Acting Manager, Disaster Field Office, New Orleans, La., during any period when I am on leave or in travel status or when I am serving in any other capacity: Bryan Shoemaker.

This designation will remain in effect until revoked in writing.

Effective BOB February 5, 1966.

F. E. HUDSON,
Manager, Disaster Field Office.

[F.R. Doc. 66-1836; Filed, Feb. 21, 1966; 8:46 a.m.]

MANAGER, DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Program Coordinator, Disaster Area, State of Louisiana, by delegation of Authority No. 30-6 (SW Area-Dallas) effective February 1, 1966, there is hereby redelegated to the Manager, Disaster Field Office, New Orleans, La., the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in amounts not exceeding $350,000.

2. To execute loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

SMALL BUSINESS ADMNISTRATION,
By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective February 1, 1966.

JAMES R. WOODALL,
Program Coordinator, Disaster Area.

[F.R. Doc. 66-1837; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Designation of Manager

Pursuant to the authority delegated to the Program Coordinator, Disaster Area, State of Louisiana, by Delegation of Authority No. 30-6 (SW Area-Dallas), Disaster No. 7, effective February 1, 1966, I hereby appoint the following employee to serve as Manager, Disaster Field Office, New Orleans, Louisiana: F. E. Hudson.

This designation shall remain in effect until revoked in writing.

Effective February 1, 1966.

JAMES R. WOODALL,
Program Coordinator, Disaster Area.

[F.R. Doc. 66-1838; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, METAIRIE, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective November 6, 1965, of W. R. White as Manager, Metairie, La., Disaster Field office.

Effective: COB November 26, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1839; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, HOUMA, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective November 4, 1965, of Billy C. Suggs as Manager, Houma, La., Disaster Field Office.

Effective: COB November 24, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1840; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER LOAN GROUP

Delegation of Authority

Pursuant to the authority delegated to the Program Coordinator, Disaster Area, State of Louisiana, by Delegation of Authority No. 30-6 (SW Area-Dallas), Disaster No. 7, effective February 1, 1966, there is hereby established a Disaster Loan Group, Southwestern Area, and I hereby redelegate to the Disaster Loan Group the following authority:

1. To approve and decline disaster loans in amounts not exceeding $1,000,000.

2. To execute loan authorizations for such disaster loans approved by the group, said execution to read as follows:

SMALL BUSINESS ADMINISTRATION,
By ----------
Chairman, Disaster Loan Group, Southwestern Area.

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

5. To approve disaster loans recommended for decline under delegated authority by Disaster Field Office Manager and to resolve by approval or decline split recommendations originating in Disaster Field Office, provided:

a. That final action to approve or decline a disaster loan shall be taken in accordance with the decision of any two concurring members of the Disaster Loan Group present.

b. Any two members of the Disaster Loan Group shall constitute a quorum and in the event of a split the case shall be held over until a third member is present to vote.

6. To approve or decline disaster loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans for amounts not in excess of $1,000,000.

JAMES R. WOODALL,
Program Coordinator—FA, Disaster Area, State of Louisiana.

[F.R. Doc. 66-1841; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER LOAN GROUP, SOUTHWESTERN AREA

Designation of Chairman and Members

Pursuant to the authority delegated to the Program Coordinator, Disaster Area, State of Louisiana, by Delegation of Authority No. 30-6 (SW Area-Dallas), Disaster No. 7, effective February 1, 1966, the following SBA employees are hereby designated Chairman and Members respectively, of the Disaster Loan Group, Southwestern Area:

F. E. Hudson, Chairman; Harry A. Caldwell, Member; John A. Swinnea, Jr., Member; J. H. Alter, Member; Henry A. Schumacher, Member; C. Don Nichols, Member; Justin Green, Member; A. D. Straub, Member.

This designation shall remain effective until amended or revoked in writing.

Effective BOB February 5, 1966.

JAMES R. WOODALL,
Program Coordinator—FA, Disaster Area.

[F.R. Doc. 66-1842; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, CHALMETTE, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator, effective September 14, 1965, I hereby designate the following employee to serve as Manager, Chalmette, La., Disaster Field Office: W. R. White.

This designation shall remain in effect until revoked in writing.

Effective Date: BOB November 13, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1843; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, CHALMETTE, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective November 13, 1965, of W. R. White as Manager, Chalmette, La., Disaster Field Office.

Effective: COB December 16, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1844; Filed Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, CHALMETTE, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective October 8, 1965, of A. D. Alley as Manager, Chalmette, La., Disaster Field Office.

Effective: COB November 12, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1845; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, PORT SULPHUR, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective October 8, 1965, of Tom Horan as Manager, Port Sulphur, La., Disaster Field Office.

Effective: COB December 14, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1846; Filed, Feb. 21, 1966; 8:47 a.m.]

DISASTER FIELD OFFICE, PORT SULPHUR, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator, effective September 14, 1965, I hereby designate the following employee to serve as Manager, Port Sulphur, La., Disaster Field Office: Bryan Shoemaker.

This designation shall remain in effect until revoked in writing.

Effective date: BOB December 15, 1965.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1847; Filed, Feb. 21, 1966; 8:48 a.m.]

DISASTER FIELD OFFICE, PORT SULPHUR, LA.

Designation of Manager

Pursuant to the authority delegated to the Disaster Director, Southwestern Area, by designation of Harold Galloway, Assistant Deputy Administrator for Financial Assistance, effective September 14, 1965, I hereby revoke in its entirety the designation effective BOB December 15, 1965 of Bryan Shoemaker as Manager, Port Sulphur, La., Disaster Field Office.

Effective COB February 4, 1966.

F. E. HUDSON,
Disaster Director, Southwestern Area.

[F.R. Doc. 66-1848; Filed, Feb. 21, 1966; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alamo Shirt Co., Inc., Alamo, Ga.; effective 2-12-66 to 2-11-67 (men's sport shirts).

Albain Shirt Co., Inc., 501 North East Street, Kinston, N.C.; effective 2-18-66 to 2-17-67 (men's and boys' dress shirts).

Ball Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 2-4-66 to 2-3-67 (brassieres).

Michael Berkowitz Co., Inc., Rural Delivery No. 2, Waynesburg, Pa.; effective 2-10-66 to 2-9-67 (ladies' pajamas).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-66 to 2-18-67 (men's work pants).

Carwood Manufacturing Co., Plant No. 1, Cornelia, Ga.; effective 2-19-66 to 2-18-67 (men's work shirts and sport shirts).

Dickson Jenkins Manufacturing Co., Fort Worth, Tex.; effective 2-2-66 to 2-1-67 (men's work clothing).

F. Jacobson & Sons, Inc., Jay and River Streets, Troy, N.Y.; effective 2-8-66 to 2-7-67 (men's dress shirts).

Jonbil Manufacturing Co., Inc., Chase City, Va.; effective 2-12-66 to 2-11-67 (men's and boys' dungarees).

Kamp Togs, Inc., Clarksville, Mo.; effective 2-2-66 to 2-1-67 (girls' slacks, jamaicas, jumpers, etc.).

M & G Sportswear, Inc., 73 Martine Street, Fall River, Mass.; effective 2-12-66 to 2-11-67 (children's sportswear).

The Manhattan Shirt Co., Ashburn, Ga.; effective 2-2-66 to 2-1-67 (pajamas and men's sport shirts).

Monleigh Garment Co., Yadkinville Road, Mocksville, N.C.; effective 2-6-66 to 2-5-67 (men's shirts and ladies' blouses).

Roanoke Manufacturing Co., Anniston, Ala.; effective 2-5-66 to 2-4-67 (ladies' blouses).

Rowland Manufacturing Co., Rowland, N.C.; effective 2-11-66 to 2-10-67 (men's and boys' sport shirts).

Samsons Manufacturing Corp., Wilson, N.C.; effective 2-9-66 to 2-8-67 (men's dress shirts).

Sanford Manufacturing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa.; effective 2-3-66 to 2-2-67 (men's and boys' pants).

Levi Strauss & Co., 4807 South Washington, Amarillo, Tex.; effective 2-15-66 to 2-14-67 (men's and boys' jeans and outerwear jackets).

Vidalia Garment Co., Inc., Vidalia, Ga.; effective 2-4-66 to 2-3-67 (men's dress shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Le Mars, Iowa; effective 2-13-66 to 2-12-67; 10 learners (men's dungarees).

Hesteco Manufacturing Co., Inc., 40 South John Street, Hummelstown, Pa.; effective 2-2-66 to 2-1-67; 5 learners (children's dresses).

Mount Airy Pants Factory, Mount Airy, Md.; effective 1-29-66 to 1-28-66; 10 learners (men's work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated .

Blue Ribbon Sportswear Co., Inc., 516 Depot Street, Shelbyville, Tenn.; effective 2-1-66 to 7-3-66; 40 learners (ladies' dungarees).

The H. D. Lee Co., Inc., Richland, Mo.; effective 2-2-66 to 8-1-66; 30 learners (dungarees).

Roanoke Manufacturing Co., Anniston, Ala.; effective 2-23-66 to 8-22-66; 20 learners (ladies' blouses).

J. M. Wood Manufacturing Co., Inc., 200 South Commerce, Waco, Tex., effective 1-31-66 to 7-30-66; 100 learners (work pants and work shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Wells Lamont Corp., Waynesboro, Miss.; effective 2-5-66 to 2-4-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The H. W. Gossard Co., Lingerie Division, 201 East Relief Street, Poplar Bluff, Mo.; effective 2-4-66 to 2-3-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's knit and woven underwear and nightwear).

Hazlehurst Manufacturing Co., Inc., 202 Gill Street, Hazlehurst, Ga.; effective 2-14-66 to 2-13-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR 528.

Signed at Washington, D.C., this 11th day of February 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc 66-1833; Filed, Feb. 21, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 17, 1966.

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

LONG-AND-SHORT HAUL

FSA No. 40313—*Grain to Louisiana and Texas Gulf Ports.* Filed by the Kansas City Southern Railway Co. (No. 1), for itself and on behalf of Louisiana & Arkansas Railway Co. Rates on wheat, corn, oats, rye, barley, and grain sorghums, in carloads, from Kansas City, Mo.-Kans., to Baton Rouge and New Orleans, La., also Beaumont and Port Arthur, Tex.

Grounds for relief—Unregulated barge and market competition, and port equalization.

Tariff—Supplement 10 to Kansas City Southern Railway Co. tariff ICC 5425.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-1866; Filed, Feb. 21, 1966; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.

FEDERAL REGISTER

VOLUME 31 • NUMBER 36

Tuesday, February 22, 1966 • Washington, D.C.

PART II

Export-Import Bank of Washington

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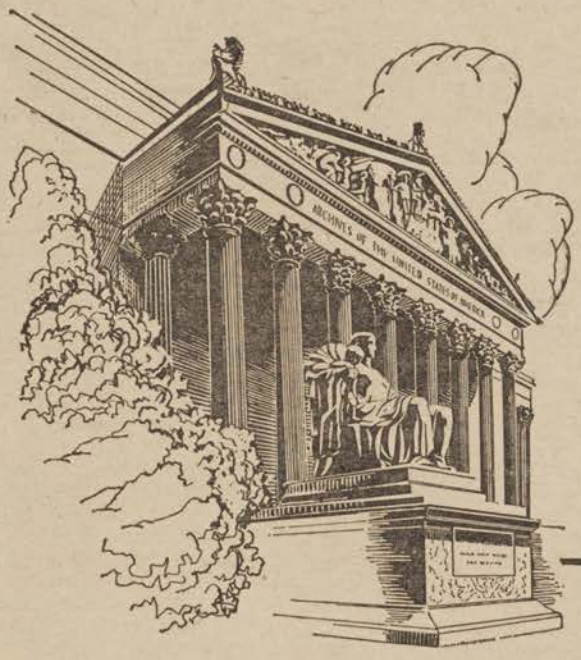
Standards of Conduct



Title 12—BANKS AND BANKING

Chapter IV—Export-Import Bank of Washington

PART 400—STANDARDS OF CONDUCT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 400—Standards of Conduct, is added to Chapter IV of Title 12 of the Code of Federal Regulations, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 400 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

§ 400.735–1 General.

(a) Subparts A through C of this Part 400 are issued to direct attention of Bank employees to certain important provisions of statute, in particular Public Law 87–849 effective January 21, 1963, relating to bribery, graft, and conflicts of interest, and to Executive Order 11222, dated May 8, 1965—Prescribing Standards of Ethical Conduct for Government Officers and Employees, and to set forth additional rules which each Bank employee must observe. The references to statutes appearing in Subparts A through C of this part are not intended to be complete and the comments are not intended to be exhaustive. Therefore, even though Bank employees shall be expected to conduct themselves in accordance with Subparts A through C of this part, they shall not regard these requirements as the entire expression of the highest standards of conduct and integrity.

(b) Subpart D of this Part 400 prescribes procedures governing the appointment and utilization of other than regular full-time Bank employees, and standards of conduct for persons appearing before the Bank other than as officers or employees of the Bank and standards of conduct applicable to special Government employees.

(c) Subpart E of this Part 400 prescribes procedures for the submission of statements of employment and financial interests.

Subpart A—Regular Full-Time Bank Employees—Standards of Conduct

§ 400.735–5 Gifts, gratuities, entertainment, and favors.

(a) *Constitutional and statutory.* (1) Criminal statutes prohibit a Bank employee from soliciting or receiving anything of value to himself or another in return for being influenced in the performance of an official act. (18 U.S.C. 201)

(2) Criminal statutes prohibit a Bank employee from soliciting or receiving for himself anything of value for or because of any official act performed or to be performed by the Bank employee. (18 U.S.C. 201)

(3) Criminal statutes forbid outside pay for Government work. (18 U.S.C. 209)

(4) Statutes prohibit a Bank employee from soliciting contributions from another Bank employee for a gift to a Bank employee in a superior official position, prohibit a Bank employee in a superior official position from accepting a gift presented as a contribution from Bank employees receiving less salary than himself, and prohibit a Bank employee from making a donation as a gift to a Bank employee in a superior official position. (5 U.S.C. 113)

(5) The Constitution prohibits an officer of the Federal Government from accepting a gift, present, decoration, or other thing from a foreign government unless authorized by act of Congress. (Article I, section 9)

(b) *Rules and comment.* (1) Except as provided in subparagraph (2) of this paragraph, a Bank employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with the Bank; or

(ii) Has interests that may be substantially affected by the performance or nonperformance of the Bank employee's official duty.

In those cases in which the tender of any such gift, gratuity or other thing of monetary value occurs under circumstances making the return thereof to the donor either impractical or impossible, or where it is considered that the return thereof would occasion embarrassment to the Bank, the Bank employee shall promptly deliver the item involved to the Administrative Officer of the Bank. All such items delivered to the Administrative Officer shall be disposed of by him in accordance with instructions of the Ethics Committee (see Subpart B of this part).

(2) Notwithstanding the foregoing, a Bank employee may:

(i) Accept gifts, entertainments, or favors given as a result of obvious family or personal relationships (such as those between parents, children, or spouse of the Bank employee and the Bank employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(ii) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting (including functions sponsored by a government or an embassy and ceremonial functions), or on an inspection tour where such Bank employee is authorized by the Bank to be in attendance;

(iii) Accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(iv) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

§ 400.735–6 Outside employment and other activities.

(a) *Statutory.* Criminal statutes forbid a Bank employee, except in discharge of official duty, from representing anyone else before a court or a Government agency in a matter in which the U.S. Government is a party or has a direct and substantial interest. (18 U.S.C. 205.)

(b) *Rules and comment.* (1) A Bank employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Bank employment. Incompatible activities include but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(ii) Outside employment which tends to impair his mental or physical capacity to perform his Bank duties and responsibilities in an acceptable manner.

(2) Bank employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, a Bank employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Bank employment, except when that information has been made available to the general public or will be made available on request, or when the President of the Bank gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(3) A Bank employee shall not engage in outside employment under a State or local government, except as approved by the President of the Bank in accordance with regulations of the Civil Service Commission.

(4) To assure that no possible conflict with Bank duties and interest shall arise, a Bank employee shall disclose the nature of all outside employment to the Ethics Committee and not undertake such employment unless the Ethics Committee shall approve.

(5) This § 400.735–6 shall not preclude a Bank employee from:

(i) Participating in discussions and meetings of a professional nature held outside of Washington to which such Bank employee has been invited and from receiving from outside sources bona fide reimbursement for actual expenses of travel and subsistence incurred in connection with his participation if such Bank employee's participation is not a part of his official duties at the Bank.

(ii) Accepting (unless prohibited by law) the unsolicited provision by others of transportation, lodging, or meals or the unsolicited reimbursement by others for the cost thereof provided acceptance by the Bank employee was made while the Bank employee was on official travel status and was engaged in Bank business, provided the transportation, lodging, or meals which were provided or subject to reimbursement by others, were not excessive in value and provided the Bank employee does not accept reimbursement from the Bank for such transportation, lodging, or meals.

(iii) Participating in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 400.735–7 Financial interest of Bank employee or connected person or entity.

(a) *Statutory.* Criminal statutes prohibit a Bank employee from participating in any Bank matter in which, to his knowledge, he, his spouse, his minor child, his partner, or any organization in which he is employed or negotiating to be employed has a financial interest (18 U.S.C. 208).

(b) *Rules and comment.* (1) The law does not specify the minimum financial interest which gives rise to a conflict of interest. If a Bank employee has occasion to act upon a matter in which to his knowledge he (or a person or an organization with whom he is closely connected) has any financial interest (whether in the form of securities or otherwise) he shall disqualify himself from acting. However, the statute authorizes a waiver under certain circumstances. If a Bank employee believes that the circumstances warrant the issuance of a waiver, he shall, before proceeding to act, disclose fully such interest to the official responsible for his appointment. He shall then act upon the matter only after he has received a written determination by the appointing official that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Bank may expect from the Bank employee. The power of exemption shall be exercised by the appointing official after consultation with the Ethics Committee.

(2) A Bank employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his duties or responsibilities at the Bank.

§ 400.735–8 Confidential information.

(a) *Statutory.* Criminal statutes prohibit a Bank employee from disclosing, other than as provided by law, business information obtained through his employment (18 U.S.C. 1905).

(b) *Rules and comment.* (1) A Bank employee shall not make available to anyone outside the Bank information or documents in the possession of the Bank and held by the Bank on a confidential basis.

(2) A Bank employee shall not engage in, directly or indirectly, financial transactions or further his personal interests, as a result of, or primarily relying upon, information obtained through his employment at the Bank.

(3) A Bank employee shall not make use or give the appearance of making use, or permit others to make use or give the apperance of making use, of official information not made available to the general public for the purpose of furthering a private interest.

(4) As a result of their official duties, Bank employees will frequently have access to business information of a confidential nature. Typically, this might involve expansion plans by companies seeking the Bank's financial assistance. Such information is disclosed for official use within the Bank and is made available for no other purpose than consideration of the loan application or other matters involved. Where such confidential business information might be compromised in responding to outside inquiries from apparently authorized or legitimate sources, such as other Government agencies, staff members should refer these inquiries to the Ethics Committee to determine whether the nature and circumstances of such inquiries justify disclosure of the particular information sought. Such information should be disclosed to part-time employees and consultants of the Bank only to the extent authorized by the officer responsible for the appointment of such part-time employee or consultant.

§ 400.735–9 Former employees.

(a) *Statutory.* Criminal statutes prohibit a former Bank employee from representing, at any time, anyone in connection with a matter in which the U.S. Government has an interest and on which he worked at the Bank, or representing anyone personally, within one year after leaving the Bank, in connection with a matter in which the U.S. Government has an interest and which was under his official responsibility during his last year at the Bank (18 U.S.C. 207).

(b) *Rules and comment.* When former Bank employees or former part-time or unpaid officers or employees of the Bank are acting as representatives of firms or organizations dealing with the Bank, their representation should be disclosed to the Ethics Committee to determine what action may be required with regard to the continued dealings by Bank employees with such representatives and no further dealings shall be had with the former employee until such determination shall be made.

§ 400.735–10 Future employment.

Bank regulations restrict a recipient of financial assistance from the Bank in hiring and utilizing a Bank employee. Negotiations by any Bank employee for future employment are to be fully disclosed to the Ethics Committee in those cases where the prospective employer has had more than incidental contact with the Bank or can be expected to seek the Bank's assistance in the future, and no Bank employee shall proceed with such negotiation without a determination by the Ethics Committee that he may thus proceed.

§ 400.735–11 Recommendation of outside services.

A Bank employe shall not indicate to anyone with whom the Bank has dealings any preference among suppliers, attorneys, engineers, or consultants as regards goods, equipment, or services to be provided in connection with any Bank assistance. It is established Bank policy to avoid placing any person or firm in a preferential position with respect to obtaining orders or contracts for materials or services. Bank employees are not to recommend the services of any attorney, engineer, economist or other consultant or adviser to any person or firm in connection with loan applications or other matters which have been or can be expected in the future to be brought before the Bank. It is recognized that borrowers, particularly foreign governments, and firms, may in good faith seek

the assistance of the Bank in selecting competent firms or consultants in connection with such matters as engineering surveys which might later form the basis for a loan application. If the interests of the Bank justify some guidance by the Bank itself in these situations, a comprehensive list of qualified firms may be furnished upon determination by the Ethics Committee of the propriety of such action.

§ 400.735–12 Use of Government property.

A Bank employee shall not, directly or indirectly, use, or allow the use of, Bank property of any kind, including property leased to the Bank, for other than officially approved activities. An employee has a positive duty to protect and conserve Bank property, including equipment, supplies, and other property entrusted or issued to him.

§ 400.735–13 Personal financial integrity.

A Bank employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the Bank employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Bank determines does not, under the circumstances, reflect adversely on the Bank as his employer.

§ 400.735–14 Gambling, betting, and lotteries.

A Bank employee shall not participate, while on Bank-owned or leased property, or while on duty for the Bank, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 400.735–15 General conduct prejudicial to the Bank.

A Bank employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Bank. A Bank employee shall avoid any action, whether or not specifically prohibited in this Subpart A, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Bank efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Bank decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Bank.

§ 400.735–16 Courtesy.

A Bank employee shall conduct himself in a manner that will assure effective accomplishment of his responsibilities and must observe the requirements of courtesy, consideration, and promptness in dealing with those seeking the Bank's assistance.

§ 400.735–17 Miscellaneous statutory provisions.

Attention of each Bank employee is directed to the following statutory provisions:

(a) The prohibition against a Bank employee participating in any manner upon the deliberation or determination of any matter affecting his personal interests or the interests of any corporation, partnership, or association in which he is directly or indirectly interested (12 U.S.C. 635a(e)).

(b) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(c) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest.

(d) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(e) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(f) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(g) The prohibitions against the disclosure of classified information (18 U.S.C. 798; 50 U.S.C. 783).

(h) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(i) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(j) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(k) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(l) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(m) The prohibition against mutilating or destroying a public record (18 U.S.C. 201).

(n) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(o) The prohibitions against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(p) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(q) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 118i and 18 U.S.C. 602, 603, 607, and 608).

Subpart B—Implementation

§ 400.735–20 Dissemination.

The Administrative Officer will cause all Bank employees to read Subparts A through C of this part at the time of their employment and at least annually thereafter. All Bank employees shall have read Subparts A through C of this part not later than 60 days after the effective date of issuance.

§ 400.735–21 Ethics Committee.

A committee on ethics (the Ethics Committee) is hereby established. It shall consist of the First Vice President, as Chairman, the Assistant General Counsel, and the Administrative Officer of the Bank. All notices to the Ethics Committee shall be given to its Chairman and only its Chairman shall speak for the Ethics Committee. The Ethics Committee is authorized and directed to take the actions referred to in §§ 400.735–5(b)(1), 400.735–6(b)(4), 400.735–7(b)(1), 400.735–8(b)(4), 400.735–9(b), 400.735–10, and 400.735–11. The Ethics Committee shall have the duty to assure that no appointment of a regular Bank employee is made if such appointment would create a conflict under § 400.735–6(b)(1) or § 400.735–7(b)(2).

§ 400.735–22 Counselor on Ethics.

The Chairman of the Ethics Committee shall serve as Counselor to the Bank and as the Bank's designee to the Civil Service Commission on matters covered by Subparts A through C of this part. He shall also coordinate the work of the Deputy Counselor on Ethics mentioned in § 400.735–23.

§ 400.735–23 Deputy Counselor on Ethics.

The General Counsel shall be Deputy Counselor on Ethics and shall be available to give authoritative advice and guidance to each Bank employee on matters covered by Subparts A through C of this part, including any matter arising under § 400.735–7(b)(2).

§ 400.735–24 Availability of counseling.

Each Bank employee may consult the General Counsel at any time for counseling on problems raised by Subparts A through C of this part.

§ 400.735–25 Complaints.

Complaints from any source concerning from within or outside the Bank, are through C of this part, whether emanating from within or outside the Bank, are to be submitted to the Chairman of the Ethics Committee.

§ 400.735–26 Disciplinary and other remedial action.

If a Bank employee violates any of the provisions of Subparts A through C of this part he shall be subject to the penalties provided by law, and to such additional disciplinary and other remedial action, including, among others, dismissal, suspension, or reduction in rank, as

is appropriate. Disciplinary and other remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Subpart C—Special Categories of Bank Employees

§ 400.735–30 Bank employees who are required to submit statements of employment and financial interests.

(a) Statements of employment and financial interests shall be submitted by the following Bank employees:

(1) Every Bank employee paid at a level of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1965, as amended, but not including the Bank employees who are subject to section 401(a) of Executive Order 11222; and

(2) Every Bank employee in grade GS–16 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act, but not including Bank employees who are subject to section 401(a) of Executive Order 11222.

(3) Those Bank employees in grades GS–13, GS–14, and GS–15 of the General Schedule established by the Classification Act of 1949, as amended, who occupy positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making or recommending a Bank decision or in taking or recommending Bank action in regard to activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(b) The time and manner of submission of statements, and the procedures with respect thereto, are specified in Subpart E of this part.

§ 400.735–31 Bank employees other than regular full-time.

Most of the statutes on employees' conduct are applicable to all directors, officers, and employees of the Bank, whether full-time or part-time, whether employed or retained on a consulting capacity, and whether compensated or not. However, there are special provisions applicable to part-time officers and employees of the Bank with regard to their activities before Government agencies and the prohibition against outside compensation does not apply to officers and employees who serve without pay or to certain officers and employees who serve part time. Administrative actions and rules applicable to other than full-time officers or employees of the Bank are covered by Subpart D of this part.

§ 400.735–32 Presidential appointees.

The rules set forth in Subpart A of this part are applicable to all Bank employees who were appointed to their positions by the President of the United States, except that for purposes of the determination by the official responsible for the Bank employee's appointment referred to in § 400.735–7(b)(1), members of the Board of Directors other than the President of the Bank, shall have such determination made by the President of the Bank. In addition, such Bank employees are subject to the provisions of Part IV of Executive Order 11222 of May 8, 1965, relating to submission of statements by Presidential appointees and to the requirement that they not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Bank, or which draws substantially on official data or ideas which have not become part of the body of public information.

Subpart D—Procedures Applicable to Other Than Regular Full-Time Bank Employees and Certain Related Standards of Conduct

§ 400.735–40 Procedures governing appointment and utilization.

Pursuant to Executive Order 11222, dated May 8, 1965, and Part 735 of Civil Service Commission regulations (5 CFR Part 735), this section sets forth the procedures which shall be observed in appointing and utilizing advisors, consultants, and part-time employees.

(a) No private person shall be requested to appear before the Bank to give advice, comment or service to the Bank except upon initiative of the Bank.

(b) Whenever a private person is requested to appear before the Bank to give advice, comment, or service to the Bank, it shall be determined whether he will appear on his own behalf or in a representative capacity for some party outside the U.S. Government or whether his appearance is under circumstances making him an officer or employee of the Bank.

(c) If he is to appear other than as an officer or employee of the Bank, he shall be caused to read the "Standards of Conduct for Persons Appearing before the Bank other than as Officers or Employees of the Bank" (§ 400.735–41).

(d) If he is to appear under circumstances making him an officer or employee of the Bank, he shall, prior to appointment, make disclosure, to the extent and in accordance with procedures specified by the Chairman of the Ethics Committee, of his private employment and financial interests. Such disclosure shall show, at least, all other employment (including the names of all corporations, companies, firms, State or local government organizations, research organizations and educational or other institutions in which the prospective officer or employee is serving as employee, officer, member, owner, director, trustee, advisor or consultant) and all financial interests which relate either directly or indirectly to the duties and responsibilities of the prospective officer or employee, but this requirement shall only apply if the salary, on an annual basis, of such prospective officer or employee is equal to or more than the minimum of grade GS–16 of the General Schedule established by the Classification Act of 1949, as amended, or if the salary, on an annual basis, of such prospective officer or employee is equal to the minimum of grade GS–13 but not more than the minimum of grade GS–16 of such General Schedule, and the position to be filled has basic duties and responsibilities which require the incumbent to exercise judgment in making or recommending a Bank decision or in taking or recommending Bank action in regard to activities where the decision or action has an economic impact on the interests of any non-Federal enterprise, or if such prospective officer or employee is to be an expert or consultant as defined in Chapter 304 of the Federal Personnel Manual. The Chairman of the Ethics Committee shall inquire as to the duties of the prospective officer or employee and as to confidential information which in the execution of his duties must necessarily be made available to the prospective officer or employee. The Chairman of the Ethics Committee shall determine whether or not the proposed appointment is free from probable conflicts of interest, taking into consideration the likelihood that the appointee may have to act in his official capacity on a matter in which he or someone connected with him has a financial interest, the likelihood that he may have to act in his private capacity with respect to a matter on which he will act in his official capacity or which may be pending before the Bank during the term of his appointment, and the likelihood that the appointee in his official capacity will acquire information which would be significant to him and not otherwise available to him in his private capacity. The Chairman of the Ethics Committee shall consult with the other members of the Ethics Committee on any of the foregoing matters to the extent he deems appropriate.

(e) If the proposed appointment is free from probable conflicts of interest, the candidate shall be given an appointment in writing. This appointment shall not extend for more than 365 days. It shall be determined at the time he is appointed to serve whether or not the appointee is a "special Government employee" for purposes of Public Law 87–849. This determination shall be made upon consideration of these factors:

(1) Whether or not he held at any time during the 365 days preceding appointment another appointment for temporary duties as an officer or employee of the U.S. Government (including in that term the executive and legislative branches of the U.S. Government, any independent agency of the United States, and the District of Columbia). The Chairman of the Ethics Committee shall coordinate with the respective agency or agencies of the U.S. Government the classification of persons who hold or have held such other appointment or appointments.

(2) If he has held no other appointment, an estimate shall be made of the number of days on which he is expected to work for the Bank during the next 365 days. For this computation, parts of days on which duty is performed shall be counted as full working days and Saturdays, Sundays, and holidays on

which duty is performed shall be included.

(3) If he has held one or more other appointments: (i) An estimate shall be made for each 365-day period following the date of his other appointment or appointments of the number of days which the appointee is expected to work for the Bank during the remaining days of each such period; (ii) an estimate shall be obtained from each other agency where he has an appointment as to the number of days the appointee is expected to work for such other agency during the remaining days of the 365-day period following the date of his appointment at such agency; and (iii) the number of days shall be obtained which the appointee has actually worked for each other agency subsequent to his appointment at such agency.

(4) If he has held no other appointment and he is estimated to work for the Bank more than 130 days during the next 365, he shall be designated on the Bank's records as "part-time employee (other than special Government employee)." If he is estimated to work for the Bank 130 days or less during the next 365, he shall be designated on the Bank's records as a special Government employee.

(5) If he has held one or more other appointments and if the sum of the number of days worked or estimated to be worked on all such appointments and the Bank's appointment during any of the 365-day periods after any of these appointments is more than 130 days, he shall be designated on the Bank's records as "part-time employee (other than special Government empolyee)." If such sum is less than 130 days, he shall be designated on the Bank's records as a special Government employee.

(f) If he is designated as "part-time employee (other than special Government employee)", he shall be informed to that effect, shall be caused to read Subparts A through C of this part, with the instruction that the statements therein (except, if he is serving without compensation, § 400.735–5(a)(3)) applicable to regular full-time Bank employees are equally applicable to him.

(g) If he is a special Government employee, he shall be informed to that effect and shall be caused to read the "Standards of Conduct Applicable to Special Government Employees" (§ 400.735–42).

(h) No person, while carried on the Bank's records as a special Government employee, shall be permitted to act as agent or attorney for anyone in connection with any matter which is or was pending before the Bank at any time when such person is or was carried on the Bank's records except if he has worked for the Bank, as of the day he acts, less than 61 days of the preceding 365 days. For this computation, parts of days on which duty is performed shall be counted as full working days and Saturdays, Sundays and holidays on which duty is performed shall be included.

(i) No person who is or once was carried on the Bank's records as a special Government employee shall be permitted to act as agent or attorney for anyone in connection with any matter which relates to the subject on which he is or was working at the Bank unless his thus acting as agent or attorney occurs with the knowledge and express written approval of the appointing officer responsible for his appointment.

(j) Each person who is retained or employed by the Bank and who is a special Government employee shall be advised of his obligation to keep the Bank informed of any additional appointments which he accepts to perform temporary duties as an officer or employee of the U.S. Government and promptly after each such advice it shall be determined, pursuant to the procedures of paragraph (e) of this section, whether or not such person continues as a special Government employee.

(k) Immediately after appointment of a person as an officer or employee of the Bank other than as a regular, full-time officer or employee of the Bank or after designation of a person who is to act as consultant to the Bank or who is to give advice, opinion, or service to the Bank in a capacity other than as a regular full-time director, officer or employee, the appointing officer, in the case of an appointment, or the Chairman of the Ethics Committee, in the case of any such designation, shall advise all directors, officers or employees of the Bank with whom the appointee or designee will deal as to the extent of confidential information to be made available to him with a view to avoiding as much as possible the disclosure of confidential information not needed for his functions or not available to his competitors in his private capacity or concerning the financial interest of himself or with which he is charged in his private capacity. The appointing officer shall instruct the appointee that information made available to him at the Bank must remain confidential in his hands and the Chairman of the Ethics Committee shall cause similar direction to be given to those utilizing the designee.

(l) Unless expressly provided otherwise, the determination required under the foregoing paragraphs shall be made by the officer who appoints or designates the individual in question upon consultation with the Chairman of the Ethics Committee.

(m) The Chairman of the Ethics Committee shall monitor the obligations of all advisors and consultants who do not hold appointments as officers or employees of the Bank. He shall advise those authorizing the services of such advisors and consultants of the requirements of this Subpart D with respect to such persons. Each appointing officer shall observe the requirements of this Subpart D in issuing each appointment as officer or employee of the Bank other than regular full-time employees of the Bank. After each such appointment the appointing officer shall be responsible for giving necessary advices and directions to permit fulfillment of the requirements of this Subpart D with respect to such appointment.

(n) If any officer or employee of the Bank, whether part-time or full-time, violates any of the rules set forth in this Subpart D, or in Subparts A through C of this part, to the extent such rules are applicable to such officer or employee, he shall be subject to the penalties provided by law and to such additional disciplinary action and other remedial action, including, among others, dismissal, suspension, or reduction in rank, as is appropriate. Disciplinary action and other remedial action shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 400.735–41 Standards of conduct for persons appearing before the Bank other than as officers or employees of the Bank.

The following is intended for the guidance of persons who are requested to appear before the Export-Import Bank of Washington to give advice, comment, or service to the Bank but who are not appearing in the status of an officer or employee of the Bank:

(a) *Inside information.* (1) The first principle of ethical behavior for the temporary or intermittent consultant or advisor is that he must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons, including particularly those with whom he has family, business or financial ties. The fact that the desired gain, if it materializes, will not take place at the expense of the Bank makes his action no less improper.

(2) An advisor or consultant must conduct himself in a manner devoid of the slightest suggestion that he is exploiting his Bank connection for private advantage. Thus, a consultant or advisor must not, on the basis of any inside information, enter into speculation, or recommend speculation to members of his family or business associates, in commodities, land, or the securities of any private company. He must obey this injunction even though his duties have no connection whatever with the Bank programs or activities which may affect the value of such commodities, land, or securities. And, he should be careful in his personal financial activities to avoid any appearance of acting on the basis of information obtained in the course of his activities with the Bank.

(3) It is important for consultants and advisors to have access to Bank data pertinent to their duties and to maintain familiarity with the Bank's plans and programs and the requirements thereof, within the area of their competence. Since it is frequently in the Bank's interest that information of this nature be made generally available to an affected industry, there is generally no impropriety in a consultant's or advisor's utilizing such information in the course of his non-Bank activities after it has become so available. However, a consultant or advisor may, in addition, acquire information which is not generally available to those outside the Bank. In that event, he may not use such informa-

tion for the special benefit of a business or other entity by which he is employed or retained or in which he has a financial interest.

(4) Consultants and advisors are encouraged to confer with appropriate persons at the Bank to assist them in the identification of information not generally available and in the resolution of any actual or potential conflict between duties to the Bank and to private employers or clients.

(5) Occasionally an individual who becomes a consultant or advisor to the Bank is, subsequent to his designation as such, requested by a private enterprise to act in a similar capacity. In some cases the request may give the appearance of being motivated by the desire of the private employer to secure inside information. Where the consultant or advisor has reason to believe that the request for his services is so motivated, he should make a choice between acceptance of the tendered private employment and continuation of his Bank consultancy. In such circumstances he may not engage in both.

(b) *Abuse of position.* An advisor or consultant shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

(c) *Gifts.* An advisor or consultant shall not receive or solicit anything of value as a gift, gratuity, or favor for himself or persons with whom he has family, business, or financial ties, if the acceptance thereof would result in his loss of complete independence or impartiality in serving the Bank.

§ 400.735–42 Standards of conduct applicable to special Government employees.

The following is intended for the guidance of special Government employees who are working for the Bank:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* (1) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) A special Government employee is encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, a special Government employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Bank employment, except when that information has been made available to the general public or will be available on request, or when the President of the Bank gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* (1) Except as provided in subparagraph (2) of this paragraph, a special Government employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with the Bank; or

(ii) Has interests that may be substantially affected by the performance or nonperformance of the special Government employee's official duty.

In those cases in which the tender of any such gift, gratuity, or other thing of monetary value occurs under circumstances making the return thereof to the donor either impractical or impossible, or where it is considered that the return thereof would occasion embarrassment to the Bank, the special Government employee shall promptly deliver the item involved to the Administrative Officer of the Bank. All such items delivered to the Administrative Officer shall be disposed of by him in accordance with instructions of the Ethics Committee.

(2) Notwithstanding the foregoing, a special Government employee may:

(i) Accept gifts, entertainments, or favors given as a result of obvious family or personal relationships (such as those between parents, children, or spouse of the special Government employee and the special Government employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(ii) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting (including functions sponsored by a government or an embassy and ceremonial functions), or on an inspection tour where such special Government employee is authorized by the Bank to be in attendance;

(iii) Accept loans from banks or other financial institutions on customary terms to finance proper and normal activities of employees, such as home mortgage loans; and

(iv) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(e) *Further disclosure.* If a special Government employee submitted to the Bank information as to his private employment and financial interests, he shall advise the Bank of any major change in such information promptly after such change has occurred. A special Government employee shall promptly advise the Bank of any additional employment with other Government agencies which he may have accepted after his appointment by the Bank.

(f) *Representation on matter pending.* No person while carried on the Bank's records as a special Government employee shall be permitted to act as agent or attorney for anyone in connection with any matter which is or was pending before the Bank at any time when such person is or was carried on the Bank's records except if he has worked for the Bank, as of the day he acts, less than 61 days of the preceding 365 days, but the exception shall not apply if such person had been disqualified with respect to the same matter at any previous time.

(g) *Representation on matter worked on.* No person who is or once was carried on the Bank's records as a special Government employee shall be permitted to act as agent or attorney for anyone in connection with any matter which relates to the subject on which he is or was working at the Bank unless his thus acting as agent or attorney occurs with the knowledge and express written approval of the appointing officer responsible for his appointment.

(h) *Statements of employment and financial interests.* Statements of employment and financial interests shall be submitted by every special Government employee who is being paid at a salary which, on an annual basis, is equal to or more than the minimum of grade GS–16 of the General Schedule established by the Classification Act of 1949, as amended, by every special Government employee who is being paid at a salary which, on an annual basis, is equal to the minimum of grade GS–13 but not more than the minimum of grade GS–16 of such General Schedule, and whose basic duties and responsibilities require him to exercise judgment in making or recommending a Bank decision or in taking or recommending Bank action in regard to activities where the decision or action has an economic impact on the interests of any non-Federal enterprise, and by every special Government employee who is an expert or consultant as defined in Chapter 304 of the Federal Personnel Manual. The time and manner of submission of statements, and the procedures with respect thereto are specified in Subpart E of this part.

(i) *Statutory provisions.* Attention is directed to the following statutory provisions:

(1) The prohibition against a Bank employee participating, in any manner, upon the deliberation or determination of any matter affecting his personal interest or the interests of any corporation, partnership, or association in which he is directly or indirectly interested (12 U.S.C. 635a(e)).

(2) The prohibition against bribes and related offenses (18 U.S.C. 201).

(3) The prohibition against gifts among Government employees who are in the position of superior-subordinate to each other (5 U.S.C. 113).

(4) The prohibition against gifts and so forth from a foreign government unless authorized by act of Congress (Article I, section 9 of the U.S. Constitution).

(5) The prohibition relating to conflicts of interests and related offenses (18 U.S.C. 203, 205, 207, and 208).

(6) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(7) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(8) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(9) The prohibition against: (i) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (ii) the disclosure of confidential information (18 U.S.C. 1905).

(10) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(11) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(12) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(13) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(14) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(15) The prohibition against: (i) Embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(16) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(17) The prohibition against proscribed political activities—the Hatch Act (5 U.S.C. 118i 18 U.S.C. 602, 603, 607, and 608).

Subpart E—Procedures for Submission of Statements of Employment and Financial Interests

§ 400.735–50 Applicability.

Pursuant to Executive Order 11222 dated May 8, 1965, and Part 735 of Civil Service Commission regulations (5 CFR Part 735), this Subpart E sets forth the rules which shall apply in connection with the submission of statements of employment and financial interests.

§ 400.735–51 Time and place for submission.

Statements referred to shall be submitted not later than 90 days after the effective date of this part by all employees of the Bank (whether full-time or part-time) who are required to submit such statements, if they are such employees, on or before such effective date. Employees who, after such effective date, are appointed to a position requiring submission of such statements, shall submit such statements within 30 days after appointment or within 90 days after such effective date, whichever is later. All statements shall be submitted to the Chairman of the Ethics Committee. At the end of each calendar quarter (March 31, June 30, September 30, and December 31) of each year, each employee who has previously submitted any such statement shall submit supplementary statements, if during the quarter anything occurred which would require changes in, or additions to, the information submitted previously. A statement shall be submitted each June 30, regardless of whether or not there were occurrences which would require changes in, or additions to, information previously submitted.

§ 400.735–52 Form of statements.

Statements of employment and financial interests shall be submitted on standard forms provided by the Civil Service Commission, copies of which are available in the Personnel Office of the Bank. The following rules shall be observed in preparing the statements:

(a) The interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this paragraph (a), "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(b) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(c) An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purpose of this paragraph (c), educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 400.735–53 Confidentiality of employees' statements.

The Bank shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. The Bank may not disclose information from a statement except as the Civil Service Commission or the President of the Bank may determine for good cause shown.

§ 400.735–54 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 400.735–55 Review of statements and remedial action.

All statements submitted to the Chairman of the Ethics Committee shall be reviewed by him in consultation with the other members of the Ethics Committee as he deems appropriate. If any statement or information from other sources discloses a conflict of interest, or an apparent conflict of interest, between the interests of an employee and the performance of such employee's duties at the Bank, the Chairman of the Ethics Committee shall give such employee an opportunity to explain such conflict, or apparent conflict, and if such explanation is not satisfactory, the Chairman of the Ethics Committee shall take such action as he deems appropriate to resolve such conflict, or apparent conflict. If the Chairman of the Ethics Committee is unable to resolve such conflict, or apparent conflict, he shall report the matter to the President of the Bank who shall then take appropriate remedial action to end such conflict, or apparent conflict. Remedial action may include, but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee of his conflicting interest;

(c) Disciplinary action; or

(d) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

Rescissions. This Part 400 has been approved by the Civil Service Commission under date of January 18, 1966. This part supersedes Staff Memorandum No. 46, dated May 2, 1963, and my two memoranda to the Ethics Committee and Appointing Officers, dated May 2, 1963.

Effective date. This Part 400 shall become effective on publication in the FEDERAL REGISTER.

HAROLD F. LINDER,
President.

[F. R. Doc. 66–1851; Filed, Feb. 21, 1966; 8:48 a.m.]