AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# FEDERAL REGISTER

VOLUME 31 • NUMBER 50

Tuesday, March 15, 1966 • Washington, D.C.

Pages 4381–4440

**Agencies in this issue—**



**Detailed list of Contents appears inside.**

*Just Released*

# CODE OF FEDERAL REGULATIONS

(As of January 1, 1966)

Title 26—Internal Revenue Part 1 (§§ 1.641–1.850)
(Revised)
$1.00

Title 29—Labor (Parts 1–499)
(Revised)
$0.65

Title 29—Labor (Part 900 to End)
(Revised)
$0.65

Title 41—Public Contracts and Property Management
(Chapters 5–5D)
(Revised)
$0.50

A cumulative checklist of CFR issuances for 1966
appears in the first issue of each month under Title 1.

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 963–3261

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents



(*Continued on next page*)

# List of CFR Parts Affected

**(Codification Guide)**

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.**

### 5 CFR

213 ---- 4385
550 ---- 4385

### 7 CFR

301 (6 documents) ---- 4385–4388
1427 ---- 4389

### 10 CFR

2 ---- 4389

### 12 CFR

201 ---- 4390
262 ---- 4390
563 ---- 4390
PROPOSED RULES:
545 ---- 4416

### 14 CFR

71 (2 documents) ---- 4396
PROPOSED RULES:
71 (3 documents) ---- 4414, 4415
73 (3 documents) ---- 4414, 4415

### 16 CFR

13 (6 documents) ---- 4397–4400

### 21 CFR

8 ---- 4396
PROPOSED RULES:
27 ---- 4413

### 22 CFR

601 ---- 4391

### 33 CFR

82 ---- 4401

### 37 CFR

PROPOSED RULES:
1 ---- 4412

### 42 CFR

58 ---- 4402
59 ---- 4402

### 45 CFR

112 ---- 4403
113 ---- 4405

### 46 CFR

221 ---- 4407
298 ---- 4407

### 47 CFR

73 ---- 4390

### 50 CFR

28 ---- 4411

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3316 has been amended to show that the Schedule C positions of Assistant and Deputy Assistant to the Secretary (for Educational Television), Assistant to the Under Secretary (Manpower Training), and Staff Assistant to the Under Secretary (Manpower Training) now report to the Assistant Secretary for Education. Effective on publication in the FEDERAL REGISTER, subparagraphs (16), (17), (18), and (19) of paragraph (a) of § 213.3316 are revoked, and subparagraphs (3), (4), (5), and (6) are added to paragraph (j) of § 213.3316 as set out below.

**§ 213.3316 Department of Health, Education, and Welfare.**

* * * * *

(j) *Office of the Assistant Secretary for Education.* * * *

(3) One Assistant to the Assistant Secretary for Education (Manpower Training).

(4) One Staff Assistant to the Assistant Secretary for Education (Manpower Training).

(5) One Assistant to the Assistant Secretary for Education (Educational Television).

(6) One Deputy Assistant to the Assistant Secretary for Education (Educational Television).

* * * * *

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

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

[F.R. Doc. 66-2691; Filed, Mar. 14, 1966; 8:47 a.m]

---

### PART 550—PAY ADMINISTRATION (GENERAL)

### Subpart C—Allotments and Assignments From Federal Employees

CIRCUMSTANCES UNDER WHICH ALLOTMENTS ARE PERMITTED

Section 550.304 is amended to show that a department may permit an employee to make an allotment for the payment of dues to an employee organization when the head of the department has determined that the organization is eligible for formal or exclusive recognition under Executive Order 10988 and the department has agreed in writing to deduct allotments for the payment of dues to the organization and to recover the costs of making the deduction. Heretofore, in addition to the foregoing, the organization must have actually been accorded formal or exclusive recognition under Executive Order 10988. Section 550.304 is amended as set out below.

**§ 550.304 Circumstances under which allotments are permitted.**

(a) A department may permit an employee to make an allotment on a current basis when he is: * * *

(5) A number of an employee organization which the head of a department has determined to be eligible for formal or exclusive recognition under Executive Order 10988 and with which a department has agreed in writing to deduct allotments for the payment of dues to the employee organization and to recover the costs of making the deduction.

* * * * *

(Sec. 6, 75 Stat. 664; 5 U.S.C. 3076; E.O. 10982; 27 F.R. 3, 3 CFR, 1962 Supp.)

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

[F.R. Doc. 66-2692; Filed, Mar. 14, 1966; 8:47 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 533, 5th Rev.]

### PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Japanese Beetle

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.48(a) of the Japanese beetle notice of quarantine (7 CFR 301.48(a)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.48a are hereby amended to read as follows:

**§ 301.48a Administrative instructions exempting certain articles from requirements of regulations.[1]**

The following articles are exempted from the certification and limited permit requirements of § 301.48–3(a), except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Humus, compost, and decomposed manure, if dehydrated, ground, pulverized, or compressed.

(2) True bulbs, corms, and tubers (other than dahlia tubers), if dormant, except for storage growth, and if free from soil.

(3) Single dahlia tubers or small dahlia root-divisions, if free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, are not exempted and must comply with § 301.48–3(a)).

(4) Plants, if growing exclusively in Osmunda fiber or chipped or shredded bark.

(5) Trailing arbutus or Mayflower (Epigaea repens), if free from soil.

(6) Moss, clubmoss, and ground-pine or running-pine, if free from soil.

(7) Soil-free aquatic plants.

(8) Soil-free sweetpotato draws.

(9) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

(b) Soil samples of one pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory operating under a dealer-carrier agreement; provided that soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempt: *And provided further,* That samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.

(c) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(d) Any regulated articles transported via mail or by a common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area: *Provided, however,* That this exemption will not apply to the movement of regulated articles from the generally infested areas to the suppressive areas.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8,

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.48)

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 533, 4th Revision, effective August 12, 1964.

This amendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the Japanese beetle regulations soil samples of any size that are collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the U.S. Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling, and shipping soil samples. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of such soil samples under the conditions specified in the amendment which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 66-2724; Filed, Mar. 14, 1966; 8:51 a.m.]

---

[P.P.C. 485, 5th Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—White-Fringed Beetle

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.72(b)(2)(ii) of the white-fringed beetle notice of quarantine (7 CFR 301.72(b)(2)(ii)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.72a are hereby amended to read as follows:

**§ 301.72a Administrative instructions exempting certain articles from requirements of regulations.[1]**

The following articles are exempted from the certification and limited permit requirements of § 301.72–3, except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(b) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector; and if such articles are free of soil or if the storage yard and premises or environs thereof, from which the articles are to be moved, have been surface treated with an insecticide at administratively approved dosages and at intervals prescribed by the inspector:

(1) Brick, tile, stone; concrete slabs, pipe, and building blocks; and cinders.

(2) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(c) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory operating under a dealer-carrier agreement; provided that soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted; and provided further that soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.

(d) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.72)

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 485, 4th Revision, 7 CFR 301.72a, effective September 17, 1964.

This amendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the white-fringed beetle regulations soil samples of any size that are collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the U.S. Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling and shipping soil samples. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of such soil samples under the conditions specified in the amendment which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 66-2725; Filed, Mar. 14, 1966; 8:51 a.m.]

---

[P.P.C. 614, 3d Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—European Chafer

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.77(b)(2) of the European chafer notice of quarantine (7 CFR 301.77(b)(2)), under sections 8 and 9 of the Plant

Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.77a are hereby amended to read as follows:

**§ 301.77a Administrative instructions exempting certain articles from requirements of regulations.[1]**

The following articles are exempted from the certification and limited permit requirements of § 301.77–3, except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) True bulbs, corms, tubers, and rhizomes, if free from soil, except that clumps of dahlia tubers are not exempt.

(2) Plants, if growing exclusively in Osmunda fiber or chipped or shredded bark.

(3) Trailing arbutus or Mayflower (Epigaea repens), moss, clubmoss, and ground-pine or running pine, if free from soil.

(4) Soil-free aquatic plants.

(5) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the European chafer.

(6) Humus, peat, compost, and decomposed manure, if dehydrated, ground, pulverized, or compressed.

(b) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory operating under a dealer-carrier agreement; provided that soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted; and provided further that soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.

(c) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.77)

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 614, 2d Rev., 7 CFR 301.77a, effective May 5, 1965.

This amendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the European chafer regulations soil samples of any size that are collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the U.S. Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling, and shipping soil samples. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of such soil samples under the conditions specified in the amendment which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 66–2722; Filed, Mar. 14, 1966; 8:51 a.m.]

[P.P.C. 623, 2d Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Soybean Cyst Nematode

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.79(a) of the soybean cyst nematode notice of quarantine (7 CFR 301.79(a)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.79a are hereby amended to read as follows:

**§ 301.79a Administrative instructions exempting certain articles from requirements of regulations.[1]**

The following articles are exempted from the certification and limited permit requirements of § 301.79–3(a), except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Root crops such as beets, carrots, Irish potatoes, onions, radishes, rutabagas, sweet potatoes, and turnips, if moving to a designated processing plant[2] or if cleaned free of soil; except that sugar beets are not hereby exempted.

(2) True bulbs and corms which have been stored for a minimum of 90 days and are cleaned free of soil.

(3) Soybeans and small grains, if harvested in bulk or directly into new or treated containers, if the beans and grains and containers thereof have not come in contact with the soil, and if the beans and grains are for uses other than planting.

(4) Ear corn, if harvested in bulk or directly into new or treated containers, and if the corn and containers thereof have not come in contact with the soil.

(5) Seed cotton if moving to designated gins.[2]

(6) Used farm tools and implements, if cleaned free of soil; except that this exemption shall not apply to used farm harvesting machinery.

(7) Cotton picking sacks, if they have been cleaned or treated to the satisfaction of the inspector.

(b) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(c) Peanuts, if consigned to designated processing plants,[2] provided that all shipping containers, bags, and vehicles in which they are transported, are cleaned or treated, and handled to the satisfaction of the inspector.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.79)

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 623, 7 CFR 301.79a, effective March 31, 1960.

This admendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the soybean cyst nematode regulations soil samples of any size that are collected and shipped to a United States Army

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated processing plants and gins may be obtained from the inspector.

Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the United States Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling, and shipping soil samples. In addition, true bulbs and corms, and peanuts are added to such list of articles under specified conditions. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of soil samples, true bulbs and corms, and peanuts, under conditions specified in the amendment, which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the articles which are being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 66-2721; Filed, Mar. 14, 1966; 8:51 a.m.]

---

[P.P.C. 628, 1st Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Witchweed

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.80(a) of the witchweed notice of quarantine (7 CFR 301.80(a)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.80a are hereby amended to read as follows:

**§ 301.80a Administrative instructions exempting certain articles from requirements of regulations.[1]**

The following articles are exempted from the certification and limited permit requirements of § 301.80-3(a), except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Root crops, such as turnips, carrots, and sweetpotatoes, if moving to a designated processing plant,[2] or if washed free of soil.

(2) Seed cotton, if moving to a designated gin.[2]

(3) Tobacco, if cured by the normal flue-curing process.

(4) Soybeans for uses other than planting (i) if such beans have been harvested in a manner satisfactory to an inspector and the beans and any containers for the beans did not come in contact with the soil during harvesting, and if such beans are moving forthwith to a designated oil mill or storage facility[2] for crushing or cleaning; or (ii) if the beans have been cleaned with an air-blast cleaner having a capacity of 2,500 feet per minute.

(5) Small grains (i) if such grains and any containers for the grains did not come in contact with the soil during harvesting; or (ii) if such grains are cleaned at a designated facility[2] to the satisfaction of the inspector.

(6) Ear corn (i) if shucked; or (ii) if harvested without coming in contact with the soil.

(7) Used farm tools or implements, if washed, steam cleaned, or air cleaned. (This exemption does not apply to cotton picking equipment, corn pickers, combines, hay balers, peanut pickers, or any other self-propelled farm machinery.)

(b) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 FR. 5801; 7 CFR 301.80)

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 628, 7 CFR 301.80a, effective September 6, 1957.

This amendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the witchweed regulations soil samples of any size that are collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the U.S. Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling, and shipping soil samples. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of such soil samples under the conditions specified in the amendment which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other pubic procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director,*
*Plant Pest Control Division.*

[F.R. Doc. 66-2726; Filed, Mar. 14, 1966; 8:51 a.m.]

---

[P.P.C. 638, 1st Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Imported Fire Ant

ADMINISTRATIVE INSTRUCTIONS

Pursuant to the authority contained in § 301.81(a) of the imported fire ant notice of quarantine (7 CFR 301.81(a)), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated processing plants, oil mills, warehouses, storage facilities, and gins may be obtained from the inspector.

301.81a are hereby amended to read as follows:

§ 301.81a **Administrative instructions exempting certain articles from requirements of regulations.**[1]

The following articles are exempted from the certification and limited permit requirements of § 301.81–3(a), except as otherwise provided in this section, under the specific conditions hereinafter set forth.

(a) The following articles if they have not been exposed to infestation or if sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Pulpwood, if the storage area from which it is to be moved has been treated with an insecticide at administratively approved dosages and at intervals prescribed by the inspector; and if it is loaded into railroad cars and treated with an insecticide as administratively approved dosages.

(2) Stumpwood, if the storage area from which it is to be moved has been treated with an insecticide at administratively approved dosages and at intervals prescribed by the inspector; if it is free of excessive amounts of soil; if it is loaded into railroad cars and treated with an insecticide at administratively approved dosages; and if it is consigned to plants operating under a dealer-carrier agreement.

(b) Soil samples of 1 pound or less which are packaged so that no soil will be spilled in transit, and are consigned to a laboratory operating under a dealer-carrier agreement: *Provided*, That soil samples originating in areas under Federal or State regulation because of infestation with soybean cyst nematode, golden nematode, or witchweed are not exempted: *And provided further*, That soil samples originating in areas under such regulation because of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, or Texas. One pound samples meeting the requirements set forth above may be assembled in a single package for shipping purposes.

(c) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory, located within the conterminous United States, in accordance with the dealer-carrier agreement pertaining to such consignments.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.81)

These administrative instructions shall become effective March 15, 1966, when they shall supersede P.P.C. 638, 7 CFR 301.81a, effective November 25, 1964.

The amendment of the administrative instructions adds to the list of articles that are exempted from the certification and limited permit requirements of the imported fire ant regulations soil samples of any size that are collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States if such samples are handled in accordance with the dealer-carrier agreement pertaining thereto. This exemption is based on the fact that the U.S. Army Corps of Engineers has control over the collection, processing, and disposition of soil samples handled by its laboratories and has entered into a dealer-carrier agreement with the Plant Pest Control Division agreeing to specified conditions for collecting, handling, and shipping soil samples. The Director of the Plant Pest Control Division has determined that facts exist as to the pest risk involved in the movement of such soil samples under the conditions specified in the amendment which make it safe to relieve the certification and limited permit requirements pertaining to such movement.

In addition, certain nonsubstantive changes have been made in the format of the administrative instructions.

To the extent that this amendment relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the article which is being exempted from the certification and limited permit requirements of the regulations. Insofar as the amendment contains nonsubstantive changes in format, notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 10th day of March 1966.

[SEAL] E. D. BURGESS,
*Director, Plant Pest Control Division.*

[F.R. Doc. 66–2723; Filed, Mar. 14, 1966; 8:51 a.m.]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 2]

## PART 1427—COTTON

### Subpart—Cotton Loan Program Regulations

EARLY DELIVERY AND ACQUISITION OF 1965-CROP UPLAND LOAN COTTON

In order to provide for delivery of 1965-crop upland loan cotton to Commodity Credit Corporation in satisfaction of the loans on such cotton prior to maturity, § 1427.1368 of the Cotton Loan Program Regulations issued by Commodity Credit Corporation (30 F.R. 8896) is hereby amended by adding a new paragraph (e) to read as follows:

§ 1427.1368 **Maturity.**

* * * * *

(e) Producers having outstanding loans on 1965-crop upland cotton may deliver such cotton to CCC in full satisfaction of the loans on such cotton at any time between March 20, 1966, and the maturity date of the loans, August 1, 1966. Any producer desiring to make delivery of the cotton securing any such loan may do so by submitting a notice, in the form prescribed by CCC to the county office which keeps the farm records for the farm on which the cotton was produced. Similarly, any cotton cooperative marketing association which has outstanding loans on 1965-crop upland cotton may deliver any such cotton to CCC in full satisfaction of the amount due with respect to such cotton at any time between March 20, 1966, and August 1, 1966, by submission to the New Orleans Office of a notice in the form prescribed by CCC. Upon acceptance of such notices by CCC, full title to the loan cotton listed thereon shall vest in CCC in satisfaction of the loans on such cotton: *Provided, however*, That with respect to any cotton listed on any such notice as to which there is a basis for a claim by Commodity Credit Corporation against the borrower under the terms of the loan agreement, the acceptance of such notice shall not constitute a satisfaction of any claims of Commodity Credit Corporation against the borrower arising out of the loans on such cotton.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C., 1441, 1444, 1421)

Signed at Washington, D.C., March 9, 1966.

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

Approved: March 10, 1966.

ORVILLE L. FREEMAN,
*Secretary of Agriculture.*

[F.R. Doc. 66–2727; Filed, Mar. 14, 1966; 8:51 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 2—RULES OF PRACTICE

### Service of Papers Upon Attorney

Public Law 89–332, 79 Stat. 1281, which was approved November 8, 1965, provides that members of the bar in good standing may represent other persons before federal agencies.

Section 2 of P.L. 89–332 provides that:

When any participant in any matter before an agency is represented by a person qualified pursuant to subsection (a) or (b) of section 1, any notice or other written communication required or permitted to be given to such participant in such matter shall be given to such representative in addition to any other service specifically required by statute * * *.

This section makes mandatory service of papers upon the attorney representing a party.

Section 2.712(b) of 10 CFR Part 2, which pertains to service of papers in Commission adjudicatory proceedings involving licensing and compliance, provides, in part, that: "When a party has appeared by attorney, service *may* be made upon the attorney of record." (Emphasis supplied.)

In order to make the Commission's rules of practice in licensing and compliance proceedings consistent with P.L. 89–332, the Commission has adopted the amendment to § 2.712(b) of Part 2 published below, making service upon the attorney of a party mandatory.

Inasmuch as this amendment relates to agency procedure and practice, the Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary.

Accordingly, the following amendment to 10 CFR Part 2 is published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

Paragraph (b) of § 2.712 is revised to read as follows:

**§ 2.712 Service of papers, methods, proof.**

* * * * *

(b) *Who may be served.* Any paper required to be served upon a party shall be served upon him or upon the representative designated by him or by law to receive service of papers. When a party has appeared by attorney, service must be made upon the attorney of record.

* * * * *

Dated at Washington, D.C., this 8th day of March 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary.*

[F.R. Doc. 66–2659; Filed, Mar. 14, 1966; 8:45 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

### PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

#### Advances

**§ 201.106 Eligibility of Small Business Administration notes for purchase and as security for advances by Federal Reserve Banks.**

(a) The Board of Governors has been asked whether notes fully guaranteed as to principal and interest by the Small Business Administration ("SBA") under its small business investment company program are eligible for purchase by Federal Reserve Banks under section 14(b) of the Federal Reserve Act (12 U.S.C. 355), and as security for advances to member banks under the eighth paragraph of section 13 of that Act (12 U.S.C. 347).

(b) It is understood that the loans in question are made to small business investment companies ("SBICs") pursuant to authority of section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)). The stated purpose of the SBIC program is to provide equity capital and long-term funds, through the medium of SBICs, to small business concerns for the financing of their operations and for their growth, expansion, and modernization.

(c) It is further understood that the loans to SBICs are made under one of two lending programs instituted by the SBA. Under the first program SBA sells with recourse to private financial institutions loans originally made by SBA to SBICs. Under the second program SBA guarantees loans made in the first instance by private financial institutions to SBICs.

(d) The eighth paragraph of section 13 provides in part that any Reserve Bank "* * * may make advances for periods not exceeding 90 days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible * * * for purchase by Federal reserve banks under the provisions of this Act." Under section 14(b) of the Act, Reserve Banks may purchase, subject to limitations not here relevant, "any bonds, notes, or other obligations * * * which are fully guaranteed by the United States as to principal and interest".

(e) Although the Small Business Investment Act does not expressly pledge the "faith" or "credit" of the United States to the redemption of the SBA guaranteed notes, the Attorney General of the United States has stated that a guaranty by a Government agency is an obligation fully binding on the United States despite the absence of language in the statute expressly pledging the faith or credit of the Government to the redemption of the guaranty (42 Op. A.G. No. 1 of Apr. 14, 1961).

(f) On the basis of this opinion and the authorities cited therein, the Board has concluded that notes of the kind here involved covered by a 100 percent SBA guaranty are fully guaranteed by the United States as to principal and interest within the meaning of section 14(b) of the Federal Reserve Act. Any such guaranteed notes are, therefore, eligible for purchase and as security for advances by Federal Reserve Banks.

(g) The notes herein involved are to be distinguished from notes guaranteed by SBA under section 7(a) of the Small Business Act (15 U.S.C. 636). Those notes are guaranteed by SBA only up to a maximum of 90 percent of the balance due and, therefore, are not "fully guaranteed" by the United States.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 347 and 355)

Dated at Washington, D.C., this 7th day of March 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 66–2694; Filed, Mar. 14, 1966; 8:48 a.m.]

### PART 262—RULES OF PROCEDURE

#### Merger Applications

*Correction*

In F.R. Doc. 66–2487 appearing at page 4197 in the issue for Thursday, March 10, 1966, that portion of § 262.2(f)(5)(ii) now reading "the 13th calendar day" is corrected to read "the 30th calendar day".

## Chapter V—Federal Home Loan Bank Board

[No. FSLIC–2,474]

### PART 563—OPERATIONS

#### Insurance Accounts

*Correction*

In F.R. Doc. 66–2114 appearing at page 3229 in the issue for Tuesday, March 1, 1966, the last line in the first paragraph in item II.B.5. *Dividend rate practices* is corrected to read: "Furthermore, there is a close association between high dividend rates and higher than average scheduled items."

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 66–137]

### PART 73—RADIO BROADCAST SERVICES

#### Fostering Expanded Use of UHF Television Channels; Fifth Report and Memorandum Opinion and Order

*Correction*

In F.R. Doc. 66–1706 appearing at page 2932 in the issue for Saturday, February 19, 1966, the following corrections are made in Appendix A. The entry for Albany-Schenectady, N.Y., now reading "29", should read "*29". The entry for State College, Pa., now reading "25", should read "*25".

# Title 22—FOREIGN RELATIONS

## Chapter VI—U.S. Arms Control and Disarmament Agency

## PART 601—CONDUCT OF EMPLOYEES

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, a new Chapter VI is added to Title 22 of the Code of Federal Regulations, consisting of Part 601 which reads as follows:

Sec.



AUTHORITY: The provisions of this Part 601 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

### § 601.735–1 Definitions.

As used in this part:

(a) "ACDA" and "Agency" mean the U.S. Arms Control and Disarmament Agency.

(b) "Employee" includes anyone serving in the Agency as:

(1) A person appointed by the President and confirmed by the Senate to a position in the Agency.

(2) A person appointed by the Director or by his designee to a position in the Agency.

(3) A special Government employee.

(c) "Regular officer or employee" means an employee as defined in paragraph (b) (1) and (2) of this section.

(d) "Special Government employee" means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed by the Agency.[1]

## Subpart A—Standards of Conduct

### § 601.735–10 General.

(a) All employees of the Arms Control and Disarmament Agency are required to conduct themselves in such a manner as to create and maintain respect for ACDA and the U.S. Government, to avoid situations which require or appear to require a balancing of private interests or obligations against official duties, to be mindful of the high standards of integrity expected of them in all their activities, both personal and official, and to conform with the standards of conduct and with the applicable statutes, rules, and regulations governing their activities. Particularly, an employee shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any organization or person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality of action;

(5) Making a Government decision outside official channels;

(6) Affecting adversely the confidence of the public in the integrity of the Government;

(7) Using 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.

(b) An officer or employee of another Federal agency, a Foreign Service officer or employee, and a member of the uniformed services as defined in 37 U.S.C. 101(3) who is assigned or loaned to the ACDA shall adhere to the standards of conduct applicable to employees as set forth in this part.

### § 601.735–11 Ethical and regulatory standards of conduct of employees.

The Code of Ethics for Government Service set forth by the Legislative Branch in House Concurrent Resolution 175, passed in 1958; Standards of Ethical Conduct for Government Officers and Employees set forth by the President in Executive Order 11222, dated May 8, 1965, and in the regulations issued by the Civil Service Commission pursuant to that Executive order (5 CFR Part 735); statutes, rules, and regulations governing conduct of employees; and regulations set forth in the ACDA Manual shall govern ACDA employees in their service to the Government.

### § 601.735–12 Statutes, rules, and regulations governing conduct of employees.

(a) *Conflict of interest statutes.* The provisions of 18 U.S.C. 203, 205, 207, 208, and 209 prohibiting conflicts of interest between an employee's Government duties and his outside activities are summarized in specific sections of this Part 601.

(b) *Other statutory provisions quoted or summarized.* This Part 601 contains numbered sections, applicable particularly to ACDA employees, based on statutes specified in each section.

(c) *Miscellaneous statutory provisions.* In addition to the statutory provisions referred to in paragraphs (a) and (b) of this section, ACDA employees must observe the following:

(1) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibitions 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).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(8) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

[1] Under the Arms Control and Disarmament Act, such an employee may not serve the Agency for more than one hundred days in any fiscal year.

(11) The prohibition against fraud or false statement in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions 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).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(d) *Sources of information and advice.* General information on statutes, rules and regulations governing the conduct of employees may be obtained from the Office of the Executive Director. Specific information may be obtained from the United States Code, from the Federal Personnel Manual, and from the ACDA Manual, all of which are available in the Office of the Executive Director and in the Office of the General Counsel. Clarification of standards of conduct and related laws, rules, and regulations and advice on their applicability to individual situations may be obtained from the counselor or deputy counselor for the Agency, in the Office of the General Counsel.

(e) *Responsibility of employees.* It is the responsibility of each employee (1) to familiarize himself with the full text of applicable statutes, rules, and regulations before engaging in outside employment, financial activity which might involve a conflict of interest, or other activity which might involve a violation of standards of ethical conduct or of statutory or regulatory restrictions, and (2) to secure the advice or approval of his supervisor and any other designated Agency official before he engages in the contemplated activity.

(f) *Penalties for violation.* Violations subject employees to remedial or disciplinary action by ACDA in addition to the penalty prescribed by the particular statute, rule, or regulation that has been violated.

**§ 601.735–13 Outside employment.**

(a) An employee may not engage in any outside employment or other outside activities that might involve a conflict, or an apparent conflict, of interest between his official Government duties and responsibilities and his own private interests or those of persons with whom he has family, business, or financial ties (see also §§ 601.735–16 and 601.735–22).

(b) No ACDA employee, except one serving as a special Government employee, may engage in outside employment under a State or local government without advance approval by the Executive Director.

(c) It is further required that:

(1) The employee's performance in his ACDA position not be adversely affected by the outside work.

(2) The employee's outside work not reflect discredit on the Government or on ACDA.

(3) The employee shall not accept a fee, compensation, gift, payment of expense, or any other thing or monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.

**§ 601.735–14 Gifts, entertainment, and favors.**

(a) (1) An employee shall not receive or solicit, directly or indirectly, for himself or persons with whom he has family, business, or financial ties, anything of economic value as a gift, gratuity, loan, entertainment, or favor, which might reasonably be interpreted by others as affecting his independence or impartiality, from any person, corporation, or group, if the employee has reason to believe that the entity:

(i) Has or is seeking to obtain contractual or other business or financial relationships with the employee's agency;

(ii) Conducts operations or activities which are regulated by the employee's agency; or

(iii) Has interests which may be substantially affected by the employee's performance or nonperformance of his official duty.

(2) Exceptions: The following exceptions for all employees of ACDA are permitted:

(i) Acceptance of things of economic value arising from obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the 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) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(iii) Acceptance of 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) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(b) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 113).

(c) An employee shall not accept a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 114–115a.

**§ 601.735–15 Financial interests.**

(a) (1) Neither a regular nor a special Government employee may participate in his governmental capacity in any matter in which he, his spouse, minor child, associate or organization with whom he has a business relationship, or person or organization with whom he is negotiating for employment has a financial interest (18 U.S.C. 208). Such an employee shall not (i) have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or (ii) engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(2) Exceptions: Section 208 of 18 U.S.C. permits the following exception for a regular as well as a special Government employee: He may be granted exemption from this restriction provided: (i) He first advises the head of this Bureau or Office of the nature and circumstances of the particular matter and makes full disclosure of the financial interest and he receives in advance a written determination by the Bureau or Office head that the outside financial interest is deemed not substantial enough to have an effect on the integrity of his services, or (ii) the financial interest has been exempted by general rule or regulation published in the FEDERAL REGISTER as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

(b) Neither a regular nor a special Government employee may, directly or indirectly make use of, or permit those with whom he has family, business, or financial ties to make use of, official information obtained through or in connection with his Government employment and not made available to the general public, for the purpose of furthering a private interest, including speculation in commodities, land, and securities.

(c) This paragraph does not preclude teaching, speaking, or writing by employees duly authorized under this part. Further, this paragraph does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, this section, or the agency regulations.

**§ 601.735–16 Private compensation for services to the Government.**

A regular officer or employee of the Government, as contrasted with a special Government employee, may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). This section does not apply to special Govern-

ment employees nor does it prevent a regular officer or employee from (a) continuing his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer, or (b) receiving payments or accepting contributions, awards, or other expenses under the terms of the Government Employees Training Act.

**§ 601.735–17 Use of Government property.**

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

**§ 601.735–18 Gambling, betting, and lotteries.**

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, 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.

**§ 601.735–19 General conduct prejudicial to the Government.**

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

## Subpart B—Activities Relating to Unofficial or Outside Organizations

**§ 601.735–21 Participation in activities of employee organizations.**

In compliance with the provisions of Executive Order 10988, dated January 17, 1962, employees of the Arms Control and Disarmament Agency shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join, and assist any employee organization or to refrain from any such activity.

(a) *Definition of term "employee organization".* The term "employee organization" means any lawful association, labor organization, federation, council, or brotherhood having as a primary purpose the improvement of working conditions among Federal employees, or any craft, trade or industrial union whose membership includes both Federal employees, and employees of private organizations. The term "employee organization" shall not include any organization (1) which asserts the right to strike against the Government of the United States or any agency thereof, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (2) which advocates the overthrow of the constitutional form of Government in the United States, or (3) which discriminates with regard to the terms or conditions of membership because of race, color, creed, or national origin.

(b) *Responsibility of the Executive Director.* The Executive Director of the Agency shall be responsible for consulting with representatives of any employee organization or organizations: (1) To determine policies and procedures with respect to recognition of employee organizations; (2) to establish procedures for determining appropriate employee units; (3) to formulate policies and practices regarding consultation with representatives of employee organizations, other organizations and individual employees; and (4) to set policies with respect to the use of Agency facilities by employee organizations.

**§ 601.735–22 Participating in activities of private organizations.**

(a) In participating in the programs and activities of any private organization, employees shall make clear that such participation constitutes neither official ACDA connection with such organization nor official sponsorship or sanction of the viewpoints they may express as individuals.

(b) In such participation, employees may not accept a fee, compensation, gift, payment of expense, or any other thing of monetary value (see also § 601.735–14) in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest or otherwise reflect discredit upon the Government.

(c) A regular officer or employee may not permit the use of his name in the advertising matter of any organization commercializing the result of research work conducted by the Agency, or through contract with the Agency, nor may he accept office in such organization.

**§ 601.735–23 Organizations concerned with foreign policy.**

With respect to private organizations which are concerned with foreign policy or international relations, either in general or in some specific economic, political or cultural field, the following rules shall apply:

(a) *Regular officers and employees.* (1) Unless specially permitted to do so, no regular officer or employee shall serve as an adviser, officer, director, teacher, sponsor, committee chairman, or in any official capacity, or permit his name to be used on a letterhead, regardless of whether his title or his connection with ACDA is mentioned. This is not intended to restrict ordinary membership in any organization.

(2) Special permission to assume or to continue a connection prohibited by the above paragraph may be granted in cases where the interests of the Government and ACDA would not be adversely affected. To request such permission, or to determine whether the provisions of this section are applicable to a particular case, the employee shall address to the Executive Director a memorandum setting forth the pertinent facts. He will consult other interested Bureaus and Offices and grant or refuse the requested permission.

(b) *Special Government employees.* A special Government employee is restricted only in that he may not use his ACDA designation as consultant or adviser except in connection with his work for ACDA.

**§ 601.735–24 Membership in subversive organizations.**

The provisions of 5 U.S.C. 118p are quoted for the information of all employees:

> No person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations, who—
>
> (1) Advocates the overthrow of our constitutional form of government in the United States;
>
> (2) Is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates;
>
> (3) Participates in any strike or asserts the right to strike against the Government of the United States or such agency; or
>
> (4) Is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right.

## Subpart C—Teaching, Speaking, Writing for Publication, and Related Activities

**§ 601.735–31 Coaching for examinations.**

No regular employee of ACDA shall engage in any teaching or related activities directed toward the special preparation of individuals for the examinations of the U.S. Civil Service Commission or of the Board of Examiners for the Foreign Service.

**§ 601.735–32 Protecting classified information.**

No employee shall include in any public course of instruction, speech, panel discussion, or related activity any classified information or material to which he has access through his ACDA employment.

**§ 601.735–33 Acceptance of invitations to speak or to accept teaching engagements.**

Participation of ACDA personnel in speaking engagements can greatly assist public understanding of U.S. arms control and disarmament policies and positions. In order, however, to reduce risk of unintentional security disclosure or contravention of Government policy, ACDA employees, including special Government employees, shall obtain prior approval, as follows:

(a) *Acceptance of invitations to speak.* Any invitation to appear as a representative of the Agency or to speak, comment, or participate in a conference on matters related to its work shall be referred to the Public Affairs Office for decision and action. Information on the sponsoring organization, date, place, subject matter, type of audience, and estimated travel expenses as indicated on an Agency form must be in the Public Affairs Office be-

fore invitations may be accepted. The Public Affairs Office shall control all negotiations with the prospective host and may authorize or approve outside payment of travel and reasonable subsistence expenses under appropriate circumstances.

(b) *Clearance of texts of public addresses.* The full text or detailed outline (as agreed by the employee and Public Affairs Adviser) of each public address on U.S. foreign policy or ACDA activities shall be submitted to the Public Affairs Adviser for clearance with the Agency Classification Officer and for appropriate clearance within ACDA and, as deemed necessary, outside the Agency.

(c) *Release to news media.* The text or outline of any public address, after clearance and coordination, may be released to news media by the Public Affairs Adviser, if appropriate.

(d) *Professional meetings and conferences.* When an employee is invited to participate in a public professional meeting, conference, or discussion panel on matters related to the work of the Agency where, because of the nature of the public appearance, no prepared script or outline will be available for clearance, the employee must obtain clearance of acceptance from the Public Affairs Adviser and from the Agency Classification Officer. The participant himself is responsible for ensuring that his remarks involve no violation of security and are consistent with United States policy.

(e) *Acceptance of teaching engagements.* (1) Any employee who contemplates acceptance of a teaching engagement shall notify the public Affairs Adviser of his intention. He shall also submit to the Office of the Executive Director information covering the name of the educational institution, the frequency of classes and periods of time involved, and a comprehensive description of the course to be taught. If the subject matter does not involve United States policy or ACDA activities, the Executive Director may approve acceptance of the teaching engagement. If the subject matter includes either of the above-mentioned matters, only the Director of ACDA may approve the employee's acceptance of the teaching engagement. All approvals of teaching engagements must be renewed prior to the beginning of each school year.

(2) Exception: A special Government employee must obtain the required clearances only when the subject matter involves U.S. policy or ACDA activities to which he is privy through his ACDA employment.

### § 601.735–34 Additional clearance measures.

(a) Any ACDA employee who contemplates accepting an invitation to speak or to teach shall initially discuss the proposed invitation with the head of the Bureau or Office to which is is assigned and, as appropriate, with the Agency Classification Officer. Informal approval by the Bureau or Office head and, if appropriate, by the Agency Classification Officer is a prerequisite for the clearances specified in § 601.735–33.

(b) Exception: The exception to § 601.735–33(e)(1) applies.

### § 601.735–35 Writing for publication.

(a) Occasionally officers of ACDA have prepared documents pertinent to arms control and disarmament for publication other than in the official capacity of the Public Affairs Adviser or of the Office of the General Counsel in its congressional liaison functions. The Agency welcomes such activity as being in keeping with one of its four major functions—"the dissemination and coordination of public information concerning arms control and disarmament." However, all such documents authored by ACDA personnel, which bear directly or indirectly on matters involving the functions, activities, operations, or interests of ACDA, or which deal with U.S. foreign policy, must receive appropriate Agency clearance for publication. This is true whether or not a document for publication is prepared within the scope of an ACDA employee's official duties.

(b) Authorization for publication: (1) Clearance of a document for publication is primarily a function of the Public Affairs Adviser, but other components of the Agency share a responsibility for clearance.

(2) Prior to submitting the document to the Public Affairs Adviser, the author shall obtain clearance of the document from his own bureau or office head; obtain clearance of the document from ACDA's Security Classification Officer; and obtain additional clearances within ACDA and from other Government agencies as deemed appropriate by his bureau or office head.

(3) When requesting clearance by the Public Affairs Adviser, the author shall submit to the Public Affairs Adviser a copy of the document to be reviewed together with a memorandum detailing the nature of his request, indicating whether the document proposed for publication would note the author's connection with ACDA, stating whether an honorarium or any form of remuneration is involved, and noting compliance with the requirements specified under subparagraphs (1) and (2) of this paragraph.

(4) The Public Affairs Adviser shall be responsible for making a final determination on the propriety of publication and, if publication is approved, on the extent of attribution or nonattribution to the Agency, the adequacy of the disclaimer if attribution is made, and the propriety of an honorarium or other form of remuneration if this factor is involved. The Public Affairs Adviser shall obtain the approval of the Office of the General Counsel on the acceptance of an honorarium and may seek the General Counsel's recommendation on other pertinent matters.[1]

[1] A Presidential appointee covered by sec. 401(a) of Executive Order 11222 may 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 his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

## Subpart D—Counseling or Acting as Agent or Attorney

### § 601.735–41 Counseling foreign governments.

No employee or former employee shall, without authority of the United States, directly or indirectly commence or carry on any correspondence or intercourse with any foreign government or any agent thereof, with intent to influence the measures or conduct of any foreign government or of any agent thereof, in relation to any disputes or controversies with the United States, or to defeat measures of the United States. (See 18 U.S.C. 953.) However, this section shall not abridge the right of a citizen to apply, himself or through his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

### § 601.735–42 Involvement in proceedings affecting the United States.

(a) *Regular officers and employees.* (1) A regular officer or employee of ACDA may not, except in the discharge of his official duties represent anyone else, for pay or without pay, before a court or Government agency in a matter in which the United States is a party or has an interest (18 U.S.C. 203 and 205).

(2) Exceptions: The following exceptions relating to sections 203 and 205 apply to a regular officer or employee:

(i) He may represent another person, without compensation, in a disciplinary, loyalty, or other personnel matter if not inconsistent with the faithful performance of his duties.

(ii) He may give testimony under oath or make statements required to be made under penalty for perjury or contempt.

(iii) He may represent with or without compensation, his parents, spouse, child, or a person or estate he serves as a fiduciary provided: (*a*) The matter is not one in which he has participated personally and substantially as a Government employee or which is the subject of his official responsibility, and (*b*) the Executive Director approves.

(b) *Special Government employees.* (1) A special Government employee may not, except in the discharge of his official duties, represent anyone else, for pay or without pay,

(i) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the government (18 U.S.C. 203 and 205).

(ii) In a matter pending before the agency he serves unless he has served there on no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) Exceptions: The following exceptions relating to sections 203 and 205 apply to a special Government employee:

(i) The exceptions specified in paragraph (a)(2) of this section for regular officers and employees, and also,

(ii) He may be allowed by the Director of ACDA to act as agent or attorney for his regular employer or for another person in the performance of work under an ACDA grant or contract provided: (*a*) The Director certifies in writing that the national interest requires it, and (*b*) the certification is submitted for publication in the FEDERAL REGISTER.

(c) *Former employees.* A former regular officer or employee of ACDA, as well as a former special Government employee, is restricted as follows:

(1) (i) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially for the Government (18 U.S.C. 207 (a)).

(ii) Exceptions: This section of 18 U.S.C. permits the following exception for both regular and special Government employees: The Director of ACDA, notwithstanding anything to the contrary in the provisions of subsections 207 (a) and (b) of Title 18, U.S. Code, may permit a former officer or employee with outstanding scientific or technological qualifications to act as agent or attorney or to appear personally in connection with a particular matter in a scientific or technological field if the Director makes a certification in writing submitted for publication in the FEDERAL REGISTER that the national interest would be served by such action or appearance by the former officer or employee.

(2) (i) He many not, for one year after his Government employment has ended represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)).

(ii) Exceptions: The exceptions to subparagraph (1) of this paragraph apply.

## Subpart E—Indebtedness

### § 601.735–51 Policy.

An employee of ACDA is required to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes.

### § 601.735–52 Action by Personnel Officer.

Upon receipt of a letter of complaint against an employee from an alleged creditor, the Personnel Officer will notify the employee and will determine whether the alleged debt is a "just financial obligation"; that is, one acknowledged by the employee or reduced to judgment by a court. If the debt is determined to be a just financial obligation, the Personnel Officer will give the employee any appropriate assistance, other than financial, toward payment of the debt in a "proper and timely manner"; that is, in a manner that does not, under the circumstances, reflect adversely on the Government as his employer.

### § 601.735–53 Action by Executive Director.

If an employee ignores his just financial obligations, despite efforts to assist him, the Personnel Officer shall recommend to the Executive Director that appropriate administrative action be taken.

## Subpart F—Political Activity

### § 601.735–61 Activity under Hatch Act.

(a) All employees retain the right to vote as they choose and to express their opinions on all political subjects and candidates.

(b) No employee shall (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or (2) take an active part in partisan political management or in partisan political campaigns (5 U.S.C. 1181).

(c) Exception: Special Government employees are subject to the political activity restrictions of the Hatch Act while in an active duty status only and for the entire 24 hours of any day of actual employment.

### § 601.735–62 Other prohibited political activities.

All employees are prohibited from the following activities:

(a) Soliciting political contributions generally (18 U.S.C. 602) and in Federal installations (18 U.S.C. 603).

(b) Making political contributions to "any other officer, clerk, or person in the service of the United States, or to any Senator of Member or Delegate to Congress, or Resident Commissioner" toward the promotion of any political object (18 U.S.C. 607).

(c) Contributing more than $5000 during any calendar year toward the campaign, nomination, or election of a candidate for an elective Federal office; or purchasing "any goods, commodities, advertising, or articles * * *, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office * * *." (18 U.S.C. 608.)

## Subpart G—Statements of Employment and Financial Interests

### § 601.735–71 Employees required to submit statements.

The following employees of ACDA and persons assigned or loaned to ACDA are required to submit statements of employment and financial interests:

(a) The Deputy Director.
(b) The Assistant Directors.
(c) The General Counsel.
(d) The Public Affairs Adviser.
(e) All employees in grade GS–16 and above.
(f) All employees appointed under the provisions of P.L. 313.
(g) All Foreign Service Officers and Foreign Service Reserve Officers of class FSO–2 or FSR–2, and above, assigned or loaned to ACDA.
(h) All members of the uniformed services of the rank of Brigadier General or Rear Admiral, and above, assigned or loaned to ACDA.
(i) The Executive Director.
(j) The Contracting Officer.
(k) The Assistant Contracting Officer.
(l) All special Government employees.

### § 601.735–72 Submission of statements and supplementary statements.

(a) *Regular officers and employees.* Each employee listed in § 601.735–71 (a) through (k) must submit a fully completed ACDA Form 18 in triplicate to the Office of the Executive Director no later than: (1) Ninety days after the effective date of this part if employed on or before that effective date; or (2) 30 days after he becomes subject to the reporting requirements by occupying a position covered under § 601.735–71 (a) through (k) if he occupies the position after that effective date. Thereafter he must submit a supplementary ACDA Form 18, negative or otherwise, on June 30 of each year. In addition, he must report on ACDA Form 18 at the end of the March 31, September 30, and December 31 quarters any changes in, or additions to, the information about his employment and financial interests occuring within the specific quarter.

(b) *Special Government employees.* Each special Government employee must submit a fully completed ACDA Form 19 in triplicate to the Office of the Executive Director before he may be appointed for duty or before his appointment may be extended into a new fiscal year. During his period of employment with the Agency, he must notify the Personnel Officer, Office of the Executive Director, in writing, of any significant change in his Federal or non-Federal employment and in his financial interests within 30 days after the change occurs.

(c) *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.

### § 601.735–73 Contents of statements.

The instructions for listing required information on Forms ACDA 18 and 19 are generally self-explanatory. In supplying the information, each employee shall, however, observe the following refinements:

(a) *Business enterprises.* Educational and other institutions doing research and development or related work involving grants of money from, or contracts with, the Government are considered business enterprises and must be included in an employee's statement of employment and financial interests whenever applicable. Otherwise, no information is required about employment

or financial interests 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.

(b) *Interest of employee's relatives.* The interest of an employee includes the interest of a spouse, minor child, or other member of the employee's immediate household (blood relations who are full-time residents of the employee's household.)

(c) *Amount of financial interest.* No employee is required to show the amount of the financial interest or indebtedness, or value of real property listed on Form ACDA 18 or 19.

(d) *Information to be supplied by others.* If any of the required information, including holdings placed in trust, is not known to the employee but is known to another person, the employee must request that other person to submit the information and report the request on ACDA Form 18 or 19 and on supplementary statement.

**§ 601.735–74 Confidentiality of statements.**

ACDA will hold in confidence each statement of employment and financial interests and each supplementary statement made by an employee. Information from a statement may be disclosed only upon the determination of the Chairman of the Civil Service Commission or of the Director of the Arms Control and Disarmament Agency that disclosure is for the good cause shown.

**§ 601.735–75 Review of statements and report of conflicts of interest.**

Each statement of employment and financial interests and each supplementary statement will be reviewed in the Office of the General Counsel to determine whether a conflict of interest or an apparent conflict of interest may exist between a regular employee's or a special Government employee's services to the Government and his outside interests. If a conflict or apparent conflict is discovered, the deputy counselor for the Agency will discuss the situation with the employee and offer him an opportunity to explain the conflict or apparent conflict. Unless the conflict or the apparent conflict is resolved as a result of the discussion, the information concerning the matter shall be reported to the Director of ACDA through the counselor for the Agency.

**§ 601.735–76 Action by the Director.**

The Director shall consider the report of conflict or apparent conflict of interest made by the counselor for the Agency and the explanation made by the employee. If the Director decides that remedial action is required, he must take immediate action to end a real or apparent conflict of interest, or take preventive action to forestall a potential conflict. (See § 601.735–12(f).)

This Part 601 has been approved by the Civil Service Commission under date of February 8, 1966.

*Effective date.* This Part 601 shall become effective upon publication in the FEDERAL REGISTER.

GEORGE BUNN,
*General Counsel.*

[F.R. Doc. 66–2689; Filed, Mar. 14, 1966; 8:47 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### Subpart D—Listing of Color Additives for Food Use Exempt From Certification

PAPRIKA, PAPRIKA OLEORESIN, TURMERIC, TURMERIC OLEORESIN, SAFFRON, FRUIT JUICE, VEGETABLE JUICE; CONFIRMATION OF EFFECTIVE DATE

In the matter of establishing regulations listing for food use and exempting from certification the color additives paprika, paprika oleoresin, turmeric, turmeric oleoresin, saffron, fruit juice, and vegetable juice:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 27, 1966 (31 F.R. 1063). Accordingly, the regulations promulgated by that order will become effective March 28, 1966.

(Sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: March 8, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66–2708; Filed, Mar. 14, 1966; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–EA–75]

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

### Revocation of Control Area Extension

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Quonset Point, R.I., control area extension.

The Quonset Point, R.I., control area extension is encompassed by the Providence, R.I. (31 F.R. 2149), and Falmouth, Mass. (31 F.R. 2149), transition areas. Therefore, there is no further need to retain the control area extension.

Since this action involves, in part, navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (31 F.R. 2055), the Quonset Point, R.I., control area extension is deleted.

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

Issued in Washington, D.C., on March 9, 1966.

JAMES L. LAMPL,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66–2661; Filed, Mar. 14, 1966; 8:45 a.m.]

---

[Airspace Docket No. 65–AL–24]

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

### Alteration of Control Zone and Transition Area

On January 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 271) stating that the Federal Aviation Agency proposed to alter the control zone and transition area at Gulkana, Alaska.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 26, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2096), the Gulkana, Alaska, control zone is amended to read as follows:

GULKANA, ALASKA

Within a 5-mile radius of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.) and within 2 miles each side of the 357° bearing from the Gulkana RR extending from the 5-mile radius zone to 8 miles north of the RR; and within 2 miles each side of the Gulkana TACAN 350° radial extending from the 5-mile radius zone to 12 miles north of the TACAN.

2. In § 71.181 (31 F.R. 2196), the Gulkana, Alaska, transition area is amended to read as follows:

GULKANA, ALASKA

That airspace extending upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Gulkana TACAN 350° and 170° radials extending from 18 miles north to 25 miles south of the TACAN.

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

Issued in Anchorage, Alaska, on March 8, 1966.

GEORGE M. GARY,
*Director, Alaskan Region.*

[F.R. Doc. 66-2705; Filed, Mar. 14, 1966; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6608]

## PART 13—PROHIBITED TRADE PRACTICES

### Fruehauf Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; Sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Modified order, Fruehauf Trailer Co., Detroit, Mich., Docket 6608, Feb. 11, 1966]

Modified divestiture order, in compliance with the final order of the Court of Appeals, Seventh Circuit, of January 21, 1966, requiring respondent to divest itself absolutely within 1 year of its Strick Trailers Division which it acquired in 1956, and forbidding respondent from acquiring any other manufacturer of truck trailers for 10 years without approval of the Commission;

Divestiture order of May 28, 1965, 30 F.R. 14008, required respondent to divest itself of Strick plus the Hobbs Manufacturing Co. of Fort Worth, Tex., and Hobbs Trailer and Equipment Co. of Dallas, Tex., which it acquired in 1955.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That:

(A) Respondent, the Fruehauf Corp., a corporation, and its officers, directors, agents, representatives, and employees shall, within one (1) year from the date of this order, divest itself absolutely, in good faith, of all assets of its Strick Trailers Division and such other assets as may be necessary to restore the Strick Co. and Strick Plastics Corp. as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks, and good will of whatever description.

(B) Pending divestiture, respondent shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale, or financing of truck trailers, or impair their market value, unless such capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of divestiture owns or controls more than one percent (1%) of respondent's stock, or who is an officer, director, representative, employee, or agent of, or under the control, influence, or direction of respondent, or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights, and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by the Fruehauf Corp., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of the Fruehauf Corp., in proportion to their holding of the Fruehauf Corp. stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director, or executive employee of the Fruehauf Corp., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of the Corporation, shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in the Fruehauf Corp. or the new corporation or corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Corp.

*It is further ordered,* That for a period of ten (10) years after the date of service of this order upon respondent, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any interest in any concern engaged in the business of manufacturing truck trailers without the prior approval of the Federal Trade Commission.

*It is further ordered,* That respondent shall submit to the Commission on the first day of each calendar month a report in writing setting forth its progress in carrying out the divestiture requirement of this order until the divestiture has been completed with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

Issued: February 11, 1966.

By the Commission.

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

[F.R. Doc. 66-2666; Filed, Mar. 14, 1966; 8:45 a.m.]

[Docket 8631o]

## PART 13—PROHIBITED TRADE PRACTICES

### House of Lord's, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, House of Lord's, Inc., New York, N.Y., Docket 8631, Jan. 18, 1966]

Order requiring a New York City manufacturer of ladies' dresses to cease discriminating among its competing retail customers in paying promotional allowances to some and not to others in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That the examiner's findings as to the facts numbered 1 through 30, at pages 2 through 11 of the initial decision of February 11, 1965, be, and they hereby are, adopted as the findings of the Commission; that the examiner's findings numbered 31 through 96, at pages 12 through 29 of the initial decision be, and they hereby are, set aside and the accompanying findings of the Commission numbered 31 through 42 be, and they hereby are, issued in lieu thereof; and that the conclusions and order of the examiner be, and they hereby are, set aside and that the accompanying conclusions and order of the Commission be, and they hereby are, issued in lieu thereof.

*It is further ordered,* That respondent House of Lord's, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any advertising or promotional services or facilities furnished by or through such customer in connection with the handling, sale, or offering for sale of wearing apparel manufactured, sold, or offered for sale by respondent, unless all other customers competing with such favored customer in the distribution or resale of such products are informed, in writing, of (1) the terms and conditions of the promotional program or plan under which such payments are made, including the services or facilities to be furnished therefor; (2) the availability of such payments on proportionally equal terms to all such customers; and (3) if

it would not be economically feasible for all such competing customers to furnish such services or facilities, alternative services or facilities such customers can furnish and be paid for on proportionally equal terms.

*It is further ordered,* That respondent House of Lord's, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 18, 1966.

By the Commission.

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

[F.R. Doc. 66-2667; Filed, Mar. 14, 1966; 8:45 a.m.]

[Docket C-1042]

## PART 13—PROHIBITED TRADE PRACTICES

### Mar-Tee Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Mar-Tee Fashions, Inc., et al., Los Angeles, Calif., Docket C-1042, Feb. 11, 1966]

*In the Matter of Mar-Tee Fashions, Inc., a Corporation, and George Gonick and Larry Taylor, Individually and as Principal Stockholders and Managers of the Said Corporation*

Consent order requiring a California marketer of woolen wearing apparel to cease violating the Wool Products Labeling Act by misbranding its wool products, deceptively using the term "cashmere," and falsely invoicing its merchandise as to constituent fibers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Mar-Tee Fashions, Inc., a corporation, and its officers, and George Gonick and Larry Taylor, individually and as principal stockholders and managers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, delivery for shipment, or shipment in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Affixing or placing the stamp, tag, label, or mark of identification required under the said Act, or the information required by said Act and the rules and regulations promulgated thereunder, on wool products in such a manner as to be minimized, rendered obscure or inconspicuous or so as to be unnoticed or unseen by purchasers and purchaser-consumers, when said wool products are offered or displayed for sale or sold to purchasers or the consuming public.

4. Using the term "cashmere" in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers described as cashmere are entitled to such designation and are present in at least the amount stated.

*It is further ordered,* That respondents Mar-Tee Fashions, Inc., a corporation, and its officers, and George Gonick and Larry Taylor, individually and as principal stockholders and managers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of garments, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amounts of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 11, 1966.

By the Commission.

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

[F.R. Doc. 66-2668; Filed, Mar. 14, 1966; 8:45 a.m.]

[Docket C-1039]

## PART 13—PROHIBITED TRADE PRACTICES

### Southern Pacific Salvage Co. and Jack Taff

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–195 Nature. Subpart—Misrepresenting oneself and goods—Business Status, Advantages, or connections: 13.15–195 Nature. Subpart—Misrepresenting one-goods—Goods: § 13.1685 *Nature:* 13.-1685–15 By misleading trade or corporate name; § 13.1745 *Source or origin:* 13.1745–60 Maker or seller. Subpart—Using misleading name—Goods: § 13.-2345 *Source or origin:* 13.2345–50 Maker; Using misleading name—Vendor: § 13.-2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Southern Pacific Salvage Co. et al., Los Angeles, Calif., Docket C-1039, Feb. 2, 1966]

*In the Matter of Southern Pacific Salvage Co., a Corporation, and Jack Taff, Individually and as an Officer of Said Corporation*

Consent order requiring California retailers of general merchandise to cease deceptively using the word "Salvage" in their trade name, or otherwise representing that they are authorized liquidators, adjusters, or agents engaged in the sale of bankrupt, salvage, or otherwise distressed merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Southern Pacific Salvage Co., a corporation, and its officers, and Jack Taff, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches, clocks, radios, tableware, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Using the word "Salvage" or any other word or words of similar import or meaning, in or as a part of respondents' trade or corporate name, or otherwise representing, directly or by implication, that they are liquidators, authorized adjusters, or agents engaged in the sale or disposition of bankrupt, estate, salvage, distrained, or other distress or surplus merchandise.

2. Representing, directly or by implication, that they are liquidating, adjusting, paying off, or otherwise settling indebtedness or claims.

3. Misrepresenting, in any manner, their trade or business status or the source, character, or nature of the merchandise being offered for sale.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 2, 1966.

By the Commission.

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

[F.R. Doc. 66-2669; Filed, Mar. 14, 1966; 8:46 a.m.]

[Docket C–1041]

## PART 13—PROHIBITED TRADE PRACTICES

### Stein & Salomon et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325–70 Place. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–70 Textile Fiber Products Identification Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; Secs. 2–5, 54 Stat. 1128–1130; 72 Stat. 1717; 15 U.S.C. 45, 69f, 68, 70) [Cease and desist order, Stein & Salomon et al., Chicago, Ill., Docket C–1041, Feb. 10, 1966]

*In the Matter of Stein & Salomon, a Partnership, and Joseph B. Hochberger and John B. Smith, Individually and as Copartners Trading as Stein & Salomon, and Bobby Jean*

Consent order requiring a Chicago, Ill., wholesaler to cease misbranding, deceptively invoicing, and failing to keep required records on fur products; misbranding wool products; and misbranding, furnishing false guaranties for, and failing to keep required records on textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in the introduction into commerce, or the commerce, or the transporting or distributing, in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "fur," "commerce," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Setting forth the term "blended" or any term of like import on labels as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificial coloring of furs contained in fur products.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

7. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

8. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Falsely or deceptively representing that respondents are manufacturers of fur products.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

*It is further ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do herewith cease and desist from failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

*It is further ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution or delivery for shipment, or shipment, in commerce, of any wool product as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding any such product by:

A. Failing to securely affix to, or place on such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Failing to set forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to any such product.

*It is further ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products; as the terms "com-

merce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

3. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

4. Failing to disclose the respective percentages of the face and back of pile fabrics in such a manner as will show the ratio between the face and back when an election is made to set forth the percentages of the fiber content of the face and back separately.

*It is further ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

*It is further ordered,* That respondents Stein & Salomon, a partnership, and Joseph B. Hochberger and John B. Smith, individually and as copartners trading as Stein & Salomon and Bobby Jean, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to keep and preserve the records required by the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder in substituting stamps, tags, labels, or other means of identification permitted by section 5(b) of the Textile Fiber Products Identification Act.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 10, 1966.

By the Commission.

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

[F.R. Doc. 66-2270; Filed, Mar. 14, 1966; 8:46 a.m.]

[Docket C-1040]

## PART 13—PROHIBITED TRADE PRACTICES

### Youthcraft Manufacturing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act; 13.1053–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; Secs. 2–5, 54 Stat. 1128–1130; 72 Stat. 1717; 15 U.S.C. 45, 69f, 68, 70) [Cease and desist order, Youthcraft Manufacturing Co., Inc., et al., Kansas City, Mo., Docket C-1040, Feb. 3, 1966]

*In the matter of Youthcraft Manufacturing Co., Inc., a Corporation, and Coronet Manufacturing Co., Inc., a Corporation, and Leon Karosen, Individually and as an Officer of said Corporations*

Consent order requiring two Kansas City, Mo., manufacturers, wholesalers, and retailers to cease misbranding their wool, fur, and textile fiber products, furnishing false guaranties that their fur and textile fiber products were not misbranded, and deceptively invoicing and advertising their furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Youthcraft Manufacturing Co., Inc., a corporation, and its officers, and Coronet Manufacturing Co., Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Setting forth conflicting information on labels.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of any fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

3. Fails to set forth the term "natural" as part of the information required to be

disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

*It is further ordered*, That respondents Youthcraft Manufacturing Co., Inc., a corporation, and its officers, and Coronet Manufacturing Co., Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

*It is further ordered*, That respondents Youthcraft Manufacturing Co., Inc., a corporation, and its officers, and Coronet Manufacturing Co., Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of any wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels to samples, swatches, and specimens of textile fiber products, showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

*It is further ordered*, That respondents Youthcraft Manufacturing Co., Inc., a corporation, and its officers, and Coronet Manufacturing Co., Inc., a corporation, and its officers, and Leon Karosen, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 3, 1966.

By the Commission.

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

[F.R. Doc. 66-2671; Filed, Mar. 14, 1966; 8:46 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66-11]

## PART 82—BOUNDARY LINES OF INLAND WATERS

### Atlantic, Gulf and Pacific Coasts

The official names of certain navigational aids used as reference points in the regulations in 33 CFR Part 82 have been changed. Therefore, the descriptions of the boundary lines in 33 CFR 82.20, 82.25, 82.35, 82.40, 82.45, 82.80, 82.95, 82.103, 82.116, 82.122, 82.125, 82.131, 82.139, 82.141, 82.145, 82.147, 82.153, and 82.155 are amended so that reference points used therein will be identified by aids to navigation as listed in the Coast Guard's Light Lists. Additionally, the amendment to 33 CFR 82.95, regarding the boundary line at Mobile, Ala., moves the line approximately half a mile to seaward so that it will pass through the outermost buoy of the buoyed channel. This is deemed necessary because the Main Ship Channel off Mobile Point has been lengthened to seaward, and the old line of demarcation now passes through the center of the improved channel on the diagonal. As these amendments are editorial in effect to bring the regulations up to date with identification of aids to navigation as listed in the Light Lists, or changes to cover channel improvements, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon and effective date requirements) is unnecessary under provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 633 in Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), the following amendments are prescribed and shall become effective upon the date of publication in the FEDERAL REGISTER.

ATLANTIC COAST

1. Section 82.20 is amended to read as follows:

**§ 82.20 New York Harbor.**

A line drawn from Rockaway Point Coast Guard Station to Ambrose Channel Lightship; thence to Highlands Light (north tower).

2. Section 82.25 is amended to read as follows:

**§ 82.25 Delaware Bay and tributaries.**

A line drawn from Cape May Inlet East Jetty Light to Cape May Harbor Inlet Lighted Bell Buoy 2CM; thence to South Shoal Lighted Bell Buoy 4; thence to the northernmost extremity of Cape Henlopen.

3. Section 82.35 is amended to read as follows:

**§ 82.35 Charleston Harbor.**

A line drawn from Charleston Light on Sullivans Island to Charleston Lighted Whistle Buoy 2C; thence to Folly Island loran tower.

4. Section 82.40 is amended to read as follows:

**§ 82.40 Savannah Harbor.**

A line drawn from the southwesternmost extremity of Braddock Point to Tybee Lighted Whistle Buoy T; thence to the southernmost point of Savannah Beach, bearing approximately 278° true.

5. Section 82.45 is amended to read as follows:

**§ 82.45 St. Simons Sound, St. Andrew Sound, and Cumberland Sound.**

Starting from the hotel located approximately ¾ mile, 63½° true, from St. Simons Light, a line drawn to St. Simons Lighted Whistle Buoy St. S; thence to St. Andrew Sound Outer Entrance Buoy; thence to St. Marys Entrance Lighted Whistle Buoy 1STM; thence to Amelia Island Light.

GULF COAST

6. Section 82.80 is amended to read as follows:

**§ 82.80 Tampa Bay and tributaries.**

A line drawn from the southernmost extremity of Long Key, Fla., to Tampa Bay Lighted Whistle Buoy; thence to Southwest Channel Entrance Lighted Bell Buoy 1; thence to the shore on the northwest side of Anna Maria Key, bearing 109° true.

7. Section 82.95 is amended to read as follows:

**§ 82.95 Mobile Bay, Ala., to Mississippi Passes, La.**

Starting from a point which is located 1 mile, 90° true, from Mobile Point Light, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Light; thence to Chandeleur Light; thence in a curved line following the general trend of the seaward, highwater shorelines of the Chandeleur Islands to the southwesternmost extremity of Errol Shoal (29°35.8′ N. latitude, 89°00.8′ W. longitude); thence to a point 5.1 miles 107° true, from Pass a Loutre Daybeacon.

8. Section 82.103 is amended to read as follows:

**§ 82.103 Mississippi Passes, La., to Sabine Pass, Tex.**

A line drawn from a point 5.1 miles, 107° true, from Pass a Loutre Daybeacon to South Pass Lighted Whistle Buoy 2; thence to Southwest Pass Entrance Midchannel Lighted Whistle Buoy; thence to Ship Shoal Daybeacon; thence to Calcasieu Channel Lighted Whistle Buoy 1; thence to Sabine Pass Lighted Whistle Buoy 1.

9. Section 82.116 is amended to read as follows:

**§ 82.116 Brazos River, Tex., to the Rio Grande, Tex.**

A line drawn from Freeport Entrance Lighted Bell Buoy 1 to point 4,350 yards, 118° true, from Matagorda Light; thence to Aransas Pass Lighted Whistle Buoy 1; thence to a position 10½ miles, 90° true, from the north end of Lopeno Island (27°00.1′ N. latitude, 97°15.5′ W. longitude); thence to Brazos Santiago Entrance Lighted Whistle Buoy 1.

PACIFIC COAST

10. Section 82.122 is amended to read as follows:

**§ 82.122 Grays Harbor.**

A line drawn from Grays Harbor Bar Range Rear Light to Grays Harbor North Bar Lighted Whistle Buoy 2NB; thence to Grays Harbor Entrance Lighted Whistle Buoy 2; thence to Grays Harbor Light.

11. Section 82.125 is amended to read as follows:

**§ 82.125 Columbia River Entrance.**

A line drawn from the west end of the north jetty (above water) to Columbia River South Jetty Bell Buoy 2SJ.

12. Section 82.131 is amended to read as follows:

**§ 82.131 Bodega and Tomales Bays.**

A line drawn from the northwestern tip of Tomales Point to Tomales Point Lighted Whistle Buoy 2; thence to Bodega Harbor Approach Lighted Gong Buoy BA; thence to the southernmost extremity of Bodega Head.

13. Section 82.139 is amended to read as follows:

**§ 82.139 Monterey Harbor.**

A line drawn from Monterey Harbor Breakwater Light to Monterey Harbor Anchorage Buoy B; thence to Monterey Harbor Anchorage Buoy A; thence to the north end of Monterey Municipal Wharf 2.

14. Section 82.141 is amended to read as follows:

**§ 82.141 Estero-Morro Bay.**

A line drawn from the outer end of Morro Bay Entrance East Breakwater to Morro Bay Entrance Lighted Bell Buoy 1; thence to Morro Bay West Breakwater Light.

15. Section 82.145 is amended to read as follows:

**§ 82.145 San Pedro Bay.**

A line drawn from Los Angeles Light through the axis of the Middle Breakwater to the easternmost extremity of the Long Beach Breakwater; thence to Anaheim Bay East Jetty Light 6.

16. Section 82.147 is amended to read as follows:

**§ 82.147 Santa Barbara Harbor.**

A line drawn from Stearns Wharf Light to Santa Barbara Harbor Lighted Bell Buoy 1; thence to Santa Barbara Harbor Breakwater Light.

17. Section 82.153 is amended to read as follows:

**§ 82.153 Redondo Harbor.**

A line drawn from Redondo Beach Jetty Light to Redondo Beach West Jetty Light.

18. Section 82.155 is amended to read as follows:

**§ 82.155 Newport Bay.**

A line drawn from Newport Bay East Jetty Light to Newport Bay West Jetty Light.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

Dated: March 4, 1966.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 66-2701; Filed, Mar. 14, 1966; 8:48 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER D—GRANTS

### PART 58—GRANTS FOR PUBLIC HEALTH TRAINING

### PART 59—PROJECT GRANTS FOR GRADUATE TRAINING IN PUBLIC HEALTH

### Technical Amendments

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as unnecessary in connection with the following amendments consolidating Parts 58 and 59, both of which relate to grants for public health training.

1. Part 58 is amended by changing the title of said part to read as set forth above.

2. The table of contents of Part 58 is amended by inserting at the head thereof the following:

**Subpart—Grants to Schools of Public Health for Public Health Training**

3. The table of contents of Part 58 is further amended by adding at the end thereof the following:

**Subpart—Project Grants for Graduate Training in Public Health**

Sec.
58.31 Payments in full.
58.32 Installment payments.

AUTHORITY: The provisions of this subpart issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216 and under sec. 309

(b), Public Health Service Act, as amended by Pub. Law 86–720.

4. Part 58 is further amended by adding at the end thereof the following new subpart:

### Subpart—Project Grants for Graduate Training in Public Health

**§ 58.31 Payments in full.**

Grants made for approved projects of 3 months duration or less will be paid in full in advance.

**§ 58.32 Installment payments.**

Grants made for approved projects in excess of 3 months duration will be paid in advance as follows:

(a) An initial payment of one-third of the total grant amount;

(b) The balance of the grant, in payments not to exceed the grantee's estimated requirements for the ensuing 3 months period, upon application for such payment by the grantee: *Provided*, That a larger payment may be made upon a justification therefor satisfactory to the Surgeon General.

5. Part 59, entitled "Project Grants for Graduate Training in Public Health" is hereby rescinded.

AUTHORITY: §§ 58.1 to 58.10 issued under sec. 215, 58 Stat. 690 as amended; 42 U.S.C. 216. Sec. 314(c)(2), 58 Stat. 694 as amended by 72 Stat. 339; 42 U.S.C. 246(c)(2).

Dated: February 16, 1966.

[SEAL] WILLIAM H. STEWART,
*Surgeon General.*

Approved: March 2, 1966.

WILBUR J. COHEN,
*Acting Secretary.*

[F.R. Doc. 66–2720; Filed, Mar. 14, 1966; 8:51 a.m.]

# Title 45—PUBLIC WELFARE

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

## PART 112—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN AREAS AFFECTED BY MAJOR DISASTER

Grants made pursuant to the regulations in this part are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88–352; 42 U.S.C. 2000(d)).

Subpart A—Definitions

Sec.
112.1 Definitions.

Subpart B—Eligibility for Financial Assistance

112.2 Eligibility for financial assistance.
112.3 Certification of payments.

Subpart C—Application for Financial Assistance

112.8 Applications.
112.9 General procedure if funds are inadequate to make all requested payments.
112.10 Determination of priorities among applications.
112.11 Prohibition against payment for religious worship or instruction.

Subpart D—Retention of Records

112.16 Retention of records.

Subpart E—Provisions not Exhaustive

112.21 Provisions not exhaustive of jurisdiction of Commissioner.

AUTHORITY: The provisions of this Part 112 issued under sec. 12, 72 Stat. 554, 20 U.S.C. 642. Interpret or apply sec. 16, 79 Stat. 1158, 20 U.S.C. 646.

### Subpart A—Definitions

**§ 112.1 Definitions.**

As used in this part—

(a) "Act" means Public Law 815, 81st Congress, section 16 of which was added by the first section of Public Law 89–313 (79 Stat. 1158).

(b) "Commissioner" means the United States Commissioner of Education.

(c) "Applicant" means a local educational agency which has filed a project application for assistance under section 16 of the Act.

(d) "Completed application" means a properly executed project application on forms prescribed by the Commissioner for use in requesting school construction assistance under section 16 of the Act, together with all documents, amendments, supplements, and communications called for in support thereof.

(e) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(f) "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education in a county, township, independent, or other school district located within a State. If the local education agency so defined does not have responsibility for providing school facilities and that responsibility is vested in a State, county, city or town agency, the term shall include such an agency, together with the agency having exclusive administrative control and direction of other phases of free public education.

(g) "Major disaster area" means an area which is determined, pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), to have suffered, after August 30, 1965, and prior to July 1, 1967, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. A certification by the Governor of the State in which such an area is located of the need for disaster assistance in that area under Public Law 81–875 shall be deemed to be certification of need for disaster assistance under section 16 of Public Law 81–815 and an assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of a political subdivision thereof, for purposes the same as, or similar to, those provided for in section 16 of Public Law 81–815 with respect to that catastrophe.

(h) "Project application" means a request, on forms prescribed by the Commissioner, for Federal financial assistance under section 16 of the Act for the cost of school facilities needed for the replacement or restoration of public elementary or secondary school facilities destroyed or seriously damaged as a result of a major disaster.

(i) "Replacement or restoration" of school facilities means the reconstruction of school facilities or the making of substantial structural repairs to school facilities but does not include the making of urgent repairs to protect the school facilities from further damage or deterioration or to render the school facilities immediately available for the providing of free public education.

(j) "School facilities" includes classrooms and related facilities; and equipment, machinery, and utilities necessary or appropriate as initial equipment, machinery, and utilities for school purposes. It does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public.

(k) "Seriously damaged" means that a school facility structure or a portion thereof has been rendered unusable, except for temporary use with emergency repairs, until substantial structural repairs are made.

(l) "State" means a State of the Union, the District of Columbia, Puerto Rico, Guam, the Virgin Islands or Wake Island.

### Subpart B—Eligibility for Financial Assistance

**§ 112.2 Eligibility for financial assistance.**

(a) If, in accordance with section 16 (a) of the Act, the Commissioner finds (1) that a local educational agency is making provision for the conduct under public auspices and administration of educational programs in which provision is made for participation by children who were enrolled in private elementary and secondary schools which are in the school attendance area of such local educational agency and which had their operation disrupted or impaired by a major disaster, and (2) that that agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance available to it but does not have available suffi-

cient funds to provide the minimum school facilities needed for the replacement or restoration of school facilities which were destroyed or seriously damaged as a result of a major disaster, that agency is eligible to receive from the Commissioner the additional assistance under section 16 of the Act which is necessary to enable that agency to provide such facilities. If the Commissioner finds that funds will in the near future become available to the local educational agency specifically for such a purpose, the Federal financial assistance will, to the extent that such funds are to become so available, be in the form of a repayable advance under such terms and conditions as the Commissioner considers to be in the public interest under the circumstances.

(b) Federal financial assistance under section 16 of the Act will be limited to the amount deemed by the Commissioner to be necessary as additional assistance in order for the local educational agency to provide for the replacement or restoration of the school facilities destroyed or seriously damaged as a result of a major disaster. Such assistance will be provided only if the Commissioner, after consultation with the State and local educational agencies finds that the replacement or restoration of the school facilities would not be inconsistent with overall State plans with respect to the construction of school facilities.

(c) Federal financial assistance provided under section 16 of the Act as being necessary to enable the local educational agency to provide the needed school facilities will not exceed the total amount required to pay for the cost of construction incident to the replacement or restoration of school facilities destroyed or seriously damaged as a result of a disaster, less all amounts available to the applicant specifically for such a purpose from local, State, other Federal sources, and from the proceeds of insurance on the school facilities destroyed or damaged as a result of the major disaster.

(d) All unobligated or unencumbered funds which the Commissioner deems to have been set aside in the nature of an insurance reserve for the purpose of replacing or restoring school facilities of the applicant that are destroyed or seriously damaged may be considered as funds available for the replacement or restoration of school facilities destroyed or seriously damaged as a result of the major disaster. The proceeds of bonds that have been voted specifically for the replacement of a school facility which is one of the school facilities destroyed or seriously damaged as a result of the major disaster, will also be considered as available. If, however, such proceeds are not in fact immediately available, the assistance provided by the Commissioner will be in the form of an advance to be repaid from such proceeds when they are to become available in accordance with the normal scheduling of the floating of the approved bond issue as determined by the Commissioner.

(e) Federal assistance under section 16 of the Act will be authorized only to provide the minimum school facilities needed for the replacement or restoration of that portion of a building which was, at the time of the disaster, in use as a school facility or in the process of being made ready for such a use. The school facility so provided must be functional and not elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years, and the replacement or restoration work must be undertaken in an economical manner.

### § 112.3 Certification of payments.

(a) Payments to an applicant under section 16 of the Act will be made only on the basis of a completed application which satisfies the conditions for payment prescribed by section 16 of the Act and the regulations in this part.

(b) Upon approval of a project application of a local educational agency under section 16 of the Act, the Commissioner will pay to such agency an amount equal to ten percentum of the estimated cost of the construction, incident to the replacement or restoration of the school facilities destroyed or seriously damaged as a result of the disaster. After final drawings and specifications have been approved by the Commissioner and the construction contract has been entered into, the Commissioner will pay to the applicant local educational agency, in advance or by way of reimbursement at such times and in such installments as he may deem to be reasonable, the remainder of the Federal share of the cost of the replacement or restoration of such school facilities.

(c) Any funds paid to a local educational agency and not expended or otherwise used for the purpose for which paid shall be repaid to the Commissioner for return to the Treasury of the United States.

### §§ 112.4–112.7 [Reserved]

## Subpart C—Application for Financial Assistance

### § 112.8 Applications.

(a) Federal financial assistance under section 16 of the Act will be provided on the basis of a completed application which is filed by an applicant and which sets forth the basis for eligibility for such assistance and identifies the project or projects for which such assistance is requested.

(b) Each application must be in substantially approvable form and be received by the Commissioner, or enclosed in a cover addressed to the Commissioner and postmarked, on or before the applicable filing date established by paragraph (c) of this section.

(c) Each application shall be submitted to the Commissioner through the appropriate State educational agency on or before ninety (90) days following (1) the date of publication of the regulations in this part in the FEDERAL REGISTER, or (2) ninety (90) days following the date on which the area in which the local educational agency is, in whole or in part, located is designated as being within a major disaster area, whichever is later; except that whenever such a date falls on a business day, the first day for filing applications shall be the next succeeding business day.

(d) An application will not be deemed to be a completed application unless it contains assurances that the rates of pay for laborers and mechanics engaged in any construction under the application will be not less than the prevailing local wage rates for similar work as determined in accordance with the Davis-Bacon Act, 40 U.S.C. 276a–276a–5; that all contractors and subcontractors for such construction will comply with the regulations in 29 CFR Part 3 and include in all contracts the contract clauses required by 29 CFR 5.5 (a) and (c); and that the nondiscrimination clause prescribed by Executive Order 11246 of September 24, 1965 (30 F.R. 12319, 12935), will be incorporated in any contract for construction work, or modification thereof, as defined in said Executive order.

(e) An application will not be deemed to be a completed application until all necessary forms prescribed by the Commissioner, supplements thereto, supporting documents, amendments, or communications, bearing the required certifications and verifications by the State educational agency, are received by the Commissioner.

(f) There can be no Federal financial participation under section 16 of the Act in any expenditures made before the application with respect thereto has been received by the Commissioner in substantially approvable form.

### § 112.9 General procedure if funds are inadequate to make all requested payments.

When the Commissioner deems that available appropriated funds will be inadequate to provide the financial assistance requested under all approvable applications that are timely filed, he will establish an order of priority for approval of such applications after considering the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

### § 112.10 Determination of priorities among applications.

(a) The Commissioner will determine the order of priority for all applications involving the replacement or restoration of school facilities, the destruction of or serious damage to which as a result of a major disaster requires as a temporary expediency the relocation of students in another school building or classroom. Such applications of all local educational agencies will be assigned priorities on the basis of the percentage, in descending order, that the total number of children in the school district who are so relocated (after deducting the number of children so relocated from a school facility previously assigned a priority in accordance with the order of their consideration that is specified by the local educational agency) bears to the total memberships of all schools in the school district. Such membership will be determined on the basis of the latest and best information

available. For the purpose of this section, the number of relocated children will include the number of children displaced from private schools as a result of the major disaster who would, but for the destruction or serious damage to the school facility being assigned a priority, be accommodated in that school facility, and such relocated children will be included in the computation of the membership of the public schools.

(b) All other applications for the replacement or restoration of school facilities destroyed or seriously damaged as a result of a major disaster will be assigned priorities lower than the priorities assigned under paragraph (a) of this section. Priorities will be assigned to school facilities under this paragraph (b) on the basis of the amount of financial assistance requested, and estimated by the Commissioner to be reasonable in amount, in comparison with the unused bond sale capacity for public school facilities. The unused bond sale capacity will be computed on the basis of facts as of the date of the disaster. Such applications of all local educational agencies will be assigned priorities on the basis of the percentage, in descending order, that the amount of the financial assistance so determined with respect to all such applications (after deducting the amount of such financial assistance under such applications previously assigned a priority in accordance with the order of their consideration that is specified by the local educational agency) bears to the unused bond sale capacity.

**§ 112.11 Prohibition against payment for religious worship or instruction.**

Nothing contained in the Act or the regulations in this part shall be construed to authorize the use of payments made under the Act for religious worship or instruction.

**§§ 112.12–112.15 [Reserved]**

### Subpart D—Retention of Records

**§ 112.16 Retention of records.**

Local educational agencies receiving grants under the Act are required to keep intact all records supporting claims for such grants until the completion of the Federal fiscal audit or the regularly conducted Federal administrative review, or for 3 years following the fiscal year to which the claim relates, whichever is later. The records involved in any claims or expenditures which have been questioned shall be maintained until necessary adjustments have been reviewed and cleared by the Federal agency making the review. Records need not be maintained beyond that period unless, under special circumstances, the local educational agency is specifically advised that certain of such records should be retained or unless State or local practices call for a longer period.

**§§ 112.17–112.20 [Reserved]**

### Subpart E—Provisions Not Exhaustive

**§ 112.21 Provisions not exhaustive of jurisdiction of Commissioner.**

The provisions of the regulations in this part shall be deemed not to be exhaustive of the jurisdiction of the Commissioner under the Act.

Dated: February 11, 1966.

[SEAL] HAROLD HOWE II,
*Commissioner of Education.*

Approved: March 4, 1966.

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

[F.R. Doc. 66-2672; Filed, Mar. 14, 1966; 8:46 a.m.]

## PART 113—FINANCIAL ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY MAJOR DISASTER

Grants made pursuant to the regulations in this part are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352; 42 U.S.C. 2000d).

Subpart A—Definitions

Sec.
113.1 Definitions.

Subpart B—Financial Assistance for Providing Free Public Education

113.2 Financial assistance for providing free public education.
113.3 Assistance for the replacement of supplies, equipment, and materials.

Subpart C—Applications

113.8 Applications.
113.9 Dates for filing applications.
113.10 Notification to applicant.
113.11 Reports.
113.12 Inadequacy of Federal funds.
113.13 Method of payment.
113.14 Prohibition on payment for religious worship or instruction.

Subpart D—Retention of Records

113.18 Fiscal control and audit.
113.19 Retention of records.

Subpart E—Preceding Provisions not Exhaustive

113.25 Preceding provisions not exhaustive of jurisdiction of the Commissioner.

AUTHORITY: The provisions of this Part 113 issued under sec. 7, 67 Stat. 1107, as renumbered sec. 301 by sec. 3(c), 79 Stat. 35; 20 U.S.C. 242. Interpret or apply sec. 7, 79 Stat. 1159, and sec. 9, 64 Stat. 1108, as renumbered sec. 303 by sec. 3(c), 79 Stat. 35, 20 U.S.C. 244.

### Subpart A—Definitions

**§ 113.1 Definitions.**

As used in this part—

(a) "Act" means P.L. 874, 81st Congress (64 Stat. 1100), section 7 of which was added by P.L. 89-313 (79 Stat. 1158).

(b) "Commissioner" means the United States Commissioner of Education.

(c) "Application" means a formal request submitted by a local educational agency on forms prescribed by the Commissioner, including any amendments thereto, as well as any document or documents in support thereof, filed by such a local educational agency, for additional financial assistance under section 7 of the Act and the regulations in this part with respect to current expenditures for providing free public education in an area affected by a major disaster (including assistance with respect to the repair of school facilities, or the restoration or replacement of school facilities, when urgently needed to protect such facilities from further damage or deterioration or otherwise necessary for continuing to provide free public education, but not including assistance with respect to the making of substantial structural repairs) or for the cost of replacing instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such a major disaster, or to provide school or cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of such a major disaster, or any combination of the foregoing.

(d) "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, in a county, township, independent, or other school district located within a State.

(e) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(f) "Fiscal year" means the period beginning on July 1 and ending on the following June 30. (The fiscal year is designated by the calendar year of the ending date.)

(g) "State" means a State of the Union, the District of Columbia, Puerto Rico, the Virgin Islands, Wake Island, Guam, or American Samoa.

(h) "Major disaster area" means an area which is determined, pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), to have suffered, after August 30, 1965, and prior to July 1, 1967, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. A certification by the Governor of the State in which such area is located of the need for disaster assistance in such area under Public Law 81-875 shall be deemed to be a certification of need for disaster assistance under section 7 of Public Law 81-874 and an assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of any political subdivision thereof, for purposes the same as or similar to those provided for in section 7 of Public Law 81-874 with respect to that catastrophe.

(i) "School facilities" includes classrooms and related facilities; and equipment, machinery, and utilities necessary or appropriate for school purposes. It does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public.

## Subpart B—Financial Assistance for Providing Free Public Education

### § 113.2 Financial assistance for providing free public education.

(a) When the Commissioner determines that a local educational agency is making a reasonable tax effort and is exercising due diligence in availing itself of funds from State, local and Federal sources for general educational purposes, but, as a result of the major disaster, is unable to secure funds for that purpose sufficient to meet the additional cost of providing free public education for children attending the schools of such agency, the Commissioner may, upon application under section 7 of the Act and approval thereof, provide such additional financial assistance, including assistance with respect to the restoration or replacement of school facilities other than structures destroyed or seriously damaged, as is necessary to enable that agency to continue to provide free public education to such children during the fiscal year in which the application is made at a pre-existing level. Such assistance may be continued in subsequent fiscal years on the basis of applications approved during such fiscal years but not beyond the end of the fourth fiscal year following the fiscal year in which the area in which the whole or a part of such agency is located is determined to have suffered a major disaster.

(b) The amount of such Federal financial assistance for continuing to provide free public education at a preexisting level during the second, third and fourth fiscal years following the fiscal year in which the area is determined to have suffered a major disaster will not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount of such financial assistance during the first fiscal year following such a determination exclusive of any financial assistance under section 7 of the Act for the restoration or replacement of school facilities. The amount of financial assistance so provided by the Commissioner to the agency for use during any fiscal year will not exceed the amount which the Commissioner determines to be necessary to enable such an agency, with the other funds available to it for such a purpose, to continue to provide a level of education equivalent to that maintained during the last full fiscal year prior to the occurrence of the major disaster. While the local educational agency is not to be required to cease to continue to provide such higher level of education as it may have undertaken to provide during the fiscal year in which the major disaster occurred, no additional assistance may be provided under section 7 of the Act that is attributable to the continuation of providing such a higher level of education. The determination by the Commissioner will take into account the additional costs reasonably necessary to provide under public auspices and administration, educational programs in which children enrolled in private elementary and secondary schools in the school attendance area of the applicant which have been disrupted or impaired by the major disaster may attend and participate.

### § 113.3 Assistance for the replacement of supplies, equipment, and materials.

Where an applicant local educational agency is determined by the Commissioner to be eligible for financial assistance under § 113.2, the Commissioner will provide an amount to that agency which he determined to be necessary (a) to replace instructional and maintenance supplies, equipment, materials (including textbooks), whether or not acquired through the use in whole or in part of Federal funds made available under other programs, which have been destroyed or seriously damaged as a result of the major disaster and (b) to lease or otherwise provide (other than by the acquisition of land or the erection of buildings) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster.

### §§ 113.4–113.7 [Reserved]

## Subpart C—Applications

### § 113.8 Applications.

As a condition to receiving benefits under section 7 of the Act, a local educational agency located in whole or in part in a major disaster area must, through the appropriate State educational agency, file with the Commissioner an application for financial assistance on forms prescribed by the Commissioner setting forth the need for such benefits under section 7 of the Act. An approved application for financial assistance in continuing to provide free public education at a preexisting level, other than financial assistance under section 7 of the Act for the restoration or replacement of school facilities, shall apply only to such financial assistance for the providing of free public education until the end of the fiscal year in which the application is approved. Otherwise an approved application shall apply to any expenditures made during a reasonable period of time with respect to those items which are covered by the application. An application that is timely made will be applicable retroactively for eligible expenditures made during or subsequent to the major disaster occasioning the expenditure.

### § 113.9 Dates for filing applications.

Each application for benefits under section 7 of the Act, except applications for financial assistance for continuing to provide free public education at a preexisting level that are filed for a fiscal year subsequent to that covered by such initial application, must be filed by the applicant on or before ninety (90) days following the date on which the area in which the applicant is located is declared to be a major disaster area or in ninety (90) days following the date of the publication of the regulations in this part in the FEDERAL REGISTER, whichever is the later; except that, whenever such date shall fall on a nonbusiness day, the final date for filing applications shall be the next succeeding business day. An application for financial assistance for continuing to provide free public education at a preexisting level for a fiscal year subsequent to that covered by the initial year of such application must be filed by March 31 in the fiscal year following the last such application. An application must either be received by the Commissioner, or be mailed under cover postmarked, on or before the final filing date. It must be transmitted through and certified for by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner.

### § 113.10 Notification to applicant.

Each applicant will be notified by the Commissioner of the approval or disapproval of its application and the estimated amount of any payments to be made with respect to assistance in the cost of providing free public education, including assistance with respect to the repair of school facilities, or the replacement or restoration of school facilities, and the cost of replacing destroyed or seriously damaged instructional and maintenance supplies, equipment and materials (including textbooks), and of leasing or otherwise providing school or cafeteria facilities as temporary replacements.

### § 113.11 Reports.

(a) *Reports required.* Each applicant shall submit such reports and information concerning destruction and damage occasioned by the major disaster on such forms as the Commissioner may reasonably require concerning destruction of and damage to school facilities and instructional and maintenance supplies, equipment, and materials (including textbooks), and of payments made with respect thereto as well as payments made to continue to provide free public education at a preexisting level, and to lease or otherwise provide school and cafeteria facilities as temporary replacements, for which benefits are sought under section 7 of the Act.

(b) *Final report.* Each applicant whose application is approved shall submit to the Commissioner final reports concerning payments made by the applicant for which benefits are sought under section 7 of the Act. Such final reports shall be submitted promptly after the applicant makes final payments and receives final insurance adjustments, but in no event later than the 30th day of September in the fiscal year following the fiscal year in which such final payments or insurance adjustment are

made whichever is later, except that a final report shall be made with respect to each fiscal year and submitted to the Commissioner not later than the 30th day of September in the following fiscal year with respect to the cost of providing free public education at a preexisting level (other than the cost of repair, restoration or replacement of school facilities) and with respect to the leasing or otherwise providing of school and cafeteria facilities as temporary replacements.

(c) *Excessive payments.* The Commissioner may disallow any portion of the amounts requested which are determined by him not to be necessary for the intended purpose or not to be eligible for benefits under section 7 of the Act. If, after the date for filing a final report, an applicant is found to have received amounts in excess of the amounts necessary to continue to provide free public education at a preexisting level, or to lease or otherwise provide school or cafeteria facilities as temporary replacements, for a given fiscal year, an amount equal to the excess will be taken into consideration in determining the amounts to be subsequently certified for payment to the applicant for the current or any subsequent fiscal year. Where no payments are due, the applicant will be required to refund such excess to the United States Treasury through the Commissioner.

**§ 113.12 Inadequacy of Federal funds.**

(a) If appropriated funds are inadequate to pay in full the requests contained in all approvable applications filed within the ninety (90) day filing period, the Commissioner will establish an order of priority for the approval of such applications. In determining the order in which such applications will be approved the Commissioner will consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

(b) Priority among approvable applications filed within the 90-day filing period will be determined as follows: A priority will be determined among applications by ascertaining the percentage that the total Federal funds for which each applicant is estimated by the Commissioner to be eligible under the Act is of the total current operating costs of that applicant as estimated by the Commissioner, including the increased costs due to the major disaster.

**§ 113.13 Method of payment.**

The Commissioner will pay in advance or by way of reimbursement and in such installments as he may determine the amounts due to a local educational agency pursuant to the provisions of the Act.

**§ 113.14 Prohibition on payment for religious worship or instruction.**

Nothing contained in the Act or in this part shall be construed to authorize the use of any payment made thereunder to pay for religious worship or instruction.

**§§ 113.15–113.17 [Reserved]**

### Subpart D—Retention of Records

**§ 113.18 Fiscal control and audit.**

(a) Each applicant local educational agency shall provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement and accounting for funds paid to that local educational agency under section 7 of the Act.

(b) All expenditures by a local educational agency of funds paid to it under section 7 of the Act shall be audited under audit standards appropriate for that purpose with due regard to Federal auditing requirements. Federal auditors or reviewers, or both, shall be given access to reports of such audits and to such other documents as may be necessary to verify the results of such audits.

**§ 113.19 Retention of records.**

Local educational agencies receiving Federal assistance under the Act are required to keep intact all records supporting claims for such Federal funds until either the completion of the fiscal audit or the regularly conducted Federal administrative review and notification that the case is closed, or for 3 years following the fiscal year to which the claim relates, whichever is later. The records involved in any claims or expenditures which have been questioned must be maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agency making such reviews. The Commissioner will not require that records be maintained beyond this period unless, under special circumstances, the local educational agency is specifically advised that certain record materials should be retained.

**§§ 113.20–113.24 [Reserved]**

### Subpart E—Preceding Provisions Not Exhaustive

**§ 113.25 Preceding provisions not exhaustive of jurisdiction of the Commissioner.**

No provisions of the regulations in this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the Act.

Dated: February 11, 1966.

[SEAL] HAROLD HOWE II,
*Commissioner of Education.*

Approved: March 4, 1966.

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

[F.R. Doc. 66-2673; Filed, Mar. 14, 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 61, 2d Rev., Amdt. 6 and General Order 107]

## PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

SUBCHAPTER D—FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

[General Order 29, Rev., Amdt. 5]

## PART 298—FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

### Vessels and Shipyard Facilities; Mortgages and Assignment of Rights to Trustees

Notice was published in the FEDERAL REGISTER on December 3, 1965 (30 F.R. 14994), of proposed rule making relating to the approval of trustees under Public Law 89–346 (§§ 221.21–221.29, 46 CFR Part 221, General Order 107); the amendment of the eligibility requirements in respect of mortgage and loan insurance under Title XI, Merchant Marine Act, 1936, as amended (§ 298.4 (f), 46 CFR Part 298, General Order 29 Rev., Amdt. 5); and the execution by trustees of mortgages of an additional form of declaration under section 40, Shipping Act, 1916, as amended (§ 221.11 (g), 46 CFR Part 221, General Order 61, 2d Rev., Amdt. 6).

The notice, as extended by notice published in the FEDERAL REGISTER on December 24, 1965 (30 F.R. 16084), afforded interested persons an opportunity to file with the Maritime Administration written comments pertaining to the proposed rules for consideration in the final adoption thereof.

Comments were filed by or on behalf of two steamship associations, one particular operator (concurred in by counsel for the underwriters and purchasers of bonds) in a proposed Title XI trust indenture financing, and various banks. The comments filed generally supported adoption of the proposed rules although a number of changes were suggested and some of the banks opposed adoption of the additional form of declaration to be filed under section 40. A substantial number of the suggested changes have been adopted and interested persons have been furnished a copy of the Maritime Administrator's "Review of Comments Received on Proposed Regulations To Carry Out Public Law 89–346" which includes a discussion of the principal suggestions which have not been adopted. Accordingly, having given due consideration to all relevant matter presented, (i) a group of sections are added to Part 221, (ii) paragraph (f) of § 298.4 is amended, (iii) the introductory portion of § 221.11

(including paragraph (a) and the introductory clause of paragraph (b)) is amended, and (iv) a new paragraph (g) is added to § 221.11 as hereinafter set forth.

APPROVAL OF TRUSTEES UNDER PUBLIC LAW 89–346

Sec.
221.21 Purpose.
221.22 Definitions.
221.23 Applications.
221.24 Agreements of applicants.
221.25 Approval of applicants.
221.26 Roster of approved trustees.
221.27 Disapproval of trustees.
221.28 Removal without disapproval.
221.29 Publication of notices.
221.30 Forms.

AUTHORITY: §§ 221.21 to 221.30 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; sec. 19, 41 Stat. 995, 46 U.S.C. 876; sec. 9, 39 Stat. 730, as amended, 46 U.S.C. 808; sec. 37, 40 Stat. 901, as amended, 46 U.S.C. 835; subsec. 0, 41 Stat. 1004, 46 U.S.C. 961; Public Law 89–346; Reorganization Plan No. 7 of 1961 (26 F.R. 7315).

APPROVAL OF TRUSTEES UNDER PUBLIC LAW 89–346

**§ 221.21 Purpose.**

The purpose of §§ 221.21–221.30 is to provide for the approval and disapproval by the Secretary of Commerce of banks and trust companies as trustees under Public Law 89–346 (amending secs. 9 and 37 of the Shipping Act, 1916, and subsec. 0 of the Ship Mortgage Act, 1920, and providing a procedure for assuring the validity of certain bonds, notes and other evidence of indebtedness, including the issuance, transfer and assignment thereof, and the validity and preferred status of certain mortgages of vessels). The functions of the Secretary of Commerce under Public Law 89–346 have been delegated to the Maritime Administrator pursuant to § 3.03 of Department Order 117 (Revised) (27 F.R. 3637, April 27, 1962).

**§ 221.22 Definitions.**

As used in §§ 221.21 to 221.30, including the forms referred to in § 221.30, the term "vessel" means a vessel the transfer of which to a person not a citizen of the United States is prohibited by sections 9 or 37 of the Shipping Act, 1916, as amended, and for the purpose of section 9 also means a vessel under construction for documentation under the laws of the United States and owned in whole or in part by a citizen of the United States; the term "shipyard, drydock, or shipbuilding or ship-repairing plant or facilities" means those the transfer of which to a person not a citizen of the United States is prohibited by section 37 of the Shipping Act, 1916, as amended; and the term "Vessel or Shipyard Financing Trust" means each trust under which a bank or trust company acts as trustee in connection with a bond, note or other evidence of indebtedness which is secured by a mortgage of a vessel to the trustee or by an assignment to the trustee of the owner's right, title or interest in a vessel under construction, or by a mortgage to the trustee on a shipyard, drydock, or ship-building or ship-repairing plant or facilities (irrespective of the number of such bonds, notes or other evidence of indebtedness, mortgages or assignments, vessels, or shipyards, drydocks, or ship-building or ship-repairing plants or facilities involved in the particular Vessel or Shipyard Financing Trust).

**§ 221.23 Applications.**

(a) Any qualified bank or trust company acting or proposing to act as trustee under a Vessel or Shipyard Financing Trust may apply for approval as trustee pursuant to Public Law 89–346 and §§ 221.21 to 221.30.

(b) Applications may be made at any time after the effective date of §§ 221.21 to 221.30. Applications shall be submitted to the Secretary, Maritime Administration, Washington, D.C., 20235.

(c) Applications shall be made in triplicate on the form of Application for Approval as Trustee set forth in § 221.30 with only such changes therein as may be approved by the Maritime Administrator. Each copy of the application shall be completed by the insertion of appropriate and full information as indicated on the form; shall be executed by a duly authorized official of the applicant; and shall be accompanied by an affidavit of citizenship and the most recent published report of condition of the applicant, unless (with the concurrence of the Maritime Administrator) reference is made to an affidavit or report previously filed. The form of affidavit of citizenship to be used in connection with applications is that prescribed in 32A CFR AGE–2 with only such changes therein as may be approved by the Maritime Administrator.

(d) A single application will suffice for requesting approval of a single bank or trust company as trustee under all Vessel or Shipyard Financing Trusts under which the bank or trust company is then or may thereafter be acting as trustee.

(e) If upon a merger, consolidation or other organizational change the bank or trust company approved as trustee ceases to be the continuing entity, a new application for the continuing entity will be required if it has not already been approved as trustee.

**§ 221.24 Agreements of applicants.**

Each applicant shall be bound by the agreements contained in its application, which agreements shall survive the approval of the applicant as trustee.

**§ 221.25 Approval of applicants.**

(a) Applicants meeting the standards for trustees specified in Public Law 89–346 will be eligible for approval as trustees. National banks, although designated national banking associations, will be eligible for approval as corporations organized and doing business under the laws of the United States. The Maritime Administrator, or his duly authorized representative, will indicate the approval of the Secretary of Commerce of an applicant as trustee by signing the Secretary's Approval appearing at the end of the application form and returning a duplicate signed copy to the applicant, but no approval shall be construed to alter retroactively any rights which were the subject matter of litigation pending on the date of enactment of Public Law 89–346.

(b) Upon approval, a Notice of Approval of Applicant as Trustee will be published. Upon receipt of notice of a change of name of an approved trustee (not requiring the filing of a new application pursuant to § 221.23) a Notice of Change of Name of Approved Trustee will be published.

**§ 221.26 Roster of approved trustees.**

Upon approval, each applicant will be placed on a Roster of Approved Trustees to be maintained by the Maritime Administrator according to trustee's name, address, and date of approval. Upon receipt of notice of a change of name or address of an approved trustee (not requiring the filing of a new application pursuant to § 221.23), an appropriate endorsement will be made on the Roster to show the new name or address of the approved trustee. The Roster of Approved Trustees will be available for public inspection in the office of the Secretary, Maritime Administration, Washington, D.C., 20235, during official business hours.

**§ 221.27 Disapproval of trustees.**

(a) Approved trustees shall be subject to disapproval if they cease to meet the standards for trustees specified in Public Law 89–346. Disapproval of a trustee shall become effective upon the date of publication of a Notice of Disapproval of Trustee. A written notice of any proposed finding of lack of qualification of the trustee (which may include lack of qualification which will be inferred from the trustee's failure to furnish information relating to its qualification pursuant to the agreements contained in its application referred to in § 221.24) will first be mailed to the trustee. If the trustee satisfactorily demonstrates that no lack of qualification exists, a written notice of withdrawal of the proposed finding will be mailed to the trustee; otherwise a Notice of Proposed Finding of Lack of Qualification of Trustee will be published not less than 10 days after the date of said written notice to the trustee. If it is thereafter satisfactorily demonstrated that no lack of qualification exists a Notice of Withdrawal of Proposed Finding of Lack of Qualification of Trustee will be published; otherwise a Notice of Disapproval of Trustee will be published not less than 120 days after publication of the Notice of Proposed Finding of Lack of Qualification of Trustee.

(b) Copies of notices published pursuant to this section will be mailed to the trustee and to the borrowers under the trusts listed in the List of Vessel or Shipyard Financing Trusts (Executed) annexed to the Trustee's Application for Approval as Trustee, as from time to time supplemented and amended.

(c) Upon publication of a Notice of Disapproval of Trustee, the name of the trustee will be removed from the Roster of Approved Trustees.

**§ 221.28 Removal without disapproval.**

(a) Any approved trustee may request removal from the Roster of Approved

Trustees without disapproval. Removal of a trustee shall become effective upon the date of publication of a Notice of Approval of Request for Removal from Roster of Approved Trustees. The trustee shall certify in its request for removal that it is no longer acting or proposing to act as trustee under a Vessel or Shipyard Financing Trust. A Notice of Request for Removal from Roster of Approved Trustees will first be published together with a statement of the trustee's aforesaid certification. If the approved trustee requests a withdrawal of its request for removal or if it is found that the trustee's certification is not correct based on information furnished to or otherwise available to the Maritime Administrator, a Notice of Withdrawal or Rejection of Request for Removal from Roster of Approved Trustees will be published; otherwise a Notice of Approval of Request for Removal from Roster of Approved Trustees will be published not less than 30 days after publication of the Notice of Request for Removal from Roster of Approved Trustees.

(b) Copies of notices published pursuant to this section will be mailed to the trustee and to the borrowers under the trusts listed in the List of Vessel or Shipyard Financing Trusts (Executed) annexed to the Trustee's Application for Approval as Trustee, as from time to time supplemented and amended.

(c) Upon publication of a Notice of Approval of Request for Withdrawal from Roster of Approved Trustees, the name of the trustee will be removed from the Roster of Approved Trustees.

**§ 221.29 Publication of notices.**

Whenever in §§ 221.21 to 221.30 reference is made to the publication of a notice or to a notice as having been published it means publication in the FEDERAL REGISTER by the Maritime Administrator.

**§ 221.30 Forms.**

The forms of Application for Approval as Trustee referred to in § 221.23 and the Trustee's Annual Supplemental Certification referred to in said Application as as follows:

(Form MA–579, Mar. 8, 1966)

DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION

APPLICATION FOR APPROVAL AS TRUSTEE

The undersigned (the "Trustee") hereby applies for approval as trustee pursuant to Public Law 89–346 and the regulation prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (the "Secretary"), to implement the provisions of Public Law 89–346 (46 CFR 221.21–221.30; the "Regulation").

In support of this application the Trustee certifies to and agrees with the Secretary as hereinafter set forth.

The Trustee certifies:

(a) That it is acting or proposing to act as trustee under a Vessel or Shipyard Financing Trust (as defined in the Regulation);

(b) That the attached List of Vessel or Shipyard Financing Trusts is a true and correct list of the Vessel or Shipyard Financing Trusts under which the Trustee is acting or proposing to act as trustee; and

(c) That the Trustee is a bank or trust company which—

(1) Is organized as a corporation, and is doing business, under the laws of the United States (_____) or of the State
(Check, if applicable)
of _____;
(Insert name of State, if applicable)

(2) Is authorized by such laws to exercise corporate trust powers:

(3) Is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802), as evidenced by: (i) (_____) the attached affidavit of citizenship dated the date hereof: or (ii) (_____) affidavit
(Check, if applicable)
(Check, if applicable)
of citizenship dated _____, as amended by updating affidavit(s) or certificate(s) heretofore filed with the Secretary (the last such updating affidavit or certificate being dated _____), which affidavit of citizenship, as amended, is true and correct as of the date hereof, (_____) except for changes reflected in the attached updating affidavit dated the date hereof.
(Check, if applicable)

(4) Is subject to supervision or examination by Federal (_____) or
(Check, if applicable)
State (_____) authority; and
(Check, if applicable)

(5) Has a combined capital and surplus of at least $3,000,000 as set forth in its most recent published report of condition, (_____) copy of which dated
(Check, if applicable)
_____ is attached, or (_____)
(Check, if applicable)
copy of which dated _____ has heretofore been filed with the Secretary.

The Trustee agrees:

(a) That it will once each year, within 30 days after its annual meeting of stockholders, so long as it shall continue to be on the Roster of Approved Trustees referred to in the Regulation, file with the Secretary, Maritime Administration, a Trustee's Annual Supplemental Certification in the form prescribed by the Regulation, with only such changes therein as may be approved by the Maritime Administrator;

(b) That it will, so long as it shall continue to be on the Roster of Approved Trustees referred to in the Regulation:

(1) Forthwith as it gains knowledge of such fact, notify the Secretary, Maritime Administration, in writing if it shall cease to be a bank or trust company which (i) is organized as a corporation, and is doing business, under the laws as aforesaid, (ii) is authorized under such laws to exercise corporate trust powers, (iii) is a citizen of the United States as aforesaid, (iv) is subject to supervision or examination by Federal or State authority as aforesaid, and (v) has a combined capital and surplus (as set forth in its most recent published report of condition) of at least $3,000,000;

(2) Notify the Secretary, Maritime Administration, in writing of all deletions from and additions to the List of Vessel or Shipyard Financing Trust (executed) under which it is acting as trustee as such changes occur;

(3) Notify the Secretary, Maritime Administration, in writing of any changes in its name or address, as such changes occur;

(4) Furnish to the Secretary such further relevant and material information concerning its qualifications as trustee under Public Law 89–346 and concerning the Vessel or Shipyard Financing Trusts under which it is acting or proposing to act as trustee, as the Secretary may from time to time request; and

(5) Permit the representatives of the Maritime Administrator, upon request, to examine its books and records relating to the matters referred to herein.

This Application is made in order to induce the Secretary to grant his approval of the undersigned as trustee pursuant to Public Law 89–346 and the Regulation, and may be relied on by the Secretary for such purpose.

Dated this _____ day of _____, 19__.

_____
(Name of Trustee)

_____
(Address of Trustee)

By _____
(Name)

_____
(Title)

Attest:
(Seal)

_____
(Name)

_____
(Title)

SECRETARY'S APPROVAL

In reliance on the foregoing Application and _____
(Here insert reference to any supplemental matter filed by the trustee in support of the Application; if none, insert "None")
_____;
the above-named Trustee is hereby approved as trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated this _____ day of _____, 19__.

SECRETARY OF COMMERCE,
MARITIME ADMINISTRATOR.

By _____
(Name)

_____
(Title)

LIST OF VESSEL OR SHIPYARD FINANCING TRUSTS

EXECUTED

| *Identity of trust instrument by name, date and parties* | *Name and address of borrower under trust* |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

PROPOSED

| *Identity of trust instrument by proposed name, date and parties* | *Name and address of proposed borrower under trust* |
|---|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(Form MA–580, Mar. 8, 1966)

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

TRUSTEE'S ANNUAL SUPPLEMENTAL CERTIFICATION

Pursuant to the regulation prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (the "Secretary"), to implement the provisions of Public Law 89–346 (46 CFR 221.21–221.30; the "Regulation"), and to our Application for Approval as Trustee dated _____, the undersigned (the "Trustee") hereby certifies to the Secretary:

(a) That the certifications made in (c) (1), (2), (3), (4), and (5) of our aforesaid Application for Approval as Trustee as heretofore supplemented and amended (1) (_____) are true and correct as
(Check, if applicable)
of the date hereof; or (2) (_____)
(Check, if applicable)
are true and correct as of the date hereof, except for _____

(Insert any change required to make such certifications true and correct as of the date hereof)

(b) That the Trustee's affidavit of citizenship attached or referred to in our aforesaid Application for Approval as Trustee as heretofore supplemented and amended (1) (Check, if applicable) (_____) is true and correct as of the date hereof, (Check, if applicable) (_____) except for changes reflected in the attached updating affidavit dated the date hereof; or (2) (Check, if applicable) (_____) is superseded by the attached affidavit of citizenship dated the date hereof; and

(c) That the most recent published annual report of condition of the Trustee dated _____ (1) (Check,if applicable) (_____) is attached, or (2) (Check, if applicable) (_____) has heretofore been filed with the Secretary.

As agreed in our aforesaid Application for Approval as Trustee, we have notified you of all deletions from and additions to the List of Vessel or Shipyard Financing Trusts (Executed) under which we are acting as trustee.

This Certification is made in order to induce the Secretary to continue his approval of the undersigned as trustee pursuant to Public Law 89–346 and the Regulation, and may be relied on by the Secretary for such purpose.

Dated this _____ day of _____, 19__.

_____
(Names of trustee)

_____
(Address of trustee)

By _____
(Name)

_____
(Title)

Attest:

(Seal)

_____
(Name)

_____
(Title)

**§ 298.4 Eligibility requirements.**

* * * * *

(f) *United States citizenship; approved trustee.* Each mortgagor, borrower, mortgagee, and lender, and his successors and assigns, shall be a citizen of the United States within the meaning of section 2, Shipping Act, 1916, as amended, sections 37 and 38, Merchant Marine Act, 1920, as amended, and section 905(c), Merchant Marine Act, 1936, as amended. Each managing agent and bareboat charterer of the vessel or vessels, and his successors and assigns, shall likewise be such a citizen. In case of a mortgage or loan involving a trust indenture and an issue of bonds or notes thereunder, the trustee designated in such trust indenture, and each substitute trustee, shall be a trustee approved pursuant to Public Law 89–346 and §§ 221.21–221.30 of this chapter.

* * * * *

**§ 221.11 Citizenship declarations by owners or mortgagees of vessels of the United States as required by section 40 of the Shipping Act, 1916, as amended.**

Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented to any collector of customs to be recorded, the vendee, mortgagee, or transferee shall file therewith, as provided by section 40 of the Shipping Act, 1916, as amended (sec. 4, 40 Stat. 902; 46 U.S.C. 838), a declaration or declarations as prescribed by this § 221.11.

(a) Form MA–4557 and, in connection therewith when appropriate, Form MA–4557–A shall be filed by a corporation; Form MA–4558 shall be filed by an individual; Form MA–4559 shall be filed by a partner, joint owner, or member of copartnership or unincorporated company or association; Form MA–4560 and, in connection therewith when appropriate, Form MA–4560–A shall be filed by a mutual insurance company; Form MA–4561 shall be filed by a mutual savings bank; Form MA–4562 shall be filed by a corporation within the purview of Public Law 85–902 (72 Stat. 1736); and Form MA–4563 shall be filed by a trustee to whom a mortgage of a vessel is given (but not in substitution for any other declaration required to be filed under this section).

(b) Forms MA–4557, MA–4557–A, MA–4558, and MA–4559 for execution by the respective parties indicated shall read as follows:

* * * * *

(g) Form MA–4563 for execution by each trustee to whom a mortgage of a vessel is given (but not in substitution for any other declaration required to be filed under this section), shall read as follows:

(Form MA–4563, Mar. 8, 1966)

U.S. DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

(Section 40, Shipping Act, 1916, as amended)

46 U.S.C. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF TRUSTEE/MORTGAGEE [1]

The undersigned (the "Trustee") hereby declares that this declaration is filed in connection with the mortgage given by _____ to _____, dated _____, covering the vessel(s) _____, now held by the Trustee. The term "Bonds" as used in this declaration means (a) all bonds, notes, or other evidence of indebtedness now or heretofore secured by said mortgage, and (b) in the case of an indebtedness secured first by an assignment to the Trustee or to its predecessor(s) as trustee, if any, of the owner's right, title, or interest in said vessel(s) while under construction, and secured later by the aforesaid mortgage, all bonds, notes or other evidence of indebtedness heretofore secured by said assignment, and shall include the singular as well as the plural.

The Trustee hereby further declares (check at least one of the following statements as applicable):

(a) (_____) that there has been approval of the Trustee and of its predecessor(s) as trustee, if any, pursuant to Public Law 89–346 and 46 CFR 221.21–221.30 with no break in the continuity of such approval from a date and time prior to the original issuance of any of the Bonds to the date hereof or from a date and time not later than November 8, 1966, to the date hereof;

(b) (_____) that there has been approval of the Trustee and of its predecessor(s) as trustee, if any, pursuant to Public Law 89–346 and 46 CFR 221.21–221.30 with no break in the continuity of such approval from a date and time prior to the original issuance of any of the Bonds to the date hereof or from a date and time not later than November 8, 1966, to the date hereof, except for the period(s) _____ during which there was no issuance, transfer, or assignment of any of the Bonds to any person not a citizen of the United States within the meaning of sections 2, 9, and 37, Shipping Act, 1916, as amended, without the approval of the Secretary of Commerce;

(c) (_____) that there has been no issuance, transfer or assignment of any of the Bonds to any person not a citizen of the United States within the meaning of sections 2, 9, and 37, Shipping Act, 1916, as amended, without the approval of the Secretary of Commerce, prior to the date hereof.

_____
(Date)

_____
(Name of Trustee)

By _____ [2]
(Signature and Title)

PENALTY FOR FALSE STATEMENT

Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than 5 years, or both."

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

*Effective date.* The foregoing shall be effective on the date of publication in the FEDERAL REGISTER.

By order of the Maritime Administrator.

Dated: March 8, 1966.

JOHN M. O'CONNELL,
*Acting Secretary.*

[F.R. Doc. 66–2704; Filed, Mar. 14, 1966; 8:48 a.m.]

[1] This declaration is to be taken whenever any mortgage of a vessel to a trustee is presented for recording (but not in substitution for any other declaration required to be filed under 46 CFR 221.11).

[2] Unless Trustee is an individual, insert name of president, secretary or treasurer of Trustee or any other official (which may include a vice president or trust officer) duly authorized by Trustee to execute declaration.

# Title 50—WILDLIFE AND FISHERIES

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

## PART 28—PUBLIC ACCESS, USE AND RECREATION

### Crab Orchard National Wildlife Refuge, Ill.; Correction

In F.R. vol. 31, No. 31, Tuesday, February 15, 1966, on page 2717, subparagraph (6) should read as follows:

(6) Sailboats when underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of two miles.

MARVIN P. DUNCAN,
*Acting Project Manager, Crab Orchard National Wildlife Refuge, Rural Route No. 2, Carterville, Ill.*

MARCH 7, 1966.

[F.R. Doc. 66-2681; Filed, Mar. 14, 1966; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF COMMERCE

### Patent Office

### [ 37 CFR Part 1 ]

### RULES OF PRACTICE IN PATENT CASES

### Notice of Proposed Rule Making

Notice is hereby given that the Patent Office proposes to amend the rules of practice relating to patents in the manner set forth below. The amendment is proposed pursuant to the authority contained in Title 35 U.S.C., section 6.

All persons interested in presenting their views and objections and recommendations in connection with the proposed changes are invited to do so on or before April 26, 1966, on which day a hearing will be held at 10 a.m. in Room 3886–B of the Department of Commerce Building. All persons wishing to be heard orally are requested to notify the Commissioner of Patents of their intended appearance.

*Proposed amendment.* Sections 1.71–1.79 of Title 37 CFR (Patent Rules 71–79) relating to the contents and arrangement of the patent specification and §§ 1.83 and 1.84(g) (Patent Rules 83 and 84(g)) relating to certain drawing requirements are proposed to be deleted and replaced as follows:

SPECIFICATION

**§ 1.71 Arrangement and contents of the specification.**

Preferably the following order of arrangement should be observed in framing the specification and each of the items should be preceded by the headings indicated:

(a) Title of the invention. (See § 1.72.)
(b) Inventor(s). (See § 1.73.)
(c) Cross-references to related applications (if any). (See § 1.74.)
(d) Abstract of the invention. (See § 1.75.)
(e) Background of the invention. (See § 1.76.)
(f) Description of the invention. (See § 1.77.)
(g) Claim(s). (See § 1.78.)

**§ 1.72 Title of the invention.**

The title of the invention, which should be as short and concise as possible but specific to the claimed invention, should appear at the top of the first page of the specification.

**§ 1.73 Inventor(s).**

The full name and place of residence of each inventor should preferably follow the title of the invention.

**§ 1.74 Cross-references to related applications.**

(a) When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain or be amended to contain a reference in the specification to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications, if the benefit of the filing date of the prior application is claimed; if no such reference is made the prior application must be referred to in a separate paper filed in the later application. Cross-references to other related applications may be made when appropriate. (See § 1.14(b).)

(b) Where two or more applications filed by the same applicant, or owned by the same party, contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention in more than one application.

(c) Where the application is based on an earlier filed foreign application or applications directed to the same invention, such applications should be fully identified by country, filing date, and application number if known and any claim for priority should be included in the specification if possible, even though the certified copy of the original foreign application is not filed until some later date.

**§ 1.75 Abstract of the invention.**

A brief abstract of the invention should be set forth indicating the nature and general substance of the subject matter being claimed and pointing out the inventive concept involved. The purpose of the abstract is to enable the Patent Office and the public generally to determine quickly from a cursory inspection the nature and gist of the invention asserted.

**§ 1.76 Background of the invention.**

The specification should briefly identify the field of art to which the invention pertains and should describe to the extent practical the state of the prior art known to the applicant, including references to specific prior art where appropriate. Where applicable, the problems involved in the prior art, which are solved by the applicant's invention, should be indicated.

**§ 1.77 Description of the invention.**

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same. In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates.

(b) The precise invention for which a patent is solicited must be set forth in such manner as to distinguish it from other inventions and what is old. The objects and advantages of the invention may be pointed out and the manner in which the invention solves the problems existent in the prior art may be set forth.

(c) The specification must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(d) Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field to which the invention pertains, form a part of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter. In the case of an improvement, the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

(e) When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter).

**§ 1.78 Claim(s).**

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(b) More than one claim may be presented provided they differ substantially from each other and are not unduly multiplied.

(c) When more than one claim is presented, they may be placed in dependent form in which a claim may refer back to and further restrict a single preceding claim. Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

(d) The claim or claims must conform to the invention as set forth in the remainder of the specification and the

terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

See § 1.141 to 1.147 as to claiming different inventions in one application.

(e) Where the nature of the case admits, as in the case of an improvement, any independent claim should contain in the following order, (1) a preamble comprising a general description of the conventional subject matter to which the invention relates, (2) a phrase such as "wherein the improvement comprises," and (3) a description of the specific subject matter which the applicant considers as his invention and its relation to the conventional subject matter described in the preamble.

(f) A claim may be typed with the various elements subdivided in paragraph form. There may be plural indentations to further segregate subcombinations or related steps.

(g) Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims. The reference characters, however, should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. The use of reference characters shall in no way be construed as placing any limitations on the scope of the claims.

**§ 1.79 Signature to the specification.**

When the oath or declaration is attached to and refers to the petition, specification and claim to which it applies, the specification need not be signed. Otherwise it must be signed by the applicant in person.

**§ 1.80 Reservation clauses not permitted.**

A reservation for a future application of subject matter disclosed but not claimed in a pending application will not be permitted in the pending application, but an application disclosing unclaimed subject matter may contain a reference to a later filed application of the same applicant or owned by a common assignee disclosing and claiming that subject matter.

DRAWINGS

**§ 1.83 Content of drawing.**

(a) The drawing must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g. a labeled rectangular box).

(b) When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

**§ 1.84 Standards for drawings.**

* * * * *

(g) *Symbols, legends.* Graphical drawing symbols and other labeled representations may be used for conventional elements when appropriate, subject to approval by the Office. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. While descriptive matter on drawings is not permitted, suitable legends may be used, or may be required, in proper cases, as in diagrammatic views and flowsheets or to show materials or where labeled representations are employed to illustrate conventional elements. Arrows may be required, in proper cases, to show direction of movement. The lettering should be as large as, or larger than, the reference characters.

* * * * *

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6, 112, 113)

EDWARD J. BRENNER,
*Commissioner of Patents.*

Approved:

J. HERBERT HOLLOMON,
*Assistant Secretary for Science and Technology.*

MARCH 4, 1966.

[F.R. Doc. 66-2660; Filed, Mar. 14, 1966; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 27 ]

[Docket No. FDC-77]

## ORANGE JUICE PRODUCTS

### Notice of Hearing and Prehearing Conference on Standards of Identity Amendments

Two notices were published in the FEDERAL REGISTER of February 6, 1965 (30 F.R. 1296), setting forth proposals by:

A. The National Orange Juice Association, Exchange National Bank Building, Tampa, Fla., 33601, to amend the identity standards for pasteurized orange juice (21 CFR 27.107), canned orange juice (21 CFR 27.108), and reconstituted orange juice (21 CFR 27.111); and

B. The National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C., 20006, et al., to amend the identity standards for frozen concentrated orange juice (21 CFR 27.109) and canned concentrated orange juice (21 CFR 27.110).

Based upon comments received and other relevant information available, the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER of November 19, 1965 (30 F.R. 14491), adopting part, but not all, of the proposals.

Objections to portions of that order were filed, in accordance with section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, and a public hearing was requested. The Commissioner published an order in the FEDERAL REGISTER of December 31, 1965 (30 F.R. 17164), staying the amendment published November 19, 1965, that deleted the alternative name "reconstituted orange juice" from § 27.111, and further postponed the effective date of the labeling requirements prescribed by §§ 27.107 (d) and (e) and 27.111 (c) and (d) until September 30, 1966.

The Commissioner has concluded that the objections state reasonable grounds for a hearing on the issues of whether or not it will promote honesty and fair dealing in the interest of consumers and will be reasonable:

1. To amend § 27.107, the standard for pasteurized orange juice, by changing:

a. Paragraph (a) to raise the minimum requirement for orange juice soluble solids from 10.5 to 11.0 percent.

b. Paragraph (b) to increase from one-fourth to one-third the total orange juice solids in the finished pasteurized orange juice contributed by added optional concentrated orange juice ingredients.

c. Paragraph (e) to require label declaration for any frozen orange juice used.

2. To amend § 27.108, the standard for canned orange juice, by changing paragraph (a) to limit the addition of any sweetener solids to 4 percent by weight of the finished food.

3. To amend § 27.111, the standard for orange juice from concentrate, by:

a. Adding the name "reconstituted orange juice" as an alternative to the name "orange juice from concentrate."

b. Changing paragraph (c) to provide for the use, if the food has been pasteurized, of the word "pasteurized" preceding the name of the food and in letters not less than one-half the height of the letters used for the words "orange juice."

Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by 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 delegated to the Commissioner (21 CFR 2.120; 31 F.R. 3008), notice is given that a public hearing will be held for the purpose of receiving evidence relevant and material to the issues set forth above.

The hearing will begin at 10 a.m. on April 18, 1966, in Room 5131, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D.C., and will continue thereafter at such times and places as directed by the hearing examiner.

All persons interested are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice set forth in Subpart F of Part 2 (21 CFR Part 2; 31 F.R. 3003).

A prehearing conference for the simplification of issues, identification and exchange of documentary evidence,

identification and scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in the above-cited place, beginning at 10 a.m. on March 24, 1966.

Any interested person desiring to appear at the hearing or prehearing conference should file with the hearing examiner, identified below, a written notice of appearance, as specified in § 2.60 and § 2.64 (21 CFR 2.60, 2.64; 31 F.R. 3004), setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such person or representative should file with the hearing examiner a written notice of appearance setting forth the name, address, and employment of such person. These written notices of appearance should be filed on or before March 23, 1966.

Any interested person intending to introduce documentary evidence at the hearing shall bring five copies thereof to the prehearing conference.

Mr. William E. Brennan, Room 6411, Federal Building No. 8, 200 C Street SW., Washington, D.C., 20204, a hearing examiner duly appointed pursuant to section 11 of the Administrative Procedure Act, is hereby designated as the presiding officer for the proceedings announced by this notice.

Dated: March 9, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2709; Filed, Mar. 14, 1966; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-17]

## CONTROL ZONE

### Proposed Temporary Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations, which would temporarily alter the hours of operation of the Santa Monica, Calif., control zone.

This proposal is initiated to provide 24 hour daily air traffic control service during the National Governors' Conference.

Therefore, the Federal Aviation Agency proposes the airspace action herein set forth: Alter the Santa Monica, Calif. control zone by adding: "During that period of July 1, thru July 9, 1966, inclusive, this control zone shall be effective 24 hours daily."

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on March 8, 1966.

LEE E. WARREN,
*Acting Director, Western Region.*

[F.R. Doc. 66-2662; Filed, Mar. 14, 1966; 8:45 a.m.]

## [ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 65-WE-97]

## RESTRICTED AREAS AND CONTROLLED AIRSPACE

### Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate and alter restricted areas and alter the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The Department of the Navy has requested the establishment of additional special use airspace which would result in the designation of restricted area R-4812, Rawhide, Nev.; restricted area R-4813, Carson Sink, Nev.; and which would raise the ceiling of restricted area 4804, Twin Peaks, Nev., from 20,000 feet MSL to FL 240. Training in the Fallon, Nev., target complex has consisted of the expenditure of small caliber weapons. The Navy has informed that the additional restricted airspace is required in order to accomplish an urgent training requirement that has resulted from the present international conflict. This requirement is to train naval carrier air wings in the tactical employment of large, live ordnance to include 1,000 and 500 pound bombs, 5-inch rockets, air-to-ground missiles and other more sophisticated weaponry. Altitudes from 50 feet AGL to FL 240 are required to accomplish the training requirement which will involve the employment of both small numbers of aircraft and an entire air wing in coordinated attacks on multiple targets. Stationary and movable targets of opportunity that must be found by map-reading and terrain appreciation will be used in meeting the training requirement.

Because of its remoteness and small amount of civil aviation activity the Fallon, Nev., target complex was selected for the conduct of this training. The areas will be designated as joint use and will be used only under visual flight rule conditions. Land rights under the proposed areas have been obtained by the Navy. Although designation of these areas would conflict somewhat with operations on V-494, J-32/84/94 and terminal procedures at NAAS, Fallon, Nev., the conflictions are considered to be minimal and it is not anticipated that the above actions would create a significant burden on other airspace users. The area is not utilized as a VFR flyway. Peak day traffic on V-494 is one aircraft and V-6 is available as an alternate route. The bulk of the J-32/84/94 traffic is above FL 240 and alternate terminal procedures can be used at NAAS, Fallon.

If these actions are taken:

1. R-4812 Rawhide, Nev., would be designated as follows:

R-4812 RAWHIDE, NEV.

Boundaries: That area within 5 NM either side of a line extending from latitude 39°-10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the East by R-4804 and bounded on the West by R-4810.

Designated altitudes: Surface to FL 240.

Time of designation: Continuous Monday through Saturday.

Controlling agency: Oakland Air Route Traffic Control Center.

Using agency: Commander Fleet Air, Alameda.

2. R-4813 Carson Sink, Nev., would be designated as follows:

R-4813 CARSON SINK, NEV.

Boundaries: That area surrounding R-4802 from latitude 39°51'00" N., longitude 118°38'00" W.; to latitude 40°01'00" N., longitude 118°15'00" W.; to latitude 40°-01'00" N., longitude 118°01'00" W.; to latitude 39°38'00" N., longitude 118°01'00" W.; to latitude 39°38'00" N., longitude 118°-38'00" W.; to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Sunrise to sunset Monday through Saturday.

Controlling agency: Oakland Air Route Traffic Control Center.

Using agency: Commander Fleet Air Alameda.

3. R–4804 Twin Peaks, Nev., would be altered as follows:

Designated altitudes: Change from "Surface to 20,000 feet MSL" to read "Surface to FL 240."

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 9, 1966.

JAMES L. LAMPL,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66–2663; Filed, Mar. 14, 1966; 8:45 a.m.]

## [ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 66–WE–9]

## RESTRICTED AREA AND CONTROLLED AIRSPACE

### Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation regulations which would establish a restricted area near Blanding, Utah, and alter the description of the continental control area in order to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

In 1963 and again in 1964 rules were published in the FEDERAL REGISTER (28 F.R. 5583, 29 F.R. 6680) which designated the Blanding, Utah, temporary restricted area R–6410, encompassing 102 square miles of airspace from the surface to an unlimited altitude, for continuous use by the Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

The Air Force has advised that a series of off-range missile firings will be required to support in-service weapons training and classified research projects. To fulfill the objectives of these projects, redesignation of R–6410 is required. If R–6410 is redesignated as proposed, intermittent missile launchings would be conducted from this area to impact areas within the White Sands, N. Mex., restricted area complex. Except during periods when missile launchings are actually being conducted from R–6410, the using agency would release the area to the Denver ARTC Center for air traffic use.

Since the missiles fired in support of these projects will leave and re-enter restricted airspace at or above flight level 600, they will not adversely affect present aeronautical activity and no restricted area corridor is proposed between the launch and impact sites. However, the Air Force must comply with the provisions of Part 101 of the Federal Aviation Regulations before conducting any missile activity outside restricted airspace, including obtaining any necessary waivers.

The Air Force has assured the Federal Aviation Agency that the White Sands Missile Range safety personnel will take appropriate measures and actions to insure that the firings from the proposed restricted area do not present a hazard to nonparticipating aircraft or persons and property on the ground.

The Department of the Air Force has requested the redesignation of this area for the periods June 15 through August 1, 1966, October 1 through December 1, 1966, February 15 through April 15, 1967, and May 15 through July 15, 1967. Additionally the probability of a requirement for this area is anticipated subsequent to these periods. It is therefore proposed to designate the period June 15 through August 1, 1966, and to include in the time of designation a provision that all subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER, based on this notice.

In consideration of the foregoing, the Federal Aviation Agency proposes the airspace actions as hereinafter set forth.

a. R–6410 Blanding, Utah.

Boundaries: Beginning at latitude 37°33'00" N., longitude 109°33'00" W.; to latitude 37°21'00" N., longitude 109°21'00" W.; to latitude 37°17'00" N., longitude 109°29'00" W.; to latitude 37°31'00" N., longitude 109°36'00" W.; to the point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: Continuous, June 15, 1936, through August 1, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Agency, Denver ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

b. The description of the continental control area would be altered to include R–6410.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on March 10, 1966.

H. B. HELSTROM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66–2693; Filed, Mar. 14, 1966; 8:48 a.m.]

## [ 14 CFR Part 73 ]

[Airspace Docket No. 66–WE–5]

## RESTRICTED AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area in the vicinity of Sailor Creek, Idaho.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force has requested that a restricted area be designated near the Mountain Home Air Force Base, Mountain Home, Idaho, to contain night photograph operations. The Air Force states that requirement exists for night photographic training to be conducted on a range near the Mountain Home Air Force Base. The training will involve the discharge of a series of 15 to 25 photoflash cartridges on each pass over a range, with a programed utilization of approximately 350 passes made per week. The range will overlie land owned or leased by the Air Force because the fallout of the flash cartridges would constitute a hazard to persons and property on the ground. The flash cartridges will explode at various altitudes up to 12,000 feet MSL, developing up to 265 million candlepower. The exploding flash powder charge, fallout and casing would constitute a hazard to nonparticipating aircraft in the vicinity.

The training would be conducted under VFR conditions, nighttime only, 12,000 feet MSL or under within an area 5 miles by 10.5 miles during a 4-hour period after sunset, each Monday through Friday.

The Air Force has stated that it would enter a joint use agreement with the Agency and the area would be returned to the controlling agency whenever the area would not be used for the designated purpose.

If this proposed action is taken the Sailor Creek restricted area would be designated as follows:

SAILOR CREEK, IDAHO

Boundaries: Beginning at latitude 42°48' 45" N., longitude 115°38'14" W.; to latitude 42°48'45" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115° 38'14" W.; to the point of beginning.

Designated altitudes: Surface to 12,000 feet MSL.

Time of designation: From sunset to 4 hours thereafter, Monday through Friday.

Controlling agency: Federal Aviation Agency, Salt Lake ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

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

Issued in Washington, D.C., on March 9, 1966.

W. R. ANDREWS,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-2664; Filed, Mar. 14, 1966; 8:45 a.m.]

# FEDERAL HOME LOAN BANK BOARD

## [ 12 CFR Part 545 ]

[No. 19,759]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Computation of Earnings

MARCH 10, 1966.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.1-1 of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.1-1) be amended by an amendment the substance of which is as follows:

Amend § 545.1-1 aforesaid by adding, immediately after paragraph (e), a new paragraph, paragraph (f), as follows:

**§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.**

* * * * *

(f) *Computation of earnings for distribution.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, compute the amount of earnings for distribution on its savings accounts as though earnings had been credited to such accounts, with such uniform frequency as is fixed by such resolution, between the dates as of which such Federal association regularly distributes earnings. No such Federal association shall compute earnings pursuant to the preceding sentence of this paragraph (f) if the home office of such Federal association is located in a State, district, or territory (including Puerto Rico, Guam, and the Virgin Islands) where building and loan or savings and loan associations, homestead associations, or cooperative banks are not computing earnings in the same manner.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than March 29, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
*Secretary.*

[F.R. Doc. 66-2728; Filed, Mar. 14, 1966; 8:52 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Coast Guard

[CGFR 66-4]

### EQUIPMENT, INSTALLATIONS, OR MATERIALS

### Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from November 26, 1965, to December 22, 1965 (List Nos. 29–65, 30–65 and 31–65). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installation, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegations of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in Title 46, U.S. Code, section 1333 in Title 43, U.S. Code and section 198 in Title 50, U.S. Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegations of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals are set forth in section 632 of Title 14, U.S. Code, Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and other Treasury Department Orders issued since that date with respect to performance of functions under various laws dealing with specific subjects. These delegations are also listed with the implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

3. In Part I of this document are listed the approvals which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

4. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items as listed in Part II, such equipment may be used so long as it is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/106/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wis., 53105, for Herter's Inc., Waseca, Minn., 56093, effective December 14, 1965.

Approval No. 160.002/107/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Burlington Mills, Inc., Burlington, Wis., 53103, for Herter's Inc., Waseca, Minn., 56093, effective December 14, 1965.

BUOYANT APPARATUS

Approval No. 160.010/21/0, 4.0′ x 6.0′ x 0.75′ buoyant apparatus, pine decking with copper tanks, 20-person capacity, general arrangement dwg. No. G–485 dated June 1955, manufactured by C. C. Galbraith & Son, Inc., Manchester Avenue and Maple Place, Post Office Box 185, Keyport, N.J., 07735, effective December 20, 1965. (It is an extension of Approval No. 160.010/21/0 dated Dec. 20, 1960, and change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/410/2, 30.0′ x 10.0′ x 4.33′ fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. P–30–1H, revision H dated November 19, 1965, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., 07727, effective December 22, 1965. (It supersedes Approval No. 160.035/410/1 dated May 19, 1965, to show change in construction.)

Approval No. 160.035/443/0, 30.0′ x 10.0′ x 4.33′ fibrous glass reinforced plastic (FRP) motor-propelled class 1 lifeboat, 74-person capacity, identified by general arrangement dwg. No. P–30–1M, revision C dated December 6, 1965, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., 07727, effective December 8, 1965.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/475/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, for Marine Hardware & Supply Co., Inc., 390 Atlantic Avenue, Boston, Mass., 02210, effective November 30, 1965. (It is an extension of Approval No. 160.047/475/0 dated Dec. 2, 1960.)

Approval No. 160.047/476/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, for Marine Hardware & Supply Co., Inc., 390 Atlantic Avenue, Boston, Mass., 02210, effective November 30, 1965. (It is an extension of Approval No. 160.047/476/0 dated Dec. 2, 1960.)

Approval No. 160.047/477/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, for Marine Hardware & Supply Co., Inc., 390 Atlantic Avenue, Boston, Mass., 02210, effective November 30, 1965. (It is an extension of Approval No. 160.047/477/0 dated Dec. 2, 1960.)

Approval No. 160.047/592/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., 53105, for Herter's, Inc., Waseca, Minn., 56093, effective December 14, 1965.

Approval No. 160.047/593/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., 53105, for Herter's, Inc., Waseca, Minn., 56093, effective December 14, 1965.

Approval No. 160.047/594/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis., 53105, for Herter's, Inc., Waseca, Minn., 56093, effective December 14, 1965.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/32/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, effective December 20, 1965. (It is an extension of Approval No. 160.048/32/0 dated Dec. 20, 1960.)

Approval No. 160.048/33/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Noble Products Co., Box 327, Caldwell,

Ohio, 43724, effective December 20, 1964. (It is an extension of Approval No. 160.048/33/0 dated Dec. 20, 1960.)

Approval No. 160.048/35/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla., 33311, effective December 20, 1965. (It is an extension of Approval No. 160.048/35/0 dated Dec. 20, 1960.)

Approval No. 160.048/40/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Fortier Upholstering Co., Manistee, Mich., effective December 20, 1965. (It is an extension of Approval No. 160.048/40/0 dated Dec. 20, 1960.)

Approval No. 160.048/56/1, special approval for 13" x 18" x 2", rectangular ribbed type kapok buoyant cushion, 21-oz. kapok, dwg. No. S–101A dated October 25, 1965, and Bill of Materials dated October 27, 1965, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., 56301, effective November 30, 1965. (It supersedes Approval No. 160.048/56/0 dated Mar. 6, 1961, to show change in specification.)

Approval No. 160.048/213/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Hawthorn Co., New Haven, Mo., 63068, for H. Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective November 30, 1965. (It supersedes Approval No. 160.048/213/0 dated Dec. 15, 1961, to show change in specification and address of manufacturer.)

Approval No. 160.048/214/0, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. HFC–BC–1, revision 1 dated October 19, 1965, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for H. Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective November 30, 1965. (It supersedes Approval No. 160.048/214/0 dated Dec. 15, 1961, to show change in specification and in address of manufacturer.)

Approval No. 160.048/215/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective November 30, 1965. (It supersedes Approval No. 160.048/215/0 dated Dec. 15, 1961, to show change in specification.)

Approval No. 160.048/216/1, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. HFC–BC–1, revision 1 dated Oct. 19, 1965, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective November 30, 1965. (It supersedes Approval No. 160.048/216/0 dated Dec. 15, 1961, to show change in specification.)

Approval No. 160.048/242/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Burlington Mills, Inc., Burlington, Wis., 53105, for Herter's Inc., Waseca, Minn., 56093, effective December 14, 1965.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/4/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, effective December 20, 1965. (It is an extension of Approval No. 160.049/4/0 dated Dec. 20, 1960.)

Approval No. 160.049/9/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, for Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, Iowa, 50303, effective December 20, 1965. (It is an extension of Approval No. 160.049/9/0 dated Dec. 20, 1960.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/209/0, Type II, Model 57003, adult cloth-covered unicellular plastic foam buoyant vest, Hawthorn (Sears) dwg. No. HFC–LJ–I dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective December 3, 1965. (It supersedes Approval No. 160.052/209/0 dated Jan. 17, 1963, to show change in specification.)

Approval No. 160.052/210/0, Type II, Model 57004, child medium, cloth-covered unicellular plastic foam buoyant vest, Hawthorn (Sears) dwg. No. HFC–LJ–II dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective December 3, 1965. (It supersedes Approval No. 160.052/210/0 dated Jan. 17, 1963, to show change in specification.)

Approval No. 160.052/211/0, Type II, Model 57005, child small, cloth-covered unicellular plastic foam buoyant vest, Hawthorn (Sears) dwg. No. HFC–LJ–III dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective December 3, 1965. (It supersedes Approval No. 160.052/211/0 dated Jan. 17, 1963, to show change in specification.)

Approval No. 160.052/212/0, Type II, Model 01230, adult cloth-covered, unicellular plastic foam buoyant vest, Hawthorn (Wenzel) dwg. No. HFC–LJ–I dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for H. Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective December 3, 1965. (It supersedes Approval No. 160.052/212/0 dated Jan. 17, 1963, to show change in specification and in address of manufacturer.)

Approval No. 160.052/213/0, Type II, Model 01228, child medium, cloth-covered unicellular plastic foam buoyant vest, Hawthorn (Wenzel) dwg. No. HFC–LJ–II dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for H. Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective December 3, 1965. (It supersedes Approval No. 160.052/213/0 dated Jan. 17, 1963, to show change in specification and in address of manufacturer.)

Approval No. 160.052/214/0, Type II, Model 01229, child small, cloth-covered unicellular plastic foam buoyant vest, Hawthorn (Wenzel) dwg. No. HFC–LJ–III dated November 6, 1962, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for H. Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective December 3, 1965. (It supersedes Approval No. 160.052/214/0 dated Jan. 17, 1963, to show change in specification and in address of manufacturer.)

Approval No. 160.052/249/0, Type II, Model 57006, adult vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. A–1, revision 1, dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective November 29, 1965. (It supersedes Approval No. 160.052/249/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/250/0, Type II, Model 57007, child medium, vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CM–1, revision 1 dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.,

60607, effective November 29, 1965. (It supersedes Approval No. 160.052/250/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/251/0, Type II, Model 57008, child small, vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CS–1, revision 1 dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective November 29, 1965. (It supersedes Approval No. 160.052/251/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/252/0, Type II, Model 01238, adult vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. A–1, revision 1 dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective November 29, 1965. (It supersedes Approval No. 160.052/252/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/253/0, Type II, Model 01239, child medium, vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CM–1, revision 1 dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective November 29, 1965. (It supersedes Approval No. 160.052/253/0 dated Nov. 29, 1963, to show change in specification.)

Approval No. 160.052/273/0, Type II, Model 01240, child small, vinyl dip coated unicellular plastic foam buoyant vest, Hawthorn dwg. No. CS–1, revision 1 dated November 26, 1963, and Bill of Materials dated October 25, 1965, manufactured by Hawthorn Co., New Haven, Mo., 63068, for Wenzel Tent & Duck Co., 1280 Research Boulevard, St. Louis, Mo., 63132, effective November 29, 1965. (It supersedes Approval No. 160.052/273/0 dated Nov. 29, 1963, to show change in specification.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/2/3, Model WV–2, unicellular plastic foam work vest, dwg. No. WV–2, revision 1 dated November 18, 1965, manufactured by Protection Equipment Co., 100 Fernwood Avenue, Rochester, N.Y., 14621 (Plant: Sunbury, Pa.), effective December 14, 1965. (It supersedes Approval No. 160.053/2/3 dated Apr. 30, 1963, to show change in construction.)

Approval No. 160.053/20/0, unicellular plastic foam work vest, as per drawing No. 1, sheets 1 to 4, dated December 1, 1965, manufactured by Taylortec, Inc., 2549 Hickory Street, Metairie, La., 70003 (Office: 12 Fairlane Dr.), effective December 10, 1965.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/52/0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with a separately mounted 4-inch, 6-inch, 8-inch, or 10-inch bell or cow gong bell, Model SE, dwg. No. 51, Alt. 0 dated April 1957, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn, N.Y., 11201, effective December 9, 1965. (For use in locations not exposed to the weather.) (It supersedes Approval No. 161.005/52/0 dated Nov. 1, 1962, to show correction.)

Approval No. 161.005/53/1, sound-powered telephone station, selective ringing, common talking, 19 stations maximum bulkhead mounting, splashproof, with a separately mounted 4-inch, 6-inch, 8-inch, or 10-inch bell or cow gong bell, with relay to operate externally powered audible signal, Model SER, dwg. No. 52, Alt. 1 dated May 24, 1965, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn, N.Y., 11201, effective December 9, 1965. (For use in locations not exposed to the weather.) (It supersedes Approval No. 161.005/53/1 dated June 17, 1965, to show correction.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/137/1, Style HNA–MS–55 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV–25–MS issued June 3, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½ inches, 2 inches, 3 inches, and 4 inches, manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective December 9, 1965. (It is an extension of Approval No. 162.001/137/1 dated Dec. 20, 1960.)

Approval No. 162.001/138/1, Style HNA–MS–56 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service pressure rating, 750° F. maximum temperature, dwg. No. HV–25–MS issued June 3, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½ inches, 2 inches, 2½ inches, 3 inches, and 4 inches, manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective December 9, 1965. (It is an extension of Approval No. 162.001/138/1 dated Dec. 20, 1960.)

Approval No. 162.001/139/1, Style HNA–MS–57 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service pressure rating, 900° F. maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½ inches, 2 inches, 2½ inches, 3 inches, and 4 inches, manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective December 9, 1965. (It is an extension of Approval No. 162.001/139/1 dated Dec. 20, 1960.)

Approval No. 162.001/140/1, Style HNA–MS–58 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring covers, 1,500 p.s.i. primary service pressure rating, 1000° F. maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½ inches, 2 inches, 2½ inches, 3 inches, and 4 inches, manufactured by Crosby Valve & Gage Co., Wrentham, Mass., effective December 9, 1965. (It is an extension of Approval No. 162.001/140/1 dated Dec. 20, 1960.)

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/4/2, Type No. 175 relief valve for hot water heating boilers, relieving capacity 175,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR00T–0304B dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to subassembly.) (It supersedes Approval No. 162.013/4/1 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/5/2, Type No. 250 relief valve for hot water heating boilers, relieving capacity 250,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR02T–0304B dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/5/1 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/17/2, Type No. 175–15 relief valve for hot water heating boilers, relieving capacity 150,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. VWR00T–0304A dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/17/1 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/18/2, Type No. 1050 relief valve for hot water heating boilers, relieving capacity 1,050,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR00T–0505B dated April 30, 1964, approved for 1¼-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/18/1 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/21/1, Type No. 250–15 relief valve for hot water heating boilers, relieving capacity 200,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. VWR02T–0304A dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/21/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/22/1, Type No. 350–15 relief valve for hot water heating boilers, relieving capacity 220,000 B.t.u. per hour at a maximum set pressure of

15 p.s.i., dwg. No. VWR04T–0304A dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/22/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/23/1, Type No. 350 relief valve for hot water heating boilers, relieving capacity 350,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR04T–0304B dated April 30, 1964, for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/23/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/24/1, Type No. 480–15 relief valve for hot water heating boilers, relieving capacity 300,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. VWR05T–0304A dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/24/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/25/1, Type No. 480 relief valve for hot water heating boilers, relieving capacity 480,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR05T–0304B dated April 30, 1964, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/25/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/26/1, Type No. 750–15 relief valve for hot water heating boilers, relieving capacity 500,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. VWR00T–0405A dated April 30, 1964, approved for 1-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly). (It supersedes Approval No. 162.013/26/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/27/1, Type No. 750 relief valve for hot water heating boilers, relieving capacity 750,000 B.t.u. per hour at a maximum set pressure of 30 p.s.i., dwg. No. VWR00T–0405B dated April 30, 1964, for 1-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/27/0 dated Dec. 20, 1960, to show change in construction.)

Approval No. 162.013/28/1, Type No. 1050–15 relief valve for hot water heating boilers, relieving capacity 650,000 B.t.u. per hour at a maximum set pressure of 15 p.s.i., dwg. No. VWR00T–0505A dated April 30, 1964, approved for 1¼-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill., effective December 10, 1965. (Fail Safe Disc added to diaphragm subassembly.) (It supersedes Approval No. 162.013/28/0 dated Dec. 20, 1960, to show change in construction.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/97/1, 6-inch pilot operated relief valve (pressure only), figure 94156–04–3 dated November 15, 1963, for propane, butane, and ammonia, at a minimum temperature of −60° F., a maximum set pressure of 10 p.s.i.g., and a flow capacity as noted on S & J drawings EM–1056–1 dated February 27, 1964, and EM–1038 dated December 10, 1963, manufactured by Shand & Jurs Co., 2600 Eighth Street, Berkeley, Calif., effective December 9, 1965. (Dwg. EM–1038 dated Dec. 10, 1963, modified; increases maximum set pressure to 10 p.s.i.g.) (It supersedes Approval No. 162.017/97/0 dated Apr. 1, 1964.)

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/5/0, Rockwood Marine Air Foam Systems using Rockwood Regular Foam Liquid (6% Low Expansion), design data booklet No. S–7008, Rev. 6 dated November 15, 1965, manufactured by Bliss-Rockwood, A Division of E. W. Bliss Co., 38 Harlow Street, Worcester, Mass., 01605, effective December 20, 1965.

Approval No. 162.033/6/0, Rockwood Marine Air Foam Systems using Rockwood Double Strength Foam Liquid (3% Low Expansion), design data booklet No. S–7009, Rev. 5 dated November 15, 1965, manufactured by Bliss-Rockwood, A Division of E. W. Bliss Co., 38 Harlow Street, Worcester, Mass., 01605, effective December 20, 1965.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS

Approval No. 162.041/2/0, Barbron Model No. 400–1 backfire flame arrester for gasoline engines, dwg. No. A–5372 dated January 7, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965. (Replaces Certificate of Approval No. 162.015/97/0 dated Mar. 2, 1965.)

Approval No. 162.041/3/0, Barbron Model 400–2 backfire flame arrester for gasoline engines, dwg. No. A–5373 dated October 25, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/4/0, Barbron Model 400–3 backfire flame arrester for gasoline engines, dwg. No. A–5374 dated October 25, 1962, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/5/0, Barbron Model 400–4 backfire flame arrester for gasoline engines, dwg. No. A–5375 dated October 25, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/6/0, Barbron Model A–400–6 backfire flame arrester for gasoline engines, dwg. No. A–5385 dated October 25, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/7/0, Barbron Model No. 400–7 backfire flame arrester for gasoline engines, dwg. No. A–5489 dated October 26, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965. (Replaces Certificate of Approval No. 162.015/98/0 dated Mar. 3, 1965.)

Approval No. 162.041/8/0, Barbron Model 400–8 backfire flame arrester for gasoline engines, dwg. No. A–5386 dated October 25, 1964, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/9/0, Barbron Model 400–11 backfire flame arrester for gasoline engines, dwg. No. 5381 dated October 25, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/10/0, Barbron Model 400–12 backfire flame arrester for gasoline engines, dwg. No. A–5353 dated October 27, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/11/0, Barbron Model 400–13 backfire flame arrester for gasoline engines, dwg. No. A–5344 dated September 29, 1964, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/12/0, Barbron Model 400–14 backfire flame arrester for gasoline engines, dwg. No. A–5395 dated October 26, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/13/0, Barbron Model 400–15 backfire flame arrester for gasoline engines, dwg. No. A–5457 dated October 27, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965. (Barbron dwg. A–5457 dated October 27, 1965, and YSB Test Report E12–4–1264 dated December 21, 1964.)

Approval No. 162.041/14/0, Barbron Model No. 400–16 backfire flame arrester for gasoline engines, dwg. No. A–5376 dated October 25, 1965, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich., effective November 26, 1965.

Approval No. 162.041/15/0, Kiekhaefer flame arrester assemblies 38508A2 and 38509A1, backfire flame control for gasoline engines for use on dual carburetor Mercruiser 60:

| Major components | Manufacturer | Part No. |
|---|---|---|
| Flame arrester plate. | Kiekhaefer | 38568. |
| Flame arrester element. | Zenith | C177–11 (52 to 56 elements required). |
| Adapter | Kiekhaefer | 38509. |

manufactured by Kiekhaefer Corp., Fond du Lac, Wis., effective November 30, 1965. (It supersedes Approval No. 162.015/95/0 dated Apr. 12, 1965).

Approval No. 162.041/16/0, Onan 145B-354 flame arrester, backfire flame control for gasoline engines, with the following major components:

Flame Arrester Tube Assembly.
Resonator.
Adapter.
Flame Arrester Disc Assembly.
Gasket-Carburetor Air Horn 140A585.[1]
Gasket-Carburetor to Air Cleaner 145A11.[1]
Spacer-Resonator Adapter 140A856.[1]

manufactured by Onan, Division of Studebaker Industries, Inc., 2515 University Avenue SE., Minneapolis, Minn., 55414, effective December 14, 1965. (It replaces Approval No. 162.015/96/0 dated Aug. 13, 1965).

Approval No. 162.041/17/0, Industrial Strainer No. E-2470 backfire flame arrester for gasoline engines; ISC dwg. E-2470 dated August 30, 1965, with revision A dated November 22, 1965, manufactured by Industrial Strainer Co., 695 Amelia Street, Plymouth, Mich., effective December 9, 1965.

Approval No. 162.041/18/0, Industrial Strainer No. 2365 backfire flame arrester for gasoline engines, ISC dwg. No. 2365 dated July 15, 1965, with revision C dated November 22, 1965, manufactured by Industrial Strainer Co., 695 Amelia Street, Plymouth, Mich., effective December 9, 1965.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

DAVITS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., Approval No. 160.032/68/1 for a certain mechanical davit has expired and is terminated, effective November 1, 1965.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Arthur Fulmer Co., 260 Monroe Avenue, Memphis, Tenn., no longer distributes certain kapok buoyant vests and Approval Nos. 160.047/487/0, 160.047/488/0, and 160.047/489/0 are therefore terminated, effective December 8, 1965.

The Harry Miller Co., 244 Atlantic Avenue, Boston, Mass., no longer distributes certain kapok buoyant vests and Approval Nos. 160.047/496/0, 160.047/497/0, and 160.047/498/0 are therefore terminated, effective December 6, 1965.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., no longer manufactures certain kapok buoyant cushions and Approval Nos. 160.048/23/0 and 160.048/24/0 are therefore terminated, effective September 29, 1965.

The Kahler's Upholstery Shop, 820 Seventh Street, Tell City, Ind., Approval No. 160.048/188/0 for a particular kapok buoyant cushion has expired and is terminated, effective October 24, 1965.

The Bulldog Marine Products, 5825 South Western Avenue, Chicago, Ill., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/194/0 has expired and is therefore terminated, effective November 23, 1965.

The Arthur Fulmer Co., 260 Monroe Avenue, Memphis, Tenn., no longer distributes a particular kapok buoyant cushion and therefore Approval No. 160.048/200/0 is terminated, effective December 8, 1965.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Ben-Sun Products Co., 70 South Railroad Street, New London, Ohio, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/165/0, 160.052/166/0, and 160.052/167/0 are therefore terminated, effective November 23, 1965.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

The Purolator Products, Inc., Wayne Division, 3927 Fourth Street, Wayne, Mich., Approval No. 162.015/48/0 for a particular backfire flame arrester for carburetors has expired and is terminated, effective November 23, 1965.

The Barbron Corp., 14580 Lesure Avenue, Detroit 27, Mich., Approval Nos. 162.015/97/0 and 162.015/98/0 for backfire flame arresters for carburetors due to change in specifications are terminated, effective November 26, 1965.

Dated: March 1, 1966.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 66-2702; Filed, Mar. 14, 1966; 8:48 a.m.]

[1] To be used only in conjunction with Onan MAJ generator sets.

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## CHIEF, BRANCH OF LANDS, ET AL.

### Redelegation of Authority; Correction

In F.R. Doc. 65-13043, appearing on pages 15109 and 15110 of the issue of Tuesday, December 7, 1965, vol. 30, No. 235, the following correction is made. The reference in paragraph (c) section "2.2(c)" should read section "2.2(d)."

MICHAEL T. SOLAN,
*Chief, Division of Lands and Minerals, Program Management and Land Office.*

Approved: March 8, 1966.

W. J. ANDERSON,
*State Director, New Mexico.*

[F.R. Doc. 66-2682; Filed, Mar. 14, 1966; 8:47 a.m.]

## CALIFORNIA

### Notice of Filing of State Protraction Diagram

MARCH 7, 1966.

Notice is hereby given that effective April 18, 1966, the following protraction diagram, approved June 25, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 5

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 6 S., R. 15 E.,
Secs. 1 to 3, inclusive;
Secs. 4 and 5, excluding mineral survey;
Secs. 6 to 14, inclusive;
Sec. 15, excluding mineral survey;
Secs. 17 to 21, inclusive;
Sec. 22, excluding mineral survey;
Sec. 23;
Sec. 24, excluding mineral survey;
Secs. 25 to 29, inclusive;
Secs. 30 to 33, inclusive, excluding mineral surveys;
Secs. 34 and 35.
T. 6 S., R. 16 E.,
Sec. 4, W½, SE¼;
Secs. 5 to 9, inclusive;
Secs. 17 to 22, inclusive;
Sec. 26, W½, SE¼;
Sec. 27;
Secs. 28 to 31, inclusive, excluding mineral surveys;
Secs. 32 to 35, inclusive.
T. 7 S., R. 15 E.,
Secs. 1 to 3, inclusive;
Sec. 4, excluding mineral survey;
Secs. 5 to 15, inclusive;
Secs. 17 and 18;
Secs. 22 to 27, inclusive.
T. 7 S., R. 16 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 8 S., R. 16 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 14, inclusive;
Sec. 24.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814, and the District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
*District and Land Office Manager.*

[F.R. Doc. 66-2683; Filed, Mar. 14, 1966; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–4824, etc.]

## TEXACO, INC., ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 3, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G–4824 ..... C 2–23–66 | Texaco Inc., Post Office Box 52332, Houston, Tex., 77052. | Cities Service Gas Co., Hugoton Field, Seward County, Kans. | 11.0 | 14.65 |
| CI60–736 ..... C 2–18–66 | Paul LeMasters, et al., 421 10th Ave., Huntington, W. Va. | United Fuel Gas Co., Simmons Creek Field, Malden and Cabin Creek Districts, Kanawha County, W. Va. | [1] 25.0 | 15.325 |
| CI61–516 ..... C 2–11–66 | Pan American Petroleum Corp. (Operator), et al., Post Office Box 591, Tulsa, Okla., 74102. | Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Woodward and Major Counties, Okla. | [2] [4] 18.0<br>[3] [4] 16.0 | 14.65<br>14.65 |
| CI63–247 ..... E 2–17–66 | Cattle-Land Oil Co. (successor to C. G. Benham), Post Office Box 2411, Corpus Christi, Tex., 78403. | Trunkline Gas Co., acreage in Jim Wells County, Tex. | [5] 14.3844 | 14.65 |
| CI63–1388 ..... (CI63–1526) C 2–21–66 [6] | La Gloria Oil & Gas Co., Post Office Box 2521, Houston, Tex., 77001. | United Fuel Gas Co., Valentine Field, Lafourche Parish, La. | [7] 19.5 | 15.025 |
| CI64–516 ..... C 2–18–66 | Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001. | Panhandle Eastern Pipe Line Co., Northeast Trail Field (Putnam), Dewey County, Okla. | 17.0 | 14.65 |
| CI64–1155 ..... C 2–21–66 | Chevron Oil Co., Western Division, 1700 Broadway, Denver, Colo., 80202. | Cascade Natural Gas Corp., Mam Creek Area, Garfield County, Colo. | 15.0 | 15.025 |
| CI64–1244 ..... C 2–18–66 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001. | Natural Gas Pipeline Co. of America, Sarita et al. Fields, Kenedy County, Tex. | 16.0 | 14.65 |
| CI65–1335 ..... C 2–21–66 | Central Gas Co., et al., c/o A. E. Cavender, agent, Post Office Box 1223, Charleston, W. Va. | Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va. | 25.0 | 15.325 |
| CI66–554 ..... (G–4846) F 12–23–65 | Car-Tex Producing Co., et al. (successor to C. D. Davis, et al.), c/o Charles E. Kelly, office manager, Post Office Box 18113, Dallas, Tex., 75218. | Tennessee Gas Transmission Co., Blanche Robinson Gas Unit, Panola County, Tex. | [8] 15.4248 | 14.65 |
| CI66–588 ..... A 1–12–66 2–23–66 [9] | Gas Producers Corp. (successor to E. F. Cesinger, Deceased [10]), 2300 First National Bank Bldg., Dallas, Tex. | El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex. | 10.0 | 15.025 |
| CI66–650 ..... A 1–24–66 | Grace Park, et al., 281 Jefferson St., Brookville, Pa., 15825. | United Natural Gas Co., acreage in Clarion County, Pa. | 21.67 | 14.73 |
| CI66–744 ..... A 2–17–66 | Loyce Phillips (Operator), et al., 436 North Main St., Gladewater, Tex. | Arkansas Louisiana Gas Co., Whelan Field, Harrison County, Tex. | 12.96384 | 14.65 |
| CI66–745 ..... A 2–17–66 | Wm. H. Lambdin, et al., 303 Oil and Gas Bldg., Oklahoma City, Okla. | Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla. | 15.0 | 14.65 |
| CI66–746 ..... A 2–17–66 | Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74102. | Arkansas Louisiana Gas Co., Fouke Field, Miller County, Ark. | 12.5 | 14.65 |
| CI66–747 ..... (CI64–830) F 2–16–66 | Gertrude Bell and D. A. Null (successors to A. M. Snider d.b.a Hundred Gas Co.), c/o Gertrude Bell, agent, Hundred, W. Va. | The Ohio Fuel Gas Co., acreage in Wetzel County, W. Va. | 16.0 | 15.325 |
| CI66–748 ..... A 2–21–66 | Hadson Ohio Oil Co., 8 East Long St., Columbus, Ohio, 43215. | Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va. | 25.0 | 15.325 |
| CI66–749 ..... A 2–17–66 | MWJ Producing Co., 413 First National Bank Bldg., Midland, Tex. | El Paso Natural Gas Co., acreage in Midland County, Tex. | 16.0 | 14.65 |
| CI66–750 ..... A 2–21–66 | J. H. Bander and Pete Couch (Operators), et al., 508 Petroleum Bldg., Abilene, Tex. | Kansas-Nebraska Natural Gas Co., Inc., Dude Field, Logan County, Colo. | 10.0 | 16.4 |
| CI66–751 ..... A 2–21–66 | R. Forgey, Operator, 207 L & L Bldg., Tyler, Tex. | Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex. | 13.0 | 14.65 |
| CI66–752 ..... A 2–21–66 | P. P. Gunn, et al., c/o Mrs. Lucille Beecher, agent, Grantsville, W. Va. | Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI66–753 ..... A 2–21–66 | Francis M. Friestad, et al., 1104 Campus Hills Blvd., Rockford, Ill. | Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va. | 25.0 | 15.325 |
| CI66–754 ..... A 2–21–66 | Lock 3 Oil, Coal & Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. | Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va. | 25.0 | 15.325 |
| CI66–755 ..... A 2–21–66 | Pioneer Petroleum, Inc., et al., Empire Bank Bldg., Clarksburg, W. Va. | Consolidated Gas Supply Corp., Union District, Harrison County, W. Va. | 25.0 | 15.325 |
| CI66–756 ..... A 2–21–66 | Carey Oil Co., et al., 204 Alden Ave., Marietta, Ohio. | Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI66–757 ..... A 2–21–66 | Flag, Inc., et al., c/o Charles F. Smith, Post Office Box 47, Weston, W. Va. | Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va. | 25.0 | 15.325 |
| CI66–758 ..... A 2–21–66 | J. D. Ayers Drilling Co., et al., 32 Valley View Dr., Vienna, W. Va. | Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va. | 25.0 | 15.325 |
| CI66–759 ..... A 2–21–66 | Wolverton Oil & Gas Co., c/o L. E. Haught, agent, Smithville, W. Va. | Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va. | 25.0 | 15.325 |
| CI66–760 ..... B 2–21–66 | Okmar Oil Co., Post Office Box 548, Marietta, Ohio. | ....do | Uneconomical | |
| CI66–761 ..... A 2–21–66 | Trojan Coal & Petroleum Corp., Indiana, Pa. | Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va. | 25.0 | 15.325 |
| CI66–762 ..... A 2–21–66 | Wm. H. Pauly, 148 East Coronado, Phoenix, Ariz. | El Paso Natural Gas Co., Aztec-Fruitland Field, San Juan County, N. Mex. | [11] 12.0 | 15.025 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI66-763 A 2-21-66 | Samedan Oil Corp. (Operator), et al., Post Office Box 909, Ardmore, Okla., 73401. | Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla. | 17.0 | 14.65 |
| CI66-764 A 2-23-66 | Shell Oil Co., 50 West 50th St., New York, N.Y., 10020. | Natural Gas Pipeline Co. of America, South Taloga Field, Dewey County, Okla. | 17.0 | 14.65 |
| CI66-765 A 2-23-66 | Graham-Michaelis Drilling Co., 211 North Broadway, Graham Bldg., Wichita, Kans., 67202. | Kansas-Nebraska Natural Gas Co., Inc., Beauchamp Field, Stanton County, Kans. | 15.0 | 14.65 |
| CI66-767 B 2-23-66 | Hudgins Oil & Gas Co., Inc., Post Office Box 1159, Wharton, Tex. | Tennessee Gas Transmission Co., Magnet-Withers Field, Wharton County, Tex. | Depleted | ---- |
| CI66-768 A 2-23-66 | Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74102. | Natural Gas Pipeline Co. of America, acreage in Dewey County, Okla. | 17.0 | 14.65 |
| CI66-769 A 2-23-66 | Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102. | United Fuel Gas Co., West Delta Block 73 Field, Offshore, La. | 17.0 | 15.025 |
| CI66-770 B 2-24-66 | Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102. | Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Colo. | Depleted | ---- |
| CI66-771 A 2-24-66 | Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla., 74103. | Arkansas Louisiana Gas Co., acreage in Kay County, Okla. | 12.0 | 14.65 |

[1] Includes 2.0 cents per Mcf gathering charge.
[2] Production from acreage in Woodward County.
[3] Production from acreage in Major County.
[4] Includes 1.0 cent estimated upward B.t.u. adjustment.
[5] Rate in effect subject to refund in Docket No. RI65-573.
[6] Adds acreage acquired from Callery Properties, Inc., certificated in Docket No. CI63-1526.
[7] Includes 1.5 cents per Mcf tax reimbursement.
[8] Rate in effect subject to refund in Docket No. RI65-374.
[9] Revised contract-summary filed.
[10] Predecessor has no certificate on file for subject sale.
[11] Subject to adjustment for liquefiable hydrocarbons.

[F.R. Doc. 66-2566; Filed, Mar. 14, 1966; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### AMERICAN CYANAMID CO.

#### Notice of Filing of Petitions for Pesticide and Food Additive Phorate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 3F0378) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing the establishment of tolerances for residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthiomethyl) phosphorodithioate) in or on the raw agricultural commodity named:

3 parts per million in or on sugarbeet tops.
0.3 part per million in or on sugarbeet roots.

A related petition (FAP 3H0942) also proposes the establishment of a food additive tolerance of 1 part per million for residues of this insecticide in dehydrated sugarbeet pulp resulting from carryover and concentration of residues in this feed item processed from such treated sugarbeet roots.

This is a refiling of the petitions the withdrawal of which was announced in the FEDERAL REGISTER of September 12, 1963 (28 F.R. 9927). New toxicological data have been added to the petitions.

The analytical methods proposed in the petitions for determining residues of phorate are the same as those in the notice of filing published in the FEDERAL REGISTER of March 14, 1963 (28 F.R. 2509).

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2674; Filed, Mar. 14, 1966; 8:46 a.m.]

### CHEMAGRO CORP.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 6F0469) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo., 64120, proposing the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-[(ethylthio)ethyl] phosphorodithioate in or on the raw agricultural commodities named:

5 parts per million in or on the grains of rye and spring wheat.
0.75 part per million in or on the green fodder and straw of rye and of spring wheat.

The analytical method proposed in the petition for determining residues of this insecticide is a phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds plus a paper chromatographic procedure for the qualitative identification of residues.

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2675; Filed, Mar. 14, 1966; 8:46 a.m.]

### FIRESTONE TIRE & RUBBER CO.

#### 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 6B1969) has been filed by The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio, 44317, proposing the issuance of a regulation to provide for the safe use of poly [2-(diethylamino) ethyl methacrylate] phosphate as a suspending agent in vinyl chloride copolymer resins and hydrogen-*n*-butyl-(3,6-endomethylene-1,2,3,6-tetrahydro-*cis*-phthalate) as a monomer in vinyl chloride copolymer resins used in articles that contact food.

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2676; Filed, Mar. 14, 1966; 8:46 a.m.]

### GENERAL ANILINE & FILM CORP.

#### 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 6B1987) has been filed by General Aniline & Film Corp., 140 West 51st Street, New York, N.Y., 10020, proposing an amendment to § 121.2541 *Emulsifiers and/or surface-active agents* to provide for the safe use of sodium (or ammonium) nonylphenoxypolyethoxy (4 moles) sulfate as an emulsifier and/or surface-active agent in the manufacture of food-contact articles.

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2677; Filed, Mar. 14, 1966; 8:46 a.m.]

### MONSANTO CO.

#### 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 6B1978) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166, proposing an amendment to § 121.2569 *Resinous and polymeric coatings for polyolefin films* to provide for the safe use of dicyclohexyl phthalate as a plasticizer in resinous and polymeric coatings for polyolefin food-contact films.

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2678; Filed, Mar. 14, 1966; 8:46 a.m.]

## NATIONAL STARCH & CHEMICAL CORP.

### Notice of Filing of Petition for Food Additive Food Starch-Modified

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 6A1949) has been filed by National Starch & Chemical Corp., 1700 West Front Street, Plainfield, N.J., 07063, proposing an amendment to § 121.1031 of the food additive regulations to provide for higher levels of acetic anhydride in the teratment of food starch, and expression of the degree of acetylation in terms of the percent acetyl groups in the food starch-modified. The affected portions of § 121.1031 would read as follows:

§ 121.1031 Food starch-modified.

* * * * *

(d) Food starch may be esterified by treatment with one of the following:

| | *Limitations* |
|---|---|
| Acetic anhydride | Acetyl groups in food starch-modified not to exceed 5.5 percent. |
| Adipic anhydride, not to exceed 0.12 percent, and acetic anhydride. | Acetyl groups in food starch-modified not to exceed 2.5 percent. |

* * * * *

(f) Food starch may be esterified and etherified by treatment with one of the following:

* * *

| | |
|---|---|
| Epichlorohydrin, not to exceed 0.3 percent, and acetic anhydride. | Acetyl groups in food starch-modified not to exceed 2.5 percent. |

* * *

J. K. KIRK,
*Assistant Commissioner for Operations.*

Dated: March 7, 1966.

[F.R. Doc. 66-2679; Filed, Mar. 14, 1966; 8:47 a.m.]

## TENNECO 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 6B1972) has been filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, proposing an amendment to § 121.2569 *Resinous and polymeric coatings for polyolefin films* to provide for the safe use of polyterpene resins in resinous and polymeric food-contact coatings for polyolefin films.

Dated: March 4, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2680; Filed, Mar. 14, 1966; 8:47 a.m.]

## AMERICAN CYANAMID CO.

### Notice of Filing of Petitions for Food Additive Sulfamethazine

Notice is given that American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, has submitted a supplemental new-drug application for sulfamethazine for certain diseases of animals. The supplemental new-drug application also serves as petitions (FAP 6D1897, FAP 6D1898) for issuance of the necessary food additive regulations, as prescribed in § 121.7 (21 CFR 121.7). These petitions propose the issuance of regulations to provide for the safe use of the additive in tablets and drinking water, as follows:

*Tablets*

Calves and sheep: Bacterial scours, pneumonia, septicemia, diphtheria, foot rot, secondary infections in white scours, and blue bag.

Swine: Bacterial scours (necro), pneumonia, and septicemia.

*Drinking water solution*

Cattle and sheep: Foot rot, shipping fever, bacterial scours, pneumonia, septicemia and uterine and mastitis (blue bag) infections.

Poultry: Coccidiosis, Coryza, acute cholera, pullorum, and anatipestifer disease.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2710; Filed, Mar. 14, 1966; 8:49 a.m.]

## AMERICAN HOECHST CORP.

### 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 6B1840) has been filed by American Hoechst Corp., 777 Third Avenue, New York, N.Y., 10017, proposing the issuance of a regulation to provide for the safe use of polyhydric alcohol diesters of oxidatively refined montan wax acids as lubricants for polyvinyl chloride food-contact articles.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2711; Filed, Mar. 14, 1966; 8:49 a.m.]

## DOW CHEMICAL CO.

### Notice of Filing of Petition for Food Additives Resinous and Polymeric Coatings

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 6B1975) has been filed by the Dow Chemical Co., Post Office Box 467, Midland, Mich., 48640, proposing an amendment to § 121.2514 *Resinous and polymeric coatings* to provide for the safe use of ethylene-isobutyl acrylate copolymers in resinous and polymeric food-contact coatings.

Dated: March 8, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2712; Filed, Mar. 14, 1966; 8:49 a.m.]

## DOW CHEMICAL CO.

### Notice of Filing of Petition for Food Additive Chlorinated 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 6B1976) has been filed by the Dow Chemical Co., Biochemical Research Laboratory, 1701 Building, Midland, Mich., 48640, proposing the issuance of a regulation to provide for the safe use of chlorinated polyethylene as an article or component of articles intended for use in contact with food.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2713; Filed, Mar. 14, 1966; 8:50 a.m.]

## E. I. DU PONT DE NEMOURS & CO., INC.

### Notice of Filing of Petition Regarding Pesticide Ferbam

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 6F0475) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, proposing the establishment of a tolerance of 7 parts per million for residues of the fungicide ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate ,in or on citrus fruits. Notice of withdrawal of a petition requesting a tolerance for this fungicide on grapefruit and oranges was published in the FEDERAL REGISTER of February 12, 1964 (29 F.R. 2391).

The analytical method proposed in the petition for determining residues of ferbam is that of H. L. Pease, published in the Journal of the Association of Official Agricultural Chemists, volume 40, page 1113 (1957).

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2714; Filed, Mar. 14, 1966; 8:50 a.m.]

## FELTON CHEMICAL CO., INC.

### Notice of Filing of Petition for Food Additive Citral Propylene Glycol Acetal

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 6A1889) has been filed by Felton Chemical Co., Inc., 599 Johnson Avenue, Brooklyn, N.Y., 11237, proposing an amendment to § 121.1164 *Synthetic flavoring substances and adjuvants* to provide for the safe use of citral propylene glycol acetal as a synthetic flavoring substance for food.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2715; Filed, Mar. 14, 1966; 8:50 a.m.]

## ROBERT M. GOOLRICK

### Notice of Filing of Petition for Food Additives Resin-Bonded Filters

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 6B1968) has been filed by Robert M. Goolrick, 1250 Connecticut Avenue NW., Washington, D.C., 20036, proposing an amendment to § 121.2536 *Filters, resin-bonded* to provide for the safe use of polymers, produced from ethyl acrylate, styrene, acrylonitrile, acrylic acid, and *N*-methylolacrylamide, as components of resin-bonded milk filters.

Dated: March 8, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2716; Filed, Mar. 14, 1966; 8:50 a.m.]

## HOFFMANN-LA ROCHE, INC.

### Notice of Filing of Petition for Food Additive Sulfadimethoxine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5D1524) has been filed by Hoffmann-La Roche, Inc., Nutley, N.J., 07110, proposing the issuance of a regulation to provide for the safe use of sulfadimethoxine in the drinking water of chickens at a level of 0.05 percent as an aid in the control of coccidiosis, fowl cholera, and infectious coryza.

Dated: March 8, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2717; Filed, Mar. 14, 1966; 8:50 a.m.]

## E. R. SQUIBB & SONS

### Notice of Filing of Petition for Food Additive Streptomycin

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 6C1981) has been filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J., 08902, proposing the issuance of a regulation to provide for the safe use of streptomycin boluses for the treatment of calf scours, catarrhal enteritis, and digestive disturbances in cattle.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2718; Filed, Mar. 14, 1966; 8:51 a.m.]

## UPJOHN CO.

### Notice of Filing of Petition Regarding Pesticide 2,6-Dichloro-4-Nitroaniline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 6F0474) has been filed by the Upjohn Co., Kalamazoo, Mich., 49001, proposing the establishment of tolerances for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodities named:

15 parts per million in or on bramble berries (including blackberries, boysenberries, raspberries (red)) and currants.
10 parts per million in or on celery and rhubarb.
5 parts per million in or on carrots (post-harvest only), cucumbers, plums (fresh prunes), potatoes, and spinach.

The analytical methods proposed in the petition for determining residues of 2,6-dichloro-4-nitroaniline are a colorimetric procedure based upon the measurement of the color at 464 millimicrons developed by the reaction of the fungicide with potassium hydroxide and a gas-liquid chromatographic procedure with a microcoulometric detector.

Dated: March 7, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2719; Filed, Mar. 14, 1966; 8:51 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 16490]

## HENRY KANTZER AND MAX MARGOLIN

### Notice of Proposed Approval

Application of Henry Kantzer and Max Margolin for approval of acquisition of control of New England Forwarding Co., Docket 16490.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or requests a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 9, 1966.

[SEAL] J. W. ROSENTHAL,
*Director, Bureau of Operating Rights.*

[Docket No. 16490]

PUERTO RICAN FORWARDING CO., INC., ET AL.

ORDER APPROVING ACQUISITION

Issued under delegated authority.

Application of Puerto Rican Forwarding Co., Inc., et al., Docket 16490; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By Order E-22913, issued November 19, 1965, the Board approved the equal and common control by Henry V. Kantzer and Max Margolin of Puerto Rican Forwarding Co., Inc. (Forwarding), and International Transport, Inc. (Transport), and the proposed acquisition by Transport of New England Forwarding Co. (New England).[1] At that time the Board also approved interlocking relationships among the three companies resulting from the holdings by Messrs. Kantzer and Margolin of positions as president/director, and treasurer/director, respectively of each company.

In an application filed February 14, 1966, the request is made that the Board approve the acquisition by Messrs. Kantzer and Margolin of all of the stock of New England, now held by Transport. It is urged that since such individuals now control New England through Transport, the existing control situation would not be disturbed, and the structure would be simplified by the ownership by Messrs. Kantzer and Margolin, as individuals, of the stock of all three companies.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Forwarding, Transport, and New England are common carriers within the meaning of section 408 of the Act, and that the equal common control by Messrs. Kantzer and Margolin of Forwarding, Transport and New England is subject to section 408 of the Act. However, it is found that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not

[1] Forwarding is a domestic and international airfreight forwarder. Transport is an intrastate (Massachusetts) common carrier by motor vehicle, and New England is a surface freight forwarder.

restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The control relationships are consistent with those which the Board previously approved by Order E–22913 and essentially do not present any new substantive issues. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing proposed control relationships should be approved under section 408(b) of the Act, without a hearing, subject to the applicable terms of Order E–22913.

*Accordingly, it is ordered:*

1. That the acquisition of control by Messrs. Kantzer and Margolin of New England, while they continue to control Forwarding and Transport, be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's economic regulations, as now in effect or hereafter amended, the interlocking relationships arising by reason of the holding by Messrs. Kantzer and Margolin of the positions in Forwarding, Transport, and New England, set forth above, be and they hereby are approved;

3. The Messrs. Kantzer and Margolin be and they hereby are authorized to hold other positions as officers and/or directors of Forwarding, Transport, and New England to which they may be hereafter elected or appointed; and

4. That the approvals herein shall be effective only so long as the operation of motor vehicles by Transport is limited to the State of Massachusetts.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

BY: J. W. Rosenthal,
*Director,*
*Bureau of Operating Rights.*

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 66–2703; Filed, Mar. 14, 1966; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 703]

## INTERSTATE AUTO SHIPPERS, INC.

### Notice of Compliance

Notice is hereby given that Interstate Auto Shippers, Inc., 205 West 34th Street, New York, N.Y., 10001, has complied with the Commission's order to show cause dated February 21, 1966, and published in the FEDERAL REGISTER (31 F.R. 3143), by filing an effective surety bond with the Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 66–2706; Filed, Mar. 14, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 588]

## TICE & LYNCH, INC.

### Revocation of License

Whereas, by order to show cause served March 4, 1966, the Federal Maritime Commission ordered that Tice & Lynch, Inc., 21 Pearl Street, New York, N.Y., 10004, on or before March 8, 1966, either (1) submit a valid bond effective on or before March 10, 1966, or (2) show cause in writing or request a hearing to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916; and

Whereas, Tice & Lynch, Inc., has failed within the time allotted to comply with the Commission's order to show cause.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in its order to show cause served March 4, 1966;

*It is ordered,* That the independent ocean freight forwarder license of Tice & Lynch, Inc., be and is hereby revoked, effective 12:01 a.m., March 10, 1966.

*It is further ordered,* That Tice & Lynch, Inc., return independent ocean freight forwarder license No. 588 to the Federal Maritime Commission for cancellation.

*It is further ordered,* That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

EDWARD SCHMELTZER,
*Director,*
*Bureau of Domestic Regulation.*

[F.R. Doc. 66–2707; Filed, Mar. 14, 1966; 8:49 a.m.]

# FEDERAL RESERVE SYSTEM

## UNITED BANCSHARES OF FLORIDA, INC.

### Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by United Bancshares of Florida, Inc., Miami Beach, Fla., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition of 80 percent or more of the voting shares of the Miami Beach First National Bank, Miami Beach, and of United National Bank, Miami, both in Florida. Applicant presently owns a majority of the voting shares of Coral Gables First National Bank, Coral Gables, Fla.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 9th day of March 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
*Secretary.*

[F.R. Doc. 66–2665; Filed, Mar. 14, 1966; 8:45 a.m.]

# ATOMIC ENERGY COMMISSION

## STATE OF NEW HAMPSHIRE

### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On January 26, 1966; February 2, 1966; February 9, 1966; and February 16, 1966, the U.S. Atomic Energy Commission published for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New Hampshire for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The effective date proposed by the State of New Hampshire for the agreement is May 16, 1966. Republication of the proposed New Hampshire agreement is necessary to reflect the recently established proposed effective date.

A résumé, prepared by the State of New Hampshire and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed New Hampshire regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and sug-

gestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962; 27 F.R. 1351; April 3, 1965; 30 F.R. 4352 and September 22, 1965; 30 F.R. 12069. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 3d day of March 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary.*

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEW HAMPSHIRE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of New Hampshire certified on ----------, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----------, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on May 16, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Concord, State of New Hampshire, in triplicate, this day of -------.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
*Chairman.*

For the State of New Hampshire.

JOHN W. KING,
*Governor.*
WILLIAM A. STYLES,
AUSTIN F. QUINNEY,
EMILE SIMARD,
ROBERT L. MALLAT, Jr.,
JAMES H. HAYES,
*Executive Council.*

NEW HAMPSHIRE RADIATION PROTECTION AND RADIATION CONTROL PROGRAM

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

The following narrative sets forth a brief description of the history, practices, capabilities, and proposed activities of the New Hampshire State Radiation Control Agency (hereafter referred to as "the Agency") of the New Hampshire State Department of Health and Welfare, Division of Public Health Services, as they relate to the assumption of certain regulatory functions of the U.S. Atomic Energy Commission and to the control of all sources of ionizing radiation, including naturally occurring isotopes and radiation producing machines.

The U.S. Atomic Energy Commission is authorized by section 274 of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of a State to transfer to the State certain functions of licensing and regulatory control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass. The transfer of responsibility with respect to these sources of ionizing radiation is made upon the determination by the Atomic Energy Commission that the State has the competency to administer licensing and regulatory authority of such sources.

The New Hampshire regulatory program for the control of sources of ionizing radiation will be conducted in such a manner as to effectively protect the public health and safety, and to further the economic growth of the State through the encouragement of the constructive and safe and proper uses of radiation. The program will be maintained so as to ensure compatibility with the regulatory program of the U.S. Atomic Energy Commission and with the programs of other agreement States insofar as possible.

*Authority.* The New Hampshire General Court, in 1963, enacted enabling legislation (RSA125, Chapter 229) designating the New Hampshire Department of Health and Welfare, Division of Public Health Services, as the New Hampshire State Radiation Control Agency, with the authority to promulgate, amend, and repeal codes and rules and regulations, subject to public hearing; to require the registration of sources of radiation as may be necessary to prohibit and prevent

unnecessary radiation exposure; to enter at all reasonable times upon any private or public property for the purpose of determining whether there is compliance with or violations of the provisions of RSA 125 and the rules and regulations issued thereunder; and to conduct inspections and surveys of radiation sources and their shielding and immediate surroundings.

RSA 125 further authorizes the Governor and Council, on behalf of the State, to enter into an agreement with the U.S. Atomic Energy Commission providing for the discontinuance of certain licensing responsibilities of the Federal Government with respect to sources of ionizing radiation and the assumption thereof by the State.

*History.* The New Hampshire State Department of Health and Welfare became involved with radiological health in 1938 when the Division of Industrial Hygiene was established. The Department's activities in this field were limited initially to the industrial uses of X-ray and radium for the most part, with some work being done in hospitals and in physicians' and dentists' offices on request.

Emphasis on radiation safety became greater with the advent of the atomic energy program and the availability of radioisotopes in the late 1940's; and in 1950 one of the Division engineers attended a 6-week course in radiation safety at the Brookhaven National Laboratory. The Division staff also took advantage of the training programs in radiological health and safety sponsored by the U.S. Department of Health, Education, and Welfare at Cincinnati, Ohio.

Division personnel were employed on a part-time basis in the Radiological Defense Program of the New Hampshire Civil Defense Agency in the early 1950's and were authorized to acquire and use Cobalt 60 sources in the training of radiological monitors within State departments in 1953. Two of these personnel attended an instructor's school sponsored by the Federal Civil Defense Administration and one engineer was temporarily attached to the Civil Effects Test Group of the AEC's Operation Plumbob at Mercury, Nev., in 1957. These personnel have since participated on a part-time basis in a formal training program for community radiological monitoring teams and have been licensed by the AEC for the use of a 5-curie Cobalt 60 source and a 120-curie Cesium 137 source, for instrument calibration purposes.

When the AEC's licensing program was established in 1957, Division personnel began accompanying the Commission's inspectors on joint inspections of licensed users of radioisotopes in both the industrial and medical fields. At about this time inspections and surveys of the medical uses of X-ray were intensified and in 1959 a survey of all dental office personnel in the State was conducted at the request of the New Hampshire Dental Society.

Training in health physics has been furthered by the attendance of two of the Division personnel, a chemist and an engineer, at a 10-week course at the Oak Ridge Institute of Nuclear Studies in 1964 and training in the AEC's licensing procedures was accomplished through a 2-week course at the AEC offices in Bethesda, Md.

The recommendations of the National Bureau of Standards with regard to radiation shielding and limits of radiation exposure for humans have been adhered to until the present time and primary emphasis has been placed on radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission.

*Personnel.* The backgrounds of training and experience in radiation of persons employed in the future to fill vacancies on the New Hampshire Radiation Control Agency staff will be equivalent to those of the present prospective staff. Following are the résumés of the backgrounds of the proposed Agency staff:

FORREST H. BUMFORD

EDUCATION

University of New Hampshire—1937, B.S., Mech. Eng.
Special courses in Industrial Hygiene, Radiological Defense, and Radiological Health, USPHS—DOD—AEC.

MILITARY

U.S. Army Reserve 1936–1944 (1st Lieut.).
U.S. Public Health Service (R), Active Duty 1941–1946 (Lieut., S.G.).
U.S. Public Health Service (R), 1946–Date (Comm.).

EXPERIENCE

1937–1940—The Trane Co., La Crosse, Wis., Heating, Ventilating and A.C. Engineer.
1940–1941—State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Industrial Hygiene Engineer.
1941–1946—U.S. Public Health Service, Industrial Hygiene Engineer, Stationed N.H., District of Columbia, Tenn.
1946–1947—State of Ohio, Youngstown, Ohio, District Industrial Hygiene Engineer.
1947–1952—State of New Hampshire, Concord, N.H., Industrial Hygiene Engineer, Acting Director of Division 1951.
1952–Date—State of New Hampshire, Director, Division of Industrial Hygiene or Bureau of Occupational Health.

RADIATION EXPERIENCE

1941–Date—Experience in industrial, diagnostic, therapeutic, and fluoroscopic X-ray machines—safety and health. Health and safety in use of radium in hospitals, clinics, and industry.
1951–Date—State RADEF Officer in Civil Defense program. Charge of radiological defense for State; training of monitors and care and maintenance of instruments.
1957–Date—Hold AEC licenses for use of sealed sources for use in training and calibration of instruments, including multicurie (5) Cobalt 60 sources, Cesium 137 source (120 curie), including leak testing.
1961–Date—Appointed Director, State Radiation Control Agency, Division of Public Health, Department of Health and Welfare.

RICHARD S. DUMM

EDUCATION

University of New Hampshire—1951, B.S., Agr. Engineering.
Special courses:
- Industrial Ventilation, Michigan State Univ., 1954 (1 week).
- Radiological Defense Instructor, OCDM, 1957 (1 week).
- Civil Effects Test Group, AEC Nevada Test Site, 1957 (2 weeks).
- Civil Defense for Food and Drug Officials, USFDA, 1963 (1 week).
- Radiological Health Physics, Oak Ridge Institute of Nuclear Studies, 1964 (10 weeks).

MILITARY

Enlisted USNR Nov. 1943–June 1946 (27 mos. active).
Enlisted USNR Apr. 1950–Jan. 1952 (12 mos. active).
Commissioned USNR Jan. 1952–date (13 mos. active).

EXPERIENCE

U.S. Naval Reserve (active) Feb. 1951–Mar. 1953.
State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Apr. 1953–date.

RADIATION

Health and safety of medical and industrial uses of X-ray and radium; 1953–date.
Teaching radiological defense to local town and city organizations; 1957–date.
Special courses (see Education).

JOHN R. STANTON

EDUCATION

St. Anselm's College, Manchester, N.H.—1955, A.B. Chemistry. Member St. Anselm's Chemical Society, 1952–55.

MILITARY

Two years active duty with U.S. Army, 1955–57; duty, weather observer. Seven years with New Hampshire National Guard, 1957 to date.

SPECIAL TRAINING

Weather Observer School, Fort Monmouth, N.J., 1956 (13 weeks).
Industrial Hygiene Chemistry Course—DOH USPHS Cincinnati, Ohio, 1963 (2 weeks).
Dust Evaluation Techniques Course—DOH USPHS Cincinnati, Ohio, 1963 (1 week).
Civil Defense for Food and Drug Officials course—USFDA, Concord, N.H., 1963 (1 week).
Radiological Health course—AEC—ORINS—Oak Ridge, Tenn., 1964 (10 weeks).

EXPERIENCE

Chemist (Highway Materials Testing)—New Hampshire Department of Public Works and Highways, 1957–1962. Immediate Supervisor, Paul S. Otis. Principal duties: chemical analysis of paints, tar, asphalt and other highway construction materials.
Industrial Hygiene Chemist—Occupational Health Service, New Hampshire Department of Health and Welfare, 1962 to present. Immediate Supervisor, Forrest H. Bumford. Principal duties: (1) Chemical analysis of trace metals, solvents and metabolic products of toxins using infrared spectroscopy, ultraviolet spectrophotometry and gas chromatography; (2) monitoring of daily air samples for beta activity.

GOVERNOR'S RADIATION ADVISORY COMMITTEE

Robert Normandi, Ph. D., Chairman, Professor of Biology and Radiation Biology, St. Anslem's College, Manchester, N.H. Holds AEC license.
Frank Lane, M.D., Chief Roentgenologist, Mary Hitchcock Memorial Hospital, Hanover, N.H., Radiation Safety Officer, Mary Hitchcock Memorial Hospital, Hanover, N.H. Charge of 1,000 curie cobalt 60 teletherapy units. Holds AEC licenses.
Laurence Bixby, M.D., Roentgenologist, Dover City Hospital, Dover, N.H., Roentgenologist, Frisbie Memorial Hospital, Rochester, N.H.
John Lockwood, Sc. D., Chairman, Department of Physics, University of New Hampshire, Durham, N.H. Considerable experience with various isotopes and member of University Radiation Committee. Holds AEC license.
J. Copenhaver, Ph. D., Chairman, Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Gene Likens, Ph. D., Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Richard D. Brew, President, Brew Co., Concord, N.H. Representing industrial interests on committee.
Paul Simpson, Sanders Associates, Nashua, N.H. Representing industrial interests on committee.
Leonard Hill, Comptroller, State of New Hampshire, State House, Concord, N.H. Representing Governor on State Committee.

The committee membership will be changed somewhat after January 1966, to give a more balanced membership amongst the various professions concerned with radiological health. This committee will keep the Governor and Council informed on matters relative to radiation problems within the State.

They will also recommend programs and policies to the Radiation Control Agency and act as advisors to the Director of the Agency. They or certain members of the committee will also serve the Agency as an isotope committee similar to that in use by the AEC.

*Licensing and registration.* The State program provides for the issuance of both specific and general licenses for radioactive materials. The specific license will be issued to authorize the possession of such quantities of special nuclear material, source material, byproduct material, and other naturally occurring radioactive materials, such as radium, as are not generally licensed or exempted from licensing under the regulations General licenses are established in the regulations for the possession of such quantities of certain radioactive materials as are considered to be unlikly to present a hazard to the health and safety of the public under the filing of applications with the Agency or the issuance of licensing documents to the particular persons using the radioactive material.

Persons possessing less than certain quantities of radioactive materials, as stated in the regulations, or who possess items containing certain specified radioactive materials are exempted from the licensing requirements of the regulations.

The program also requires that persons having possession of any source of ionizing radiation other than exempt radioactive material and radioactive material licensed under the regulations, including machines or devices capable of producing ionizing radiation, shall register such machines or devices with the Agency on a form provided by the Agency.

The Agency is responsible for evaluating applications for and the issuing of licenses. Provision has been made, however, for a radiation advisory committee to assist the Agency in evaluations which require technical consultation. The board will consist of persons highly qualified in the fields of the medical uses of radiation, physics, and industry whenever possible. In addition, the Agency will utilize the applicable licensing criteria of the U.S. Atomic Energy Commission in making its evaluations.

*Inspection.* Inspections of activities using radiation sources will be made on a periodic basis. The most hazardous uses of radiation will be inspected at least once in each 6-month period, and other uses on a less frequent basis, depending upon the relative hazard. All licensed or registered activities will be inspected at least once in each 2-year period.

Announcement of an intended inspection may or may not be made prior to its execution.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipment, facilities, and handling or storage of radioactive material, the procedures, in effect, including actual operation, and interviewing of personnel actually involved. The inspector will review the user's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the controlled area. He will review the user's records of receipts, transfers, and inventory of licensed materials, if any. He may physically check the inventory. He will examine records concerning any disposal of radioactive material which might have been made. He may make measurements of radiation levels. Prior to the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his superior and the licensee or registrant of all the facts and circumstances observed during the inspection, including recommendations for the abatement of noncompliance matters. The report will provide the basis for any necessary enforcement action by the Agency.

In addition, there will be investigations of incidents and complaints involving licensed or registered sources of radiation to determine the cause, and measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and the steps the licensee or registrant is taking to ensure that a recurrence of the incident will not take place.

*Enforcement.* Minor items of noncompliance, such as improper signs, failure to label, etc., will be included in the inspector's report and, if the licensee or registrant agrees to correct these irregularities at the time of the inspection, the corrective action taken will be reviewed with the licensee or registrant during the next periodic inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to accomplish corrective action prior to a time fixed by the director of the Agency, which time shall be not more than ten days subsequent to formal written notification of the item of noncompliance by the Agency. The licensee or registrant will be required to inform the Agency in writing, usually within 15 days of formal notification, as to corrective action taken and the date it was accomplished. In these cases, the Agency's representative will either conduct a prompt follow-up inspection or the matter will be reviewed during the next regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Agency will take such administrative actions as are available to it.

Where administrative enforcement of the rules and regulations of the Agency does not prove successful, a civil action may be instituted on behalf of the Agency for injunctive relief to prevent the violation of the provisions of the rules and regulations.

The director of the Agency has legal authority, in an emergency situation, to issue an order reciting that such an emergency does, in fact, exist and requiring that such action as he deems necessary be taken to meet the emergency. Any person to whom such an order is directed is required by law to comply with the order immediately.

Any person who receives a notice of violation of the regulations of the Agency and an order of abatement of the violation, or who is required to comply immediately with the orders of the director of the Agency, in an emergency situation, may apply for a hearing before the director of the Division of Public Health Services, New Hampshire State Department of Health and Welfare, and a hearing will be afforded within 15 days.

Any person who wilfully violates any of the provisions of the rules and regulations of the Agency, or who violates an order of the Agency, may be guilty of a crime and upon conviction may be punished by a fine or imprisonment or both, as provided by law.

*Reciprocity.* The Agency will exempt persons from the licensing requirement of the regulations who use, transfer, possess, or receive byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass pursuant to a license issued by the U.S. Atomic Energy Commission or by another agreement state provided that such persons notify the Agency immediately of the presence of such materials within the state.

*Compatibility.* It is the policy of the State of New Hampshire to institute and maintain a regulatory program for sources for ionizing radiation so as to provide for a system consonant insofar as possible with the standards and regulatory programs of the Federal government and with those of other agreement States.

[F.R. Doc. 66-2396; Filed, Mar. 7, 1966; 8:50 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16468; FCC 66M-351]

## E. B. CHRISTOPHER

### Order Changing Place of Hearing

In the matter of E. B. Christopher, Howe, Tex., Docket No. 16468; order to show cause why the license for radio station KEH-6538 in the citizens radio service should not be revoked:

*It is ordered,* This 9th day of March 1966, that the order released March 1, 1966, in the above-entitled proceeding (FCC 66M-302) is amended to specify Denison, Tex., in lieu of Dallas, Tex., as the place of hearing herein, and that the said hearing shall be convened at 10 a.m., March 18, 1966, as previously scheduled.

Released: March 10, 1966.

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

[F.R. Doc. 66-2729; Filed, Mar. 14, 1966; 8:52 a.m.]

---

[Docket Nos. 16450, 16451; FCC 65M-331]

## CORINTH BROADCASTING CO., INC., AND PROGRESSIVE BROADCASTING CO.

### Order Continuing Hearing

In re applications of the Corinth Broadcasting Co., Inc., Corinth, Miss., Docket No. 16450, File No. BPH-4714; Frank F. Hinton and James D. Anderson, doing business as the Progressive Broadcasting Co., Corinth, Miss., Docket No. 16451, File No. BPH-5015; for construction permits.

Pursuant to a prehearing conference as of this date: *It is ordered,* This 7th day of March 1966, that the date for the exchange of exhibits shall be on or before April 25, 1966; that the notification of witnesses desired for cross-examination shall be on or before May 3, 1966, and the hearing now scheduled for April 12, 1966, be and the same is hereby rescheduled for May 10, 1966, 10 a.m., in

the Commission's offices, Washington, D.C.

Released: March 8, 1966.

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

[F.R. Doc. 66-2730; Filed, Mar. 14, 1966; 8:52 a.m.]

[Docket Nos. 16394, 16395; FCC 66R-89]

## MARBRO BROADCASTING CO., INC., AND SUPAT BROADCASTING CORP.

### Memorandum Opinion and Order Enlarging Issues

In re applications of Marbro Broadcasting Co., Inc., San Bernardino, Calif., Docket No. 16394, File No. BPCT-3455; Supat Broadcasting Corp., San Bernardino, Calif., Docket No. 16395, File No. BPCT-3499; for construction permit for new television broadcast station.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission order, FCC 65-1165, released December 30, 1965, and published in the FEDERAL REGISTER January 5, 1966. The application of Harriscope, Inc., was dismissed by the Examiner by order, FCC 66M-229, released February 11, 1966. The Review Board now has before it a petition to enlarge issues filed January 20, 1966, by Marbro Broadcasting Co., Inc.[1] That petition requests that the issues in the above-captioned proceeding be enlarged as follows:

(a) To determine whether Supat Broadcasting Corp. is financially qualified to construct and operate the proposed broadcast facility.

(b) To determine the basis for the amounts allocated by Supat Broadcasting Corp. for "other" expenses ($5,000) and for the cost of operation for the first year ($216,000) and whether such amounts are realistic and reasonably likely to suffice for the effectuation of Supat's overall proposal.

(c) To determine whether the number of weekly spot announcements proposed by Supat Broadcasting Corp. is violative of its stated commercial policy and whether such proposal is consistent with the public interest.

(d) To determine whether the transmitter site proposed by Supat Broadcasting Corp. is in fact available to it.

*Issue A—financial qualification.* 2. In support of its request for a financial qualification issue against Supat Broadcasting Corp., Marbro argues that by Supat's own estimates it will incur cash expenditures of $367,451 during construction and the first year of operation. To meet these obligations Supat relies upon stock subscriptions of $150,000, a loan from Mr. Samuel Schulman of $450,000[2] for available capital of $600,000. Marbro challenges the availability of the "Schulman Loan" to Supat Broadcasting Corp. Marbro notes that the letter which commits Mr. Schulman to lend the $450,000 is addressed to Supat Industries, Inc., and makes no binding agreement to provide any funds whatsoever to Supat Broadcasting Corp. Furthermore, Marbro challenges the financial qualifications of four minority stock subscribers urging that they have not submitted adequate proof of their ability to meet their stock subscriptions. Thus, Marbro contends that Supat Broadcasting Corp. has available to it only the $127,500 represented by the Supat Industries, Inc., stock subscription. In view of the $367,451 predicted expenditures this is grossly inadequate.

3. With the supplement to its opposition, Supat Broadcasting Corp. submitted an affidavit of Samuel Schulman which clarifies his intention to make the $450,000 available for use by the proposed San Bernardino UHF television station. This affidavit demonstrates that even should the four minority stock subscribers be unable to meet their commitments Supat Broadcasting Corp. would have available to it $577,500 to meet anticipated expenditures for construction and the first year of operation of $367,451. The requested issue concerning the financial qualification of Supat Broadcasting Corp., will therefore be denied.

*Issue B—Basis for estimated expenses and whether they are adequate.* 4. In support of this proposed issue, Marbro observes that although each applicant proposes to serve the same general area and offers essentially the same type of service, Supat's estimated operating costs are substantially less than those proposed by each of the other applicants and that therefore we must question the validity of those estimates. The petitioner further notes that Supat proposes a larger staff and more local live programing than was proposed by either of the other applicants. Thus, it must be concluded that Supat Broadcasting Corp.'s estimated expenses are inordinately low. To further support its position it has undertaken its own breakdown of the total expense figure. All of the foregoing is purely speculative and not supported by factual affidavits as required by the Commission's rules.[3] Moreover, in view of our findings as to Supat's financial qualifications it is quite apparent that Supat has sufficient funds available to it to accommodate a substantial margin of error with respect to estimated expenditures should this prove to be the case. The requested issue will therefore be denied.

*Issue C—To determine whether weekly number of spots is inconsistent with the commercial policy set forth in its application.* 5. In support of its request for this issue, Marbro notes that the total number of spots per week as set forth in paragraph 4(b) of section IV of the application exceeds the number of spots which would be permitted by Supat's policy statement set forth in paragraph 3(b) of section IV of the application. However, in its opposition Supat explains that it construed the limitation on spot announcements articulated in its policy statement to apply only to the 14½ minute program segments contemplated by FCC Form 301. But to be absolutely candid it included certain additional spot announcements which it intended to make during 30-second free time between program segments in its total figure reported on 4(b) of section IV of its application. In view of this explanation Marbro agrees that this issue should not be included in the proceeding. It will, therefore, be denied.

*Issue D—Site availability.* 6. Marbro premises its request for this issue upon the fact that Supat and Harriscope had both proposed to use the site which was previously occupied by KCHU-TV and that subsequently, Harriscope amended its application giving as its reason:

> In view of the fact that the equipment [of KCHU-TV] has been sold to a third party so as not to be available to us it will be necessary to amend the above application to show new equipment, sites and financing.

It thereupon concludes that since that site was not available to Harriscope it would likewise be unavailable to Supat. In opposition both the Bureau and Supat point out that these speculations were unsupported by affidavits as required by the rule and that the reasoning was fallacious in that it did not necessarily follow that because a particular site was not available to Harriscope it would not be available to Supat. However, Marbro supplemented its reply with an affidavit from the present owner of Supat's proposed site which states unequivocally that it has no outstanding contracts or agreements with Supat to make the site available to it. Nor does it have any such agreement with any other person or organization. In view of these allegations a factual question concerning the availability of Supat's proposed site is raised which warrants the inclusion of the requested issues.

7. In its reply Marbro also requested that an issue seeking to determine whether Supat had made misrepresentations concerning its proposed site and if in fact such misrepresentation had been made to what extent they affect its character qualifications. Such a request in a reply pleading is prohibited by the Commission's rules;[4] that will, therefore, not be considered.

*Accordingly, it is ordered,* This 9th day of March 1966, that the petition to enlarge issues filed January 20, 1966, by Marbro Broadcasting Co., Inc., is denied except as to proposed new issue D which is granted;

*It is further ordered,* That the issues are enlarged as follows: To determine

[1] The Review Board also has before it the Broadcast Bureau's opposition and comments on petition to enlarge issues, filed Feb. 3, 1966; an "Opposition of Supat Broadcasting Corp.," filed Feb. 7, 1966; a supplement to "Opposition of Supat Broadcasting Corp. to Petition to Enlarge Issues," filed Feb. 15, 1966; and a reply to oppositions to petition to enlarge issues, filed Feb. 24, 1966, by Marbro Broadcasting Co., Inc.

[2] Mr. Schulman owns 100 percent of the stock of Supat Industries, Inc., the original applicant in this proceeding. Supat Industries now owns 85 percent of Supat Broadcasting Co., Inc. Mr. Schulman is president of both corporations.

[3] See § 1.229(c), 47 CFR 1.229(c), 1 RR 51:229(c).

[4] See § 1.45(b) of the Commission's rules and regulations, 47 CFR 1.45(b), 1 RR 51:45 (b).

whether the transmitter site proposed by Supat Broadcasting Corp., is in fact available to it.

Released: March 10, 1966.

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

[F.R. Doc. 66-2731; Filed, Mar. 14, 1966; 8:52 a.m.]

---

[Docket Nos. 16489, 16490; FCC 66M-333]

## McALISTER BROADCASTING CORP. AND KJJJ-TV

### Order Scheduling Hearing

In re applications of McAlister Broadcasting Corp., Lubbock, Tex., Docket No. 16489, File No. BPCT-3426; John B. Walton, Jr., doing business as KJJJ-TV, Lublock, Tex., Docket No. 16490, File No. BPCT-3527; for construction permit for new television broadcast station channel 28:

*It is ordered,* This 3d day of March 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 18, 1966, at 10 a.m.; and that a prehearing conference shall be held on March 31, 1966, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: March 8, 1966.

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

[F.R. Doc. 66-2732; Filed, Mar. 14, 1966; 8:52 a.m.]

---

[Docket No. 16493; FCC 66M-336]

## FRANCIS G. RIGGS

### Order Scheduling Hearing

In the matter of Francis G. Riggs, Detroit, Mich., Docket No. 16493; order to show cause why the license for radio station KNM-5822 in the citizens radio service should not be revoked:

*It is ordered,* This 8th day of March 1966, that H. Gifford Irion shall serve as presiding officer in the above-entitled proceeding, and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., at 10 a.m., April 13, 1966.

Released: March 9, 1966.

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

[F.R. Doc. 66-2734; Filed, Mar. 14, 1966; 8:52 a.m.]

---

[Docket No. 15871; FCC 66R-88]

## SOUTHINGTON BROADCASTERS

### Memorandum Opinion and Order Enlarging Issues

In re application of Fitzgerald C. Smith trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP-16405; for construction permit.

1. Before the Review Board for consideration is a petition to enlarge issues, filed by the Broadcast Bureau on January 14, 1966, directed to the proposal of Southington Broadcasters for a new standard broadcast station at Southington, Conn. (990 kc, 500 w, DA, Day, Class II).[1]

2. Pursuant to the Commission's public notice, FCC 65-1153, 6 RR 2d 1901, 2 FCC 2d 190, entitled "Policy Statement on section 307(b) considerations for Standard Broadcast Facilities involving Suburban Communities," the Bureau requests addition of hearing issues similar to those added by the Commission in three cases released by the Commission on the same date as its public notice.[2]

3. The test stated by the Commission in its statement is "whether the applicant's proposed 5 mv/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community." Such circumstances, the Commission stated, will raise a presumption that "the applicant realistically proposes to serve that larger community rather than his specified community." If that presumption applies and is not rebutted by the applicant, the applicant's proposal will be required to meet the technical provisions of the Commission's rules (e.g., §§ 73.30, 73.31 and 73.188(b)(1)) for stations assigned to the larger community. Failure to meet such technical standards will require denial of the application.

4. In support of its request, the Bureau points out that the 5 mv/m daytime contour of the applicant would penetrate the boundaries of the city of Waterbury, a community of 107,130 and which is more than twice the size of Southington.[3] In its opposition, Southington concedes that the Review Board is bound to apply Commission policy but reserves its right to argue "in other fora"[4] that application of the new section 307(b) policy to its proposal would deny it due process. Southington also attempts to rebut the presumption raised by its proposal that it is realistically a proposal for Waterbury by a showing that neither technical nor competitive factors involving Waterbury were considered in formulating its application.

5. The Commission's policy statement is applicable to this proposal. The Board is of the view that the showing made by Southington in response to the Bureau's petition would best be made in the first instance at an evidentiary hearing. The issues requested by the Bureau will therefore be added.

*Accordingly, it is ordered,* This 9th day of March 1966, that the petition to enlarge issues, filed January 14, 1966, by the Broadcast Bureau, is granted and that the issues in this proceeding are enlarged by addition of the following issues:

(a) To determine whether the proposal of Fitzgerald C. Smith, trading as Southington Broadcasters, will realistically provide a local transmission facility for its specified station location or for another larger community in light of all the relevant evidence including but not necessarily limited to the showing with respect to

(1) The extent to which Southington, Conn., has been ascertained by Southington Broadcasters to have separate and distinct programing needs;

(2) The extent to which the needs of Southington, Conn., are being met by existing standard broadcast stations;

(3) The extent to which Southington Broadcasters' program proposal will meet the specific, unsatisfied programing needs of its specified station locations; and

(4) The extent to which the projected sources of Southington Broadcasters' advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal of Southington Broadcasters will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31 and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

---

[1] Also before the Board are (a) opposition to petition to enlarge issues, filed Feb. 16, 1966, by Southington Broadcasters; and (b) reply, filed Feb. 24, 1966, by the Bureau.

[2] Monroeville Broadcasting Co., FCC 65-1155, 2 FCC 2d 200; Jupiter Associates, Inc., FCC 65-1156, 6 RR 2d 578, 2 FCC 2d 203; and Charles W. Jobbins, FCC 65-1154, 6 RR 2d 574, 2 FCC 2d 197. See also Boardman Broadcasting Co., Inc., FCC 66R-19, 2 FCC 2d 335; Naugatuck Valley Service, Inc. (WOWW), FCC 66R-26, 2 FCC 2d 421; and Lebanon Valley Radio, FCC 66R-69, 2 FCC 2d ----, released Feb. 23, 1966.

[3] The Bureau and the applicant disagree as to whether the facility sought is for the unincorporated community of Southington (population 9,952) or the incorporated Town of Southington (population 22,797). In either case, Waterbury is still twice as large as the community applied for.

[4] Southington has petitioned the Commission for reconsideration of its policy statement. Its petition, filed Jan. 26, 1966, is pending.

Released: March 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-2735; Filed, Mar. 14, 1966; 8:52 a.m.]

[FCC 66-229]

## STANDARD BROADCAST FACILITIES INVOLVING SUBURBAN COMMUNITIES

### Policy Statement; Memorandum Opinion and Order

1. On December 27, 1965, we released a public notice (2 FCC 2d 190, 6 R.R. 2d 1901) entitled Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, in which we set forth our views on the standards that should be used to evaluate suburban applicants which propose to serve some parts of their central city and urbanized area. We now have before us petitions for reconsideration of that policy statement filed by Tinker Area Broadcasting Co., Southington Broadcasters, and Boardman Broadcasting Co., Inc. In addition, Boardman has filed a motion for stay of the effectiveness of the policy statement. Each of the petitioners is an applicant for a construction permit for a new standard broadcast station and claims that its interests will be adversely affected by the application of the policy statement to its proposal.

2. Initially, Boardman has not attempted to show that it will suffer irreparable injury or that the public interest will be adversely affected if the policy statement is not stayed. Under these circumstances, good cause has not been shown for staying the effectiveness of the policy statement. Cf. Alvin B. Corum, Jr., FCC 65-355, 5 R.R. 2d 18 (1965). Accordingly, Boardman's motion for stay of the policy statement will be denied.

3. Petitioners assert that our policy statement modified and amended the legal standards for the assignment of standard broadcast stations and that our action stating a new policy for suburban applications amounts to substantive rule making. Petitioners then argue that we must comply with the provisions of the Administrative Procedure Act before we can adopt fixed standards for the assignment of broadcast stations and that the policy statement violates section 4 of the Administrative Procedure Act since we did not give notice or permit all interested parties to comment upon the proposal. Petitioners request that we return to a case-by-case approach to 307 (b) considerations for suburban applications, since the policy statement gives no weight to factors, such as directional operation and high conductivity, which rebut the presumption that an applicant realistically proposes to serve a community other than his specified station location. Finally, petitioners urge that, even if it is valid, the policy statement should not be applied to pending applications.

4. In the policy statement we stated that, where an applicant's proposed 5 mv/m daytime contour would penetrate the geographic boundaries of any community with a population over 50,000 and twice the population of the applicant's specified community, a presumption will arise that the applicant proposes to serve the larger community rather than his specified community. We then asserted that, if the presumption could not be rebutted by material in the application, an evidentiary hearing would be held to determine whether the application should be treated as a proposal for the specified community or for some other larger community. We also stated that an applicant will be permitted during the course of such a hearing to rebut the presumption on the basis of evidence of his projected programing and revenues.

5. Thus, the policy statement does not make a conclusive determination as to which community a suburban applicant realistically proposes to serve, but merely raises a presumption which may be rebutted during the course of an evidentiary hearing. For this reason, the policy statement simply announced new guidelines to govern future hearings involving suburban applications without establishing any substantive provisions for the grant or denial of any of the applications. Since general statements of policy, such as this, are specifically excluded from the notice and effective date requirements of section 4 of the Administrative Procedure Act, we are convinced that there is no impropriety or infirmity in our adoption of this new approach for suburban applications and that there is no necessity to institute rule making proceedings.

6. By the same token, we are also persuaded that there is no reason to return to an earlier approach in our 307(b) evaluation of suburban applications or to limit the policy statement's effect to new applications. The approach outlined in the policy statement will materially assist us in making fair, efficient, and equitable allocations of standard broadcast facilities in metropolitan areas by providing concrete evidence as to which communities the applicants realistically propose to serve and by permitting a more realistic evaluation of the comparative need which each of the applicants proposes to serve.

7. At this time we also wish to make clear that evidence with respect to directional operation, ground conductivity, and other similar factors will be given weight under the policy statement's new approach. We explicitly noted, in paragraph 8 of the policy statement, that an applicant could rebut a presumption with respect to a larger community by the information submitted with his application. Since the purpose of our new approach is to determine whether an applicant will realistically serve his specified community or another larger community, we are persuaded that the type of evidence required to rebut such a presumption will necessarily differ, depending upon, among other variable factors, the applicant's proposed power, antenna directionalization and coverage. Thus, if, prior to designation for hearing or during the course of a hearing, an applicant shows that his coverage is extended by factors beyond his control (e.g., soil conductivity, the need to protect existing stations, etc.), such facts will be considered in determining whether the presumption has been rebutted.

*Accordingly, it is ordered,* This 9th day of March 1966, that the above-described motion for stay filed by Boardman Broadcasting Co., Inc., is denied; and

*It is further ordered,* That the above-described petitions for reconsideration filed by Tinker Area Broadcasting Co. Southington Broadcasters, and Board man Broadcasting Co., Inc., are denied

Released: March 10, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-2733; Filed, Mar. 14, 1966; 8:52 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Baltimore, Md. Region (Rev. 1)]

## BALTIMORE REGIONAL AREA

### Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Middle Atlantic Area, 30 F.R. 3254, as amended, 30 F.R. 5778, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

[5] Review Board member Nelson not participating.

[1] Commissioner Bartley absent.

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
*Title of person signing.*

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary action in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Working Supervisor or Chief, Loan Processing.* 1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. Item I.C.3. through 10.

E. *Working Supervisor or Chief, Loan Administration.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12.—Only the authority for servicing, administration and collection, including subitems a. and b.

F. *Working Supervisor or Chief, Loan Liquidation.* Item I.C.12.—Only the authority for liquidation, including collateral purchased, and subitems a. and b.

G. *Reserved.*

H. *Working Supervisor or Chief, Procurement and Management Assistance.* 1. Item IA. (Size determinations on PMA activities only).

2. Item I.B. (Eligibility Determinations on PMA activities only).

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To make emergency purchases chargeable to the Administrative Expense Fund, not in excess of $25 in any one object class in any one instance, but not more than $50 in any one month for total purchased in all object classes.

2. To make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in Item I.J.1. above.

3. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. To purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

*Effective date.* March 13, 1966.

MEREDITH R. HOFFMASTER,
*Regional Director, Baltimore, Md.*

[F.R. Doc. 66-2700; Filed, Mar. 14, 1966; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

## PINAL COUNTY DEVELOPMENT ASSOCIATION

### Order Suspending Trading

MARCH 9, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period March 10, 1966, through March 19, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 66-2685; Filed, Mar. 14, 1966; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

### CERTIFICATES AUTHORIZING 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).

Covco Garment Co., corner Coveco and Iris Streets, Sparta, Tenn.; effective 2-22-66 to 2-21-67 (men's coveralls).

Fawn Grove Manufacturing Co., Fawn Grove, Pa.; effective 2-28-66 to 2-27-67 (men's and boys' work trousers and dress trousers).

F. Jacobson & Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 3-6-66 to 3-5-67 (men's dress pants).

Kentucky Pants Co., Glasgow-Bowling Green Road, and 117 North Race Street, Glasgow, Ky.; effective 3-7-66 to 3-6-67 (work pants).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 3-1-66 to 2-28-67. Learners may not be employed at special minimum wage rates in the production of skirts (Women's dresses and playsuits).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland County, Pa.; effective 3-4-66 to 3-3-67 (men's and boys' trousers).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 3-7-66 to 3-6-67 (dress pants).

Solomon Bros. Co., Thomasville, Ala.; effec- 2-24-66 to 2-23-67 (men's sport shirts).

Solomon Bros. Co., Thomasville, Ala.; effective 2-24-66 to 2-23-67 (men's sport shirts).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; effective 3-10-66 to 3-9-67 (men's slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration

dates and the number of learners authorized are indicated.

Berlin Manufacturing Co., Inc., Berlin, Md.; effective 3-4-66 to 3-3-67; 10 learners (work pants).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.: effective 2-28-66 to 2-27-67; 10 learners (dungarees and shirts).

Eileen Hope, Inc., 135 South Fifth Street, Newport, Pa.; effective 2-24-66 to 2-23-67; 10 learners (women's dresses).

The H. D. Lee Co., Inc., Trenton, Ga.; effective 3-1-66 to 2-28-67; 10 learners (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.

Jaco Pants, Inc., Industrial Drive, Ashburn, Ga.; effective 2-25-66 to 8-24-66; 50 learners (men's pants and shorts).

The H. D. Lee Co., Inc., Trenton, Ga.; effective 3-1-66 to 8-31-66; 30 learners (work pants).

Prairie Manufacturing Co., 106 Washington Avenue, East Prairie, Mo.; effective 2-24-66 to 8-23-66; 30 learners (men's and boys' pants).

The Solomon Co., Collinsville Division, Collinsville, Ala.; effective 3-7-66 to 9-6-66; 65 learners (men's slack and shorts).

Glove industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., West Sixth Street, Metropolis, Ill.; effective 3-10-66 to 3-9-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; effective 3-2-66 to 3-1-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane and 911 Lawrence Avenue, Ellwood City, Pa.; effective 2-23-66 to 2-22-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters and swimwear).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mount Carmel, Pa.; effective 2-23-66 to 2-22-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; effective 2-25-66 to 8-24-66; 15 learners for plant expansion purposes (ladies' 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 Part 528.

Signed at Washington, D.C., this 4th day of March 1966.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 66-2684; Filed, Mar. 14, 1966; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Third Rev. S.O. 562; Pfahler's ICC Order 200]

## SOUTHERN INDUSTRIAL RAILROAD, INC.

### Rerouting Traffic

In the opinion of R. D. Pfahler, Agent, the Southern Industrial Railroad, Inc., is unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions.

*It is ordered*, That:

(a) Rerouting traffic: The Southern Industrial Railroad, Inc., and its connections, being unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9 a.m., March 9, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., April 9, 1966, unless otherwise modified, changed or suspended.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 9, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
*Agent.*

[F.R. Doc. 66-2695; Filed, Mar. 14, 1966; 8:48 a.m.]

---

[Ex Parte No. MC-68]

## REMOVAL OF TRUCKLOAD LOT RESTRICTIONS

### Supplemental Order

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 7th day of March A.D. 1966.

It appearing, that by order entered December 7, 1965, and served January 12, 1966 (31 F.R. 384), this Commission instituted the above-entitled proceeding to determine whether the removal of "truckload lot" restrictions from all existing motor carrier certificates issued pursuant to section 206 or 207 of the Interstate Commerce Act is required by the present or future public convenience and necessity; and that while naming as respondents the 239 motor common carriers listed in Appendix A thereof, the said order also directed each carrier holding a certificate of public convenience and necessity containing a truckload lot restriction which may have been overlooked to file an appropriate pleading on or before February 11, 1966, describing in detail its "truckload lot" restricted authority;

It further appearing, that in compliance with said order of December 7, 1965, appropriate pleadings have been filed by Advance-United Expressways, Inc., Old Dominion Freight Line, Dealers Transit, Inc., Pennsylvania Truck Lines, Inc., Mitchell Bros. Truck Lines, Wilson Freight Co., and Virginia Hauling Co., respectively filed on January 27, February 7, February 10, and February 11, 1966, and by Central Motor Express, Inc., and Robertson Transportation Co., Inc., filed February 23 and March 3, 1966, describing their authorities which contain "truckload lot" restrictions and which are described in the Appendix attached to this supplemental order; and that these carriers should be named as party respondents in this proceeding with respect to the authorities described in said Appendix;

It further appearing, that by petitions filed February 1, February 7, February 10, and February 28, 1966, and March 1, 1966, Crescent Motor Line, Dealers Transit, Inc., IML Freight, Inc., Chandler Trailer Convoy, Inc., Central Motor Express, Inc., and Baggett Transportation Co., request that they be named as party respondents with respect to certain restricted authority contained in certain of their certificates; that the certificates of Crescent Motor Line, IML Freight, Inc., Dealers Transit, Inc., and Central Motor Express, Inc. (the last two named carriers except to the extent indicated in the Appendix to this order), and of Baggett Transportation Co., on the basis of which they here seek to participate in this proceeding as party respondents, contain only minimum weight limitations which fail to qualify as "truckload lot" restrictions; that the pertinent certificates of Chandler Trailer Convoy, Inc., contain restrictions as to the size of the commodities (boats) to be transported and likewise fail to qualify as "truckload lot" restrictions; and that, therefore, these petitions should be denied to the extent indicated for the reason that these restrictions are not within the contemplated purview of the said order of December 7, 1965;

And it further appearing, that by petition filed January 28, 1966, Holmes Transportation, Inc., requests that it be substituted as a party respondent in lieu of Newburgh Transfer, Inc. (No. MC-2132), and Gay's Express, Inc. (No. MC-30175), pursuant to the decision of the Commission, Finance Board No. 1, in No. MC-F-9150, Holmes Transportation, Inc.—Merger—Alvin R. Holmes (Dorothy Holmes and Robert C. Holmes, Administrators), et al. (decided November 19, 1965) and consummated on December 31, 1965;

Wherefore, and good cause appearing therefore:

*It is ordered,* That the carriers named in the Supplemental Appendix to this order be, and they are hereby, made respondents in this proceeding with respect to the authorities described in the said Supplemental Appendix.

*It is further ordered,* That Holmes Transportation, Inc., be, and it is hereby, substituted as party respondent in this proceeding in lieu of Newburgh Transfer, Inc. (No. MC-2132), and Gay's Express, Inc. (No. MC-30175), with respect to the authorities held by the latter carriers as described in Appendix A to the order entered herein on December 7, 1965.

*It is further ordered,* That the petitions and pleadings filed in this proceeding as described above in all other respects be, and they are hereby, denied for the reasons indicated in this order.

*And it is further ordered,* That a copy of this order be served upon all respondents; that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER; that copies be mailed to the Public Utilities Commissions or similar regulatory bodies of each State; and that a copy be posted in the Office of the Secretary of the Commission in Washington, D.C., for public inspection.

By the Commission.

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

SUPPLEMENTAL APPENDIX

S-1. *No. MC-4405—Dealers Transit, Inc. (Chicago, Ill.):*

*Sub-No. 400—Sheet No. 3*—Irregular routes—Petroleum and petroleum products, in containers, and related advertising specialties, sales cabinets and similar items, *in truckloads of not less than 10,000 pounds,* from Los Angeles, Watson, San Pedro, Terminal Island, Wilmington, and Long Beach, Calif., to points in that part of Arizona south and east of the Colorado River;

* * * * *

Machinery, including that requiring special equipment for handling, mining and contractors' equipment, including lumber, cement, pipe, acids, chemicals, and building and miscellaneous supplies (building and miscellaneous supplies authorized only when handled in a mixed load with machinery or other equipment), *in truckloads of not less than 10,000 pounds:*

Between points in that part of California south of the northern boundaries of Mono, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties, Calif., on the one hand, and, on the other, points in that part of Arizona south and east of the Colorado River.

Between points in the above-described Arizona and California territory on the one hand, and, on the other, Searchlight, Nev.

* * * * *

Machinery, including that requiring special equipment for handling, pipe, steel, and lumber, *in truckloads of not less than 10,000 pounds,* from San Pedro, Terminal Island, Wilmington, and Long Beach, Calif., to points in that part of California south of the northern boundaries of Mono, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties, Calif., with no transportation for compensation on return except as otherwise authorized.

S-2. *No. MC-13123—Wilson Freight Co., a corporation (Cincinnati, Ohio):*

*Sub-No. 28 — Sheet No. 6* — Regular routes—General commodities, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment or loading facilities:

Between Chicago, Ill., and Dayton, Ohio, serving the intermediate points of Springfield, Columbus, and Xenia, Ohio, *restricted to truckloads only.*

From Chicago to Lima, Ohio, as specified above, thence continuing over U.S. Highway 30S to Kenton, Ohio, thence over U.S. Highway 68 via Bellefontaine and Springfield, Ohio, to Xenia, Ohio, and thence over U.S. Highway 35 to Dayton, and return over the same route.

From Chicago to Bellefontaine as specified above, thence over U.S. Highway 33 to Columbus, Ohio, thence over U.S. Highway 40 to Springfield, Ohio, and thence to Dayton as specified above, and return over the same route.

From Chicago to Springfield, Ohio, as specified above, thence over unnumbered highway (formerly portion Ohio Highway 4) via Enon and Fairborn, Ohio, to junction Ohio Highway 444 (formerly portion Ohio Highway 4), thence over Ohio Highway 444 to Dayton, and return over the same route.

S-3. *No. MC-19201—Pennsylvania Truck Lines, Inc. (Philadelphia, Pa.):*

*Sub-No. 114*—Irregular routes—General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, *in truckload lots:*

Between Philadelphia, Pa., on the one hand, and, on the other, Trenton, and Newark, N.J., points within 10 miles of Baltimore, Md., including Baltimore, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., and those in Delaware, and the District of Columbia, and those in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665.

S-4. *No. MC-32882—Mitchell Bros. Truck Lines, a corporation (Portland, Oreg.):*

*Sheet No. 1*—Irregular routes—Agricultural commodities, *in truckloads,* between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points and places in Washington and Oregon.

Building materials and heavy machinery, *in truckloads,* between points and places within 50 miles of Portland, Oreg., on the one hand, and, on the other, points and places in Oregon and Washington, and Nez Perce, Payette, Canyon, and Owyhee Counties, Idaho.

S-5. *No. MC-107478—Old Dominion Freight Line, a corporation (Richmond, Va.):*

*Sheet No. 4*—Regular routes—General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading:

Between Charlotte, N.C., and Greenville, S.C., *in truckload lots only,* serving no intermediate points:

From Charlotte over U.S. Highway 29 to Greenville, and return over the same route.

S-6. *No. MC-107605—Advance-United Expressways, Inc., a Minnesota corporation (Minneapolis, Minn.):*

*Corrected Sheet No. 4*—Regular routes—General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment:

* * * * *

Between Pleasant Prairie, Wis., and Minneapolis, Minn., serving the intermediate points of Milwaukee, Wis., restricted to traffic moving to or from Minneapolis and South St. Paul, Minn., and to traffic moving from points between Milwaukee and Minneapolis; points between Milwaukee and Minneapolis restricted to southbound traffic only; and points between Pleasant Prairie and Milwaukee restricted to pickup on northbound traffic and delivery on southbound traffic; and the off-route points of Racine and Kenosha, Wis., *restricted to truckload lots only;* Franksville, Cudahy, Granville, Carrollville, South Milwaukee, and West Allis, Wis., restricted to pickup on northbound traffic and delivery on southbound traffic; and South St. Paul, unrestricted:

From Pleasant Prairie over U.S. Highway 41 to Milwaukee, Wis., thence over Wisconsin Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to Fond du Lac, Wis., thence over U.S. Highway 41 to Oshkosh, Wis., thence over Wisconsin Highway 110 to junction U.S. Highway 10, thence over U.S. Highway 10 to Fairchild, Wis., thence over U.S. Highway 12 to Minneapolis, and return over the same route.

S-7. *No. MC-13806—Virginia Hauling Co., a corporation (Glen Allen, Va.):*

*Sub-No. 4—Sheet No. 2*—Irregular routes—Heavy machinery and equipment, and building materials, *in truckload lots,* between

points in Virginia, excepting those located in Northumberland, Lancaster, Westmoreland, and Richmond Counties, Va., and in that part of King George County, Va., on and east of U.S. Highway 301, on the one hand, and on the other, Washington, D.C., and points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York.

Farm products, *in truckload lots*, between points in Virginia, excepting those located in Northumberland, Lancaster, Westmoreland, and Richmond Counties, Va., and in that part of King George County, Va., on and east of U.S. Highway 301, on the one hand, and, on the other, Washington, D.C., and New York, N.Y.

S-8. *No. MC-68078—Central Motor Express, Inc. (Chattanooga, Tenn.):*

*Sub-No. 19—Sheet Nos. 3 and 4*—Irregular routes—Clay products and concrete pipe, *in truckloads*, from Anniston, Ala., to Bynum, Ala., with no transportation for compensation on return except as otherwise authorized.

Lumber, *in truckloads*, from Anniston, Ala., to Guntersville, Ala., with no transportation for compensation on return except as otherwise authorized.

* * * * *

Cottonseed meal and hulls, *in truckload lots (minimum 5,000 pounds)*, between Anniston, Ala., and Talladega, Ala.

Roofing, floor blocks, water pipe, building material, sewer pipe, pipe fittings, cast iron pipe, soil pipe, animal feed, lumber, cement, plate glass, pitch, thimbles, flue linings, felt, clamps, mortar hods, brick, plywood, controllers, track frogs, electrical appliances, clay products, turpentine, oxygen (in cylinders), empty cylinders, linseed oil, sheet steel, excelsior, paint, contractors' machinery, soil pipe fittings and asphalt, *in truckload lots only, minimum 10,000 pounds*, between Anniston, Ala., and Birmingham, Ala.

* * * * *

Tar, pipe drip and empty drums *in truckload lots (minimum of pipe drip 10,000 pounds, minimum of empty drums 1,000 pounds)*, between Woodward, Fairfield, and Anniston, Ala.

S-9. *No. MC-95265—Robertson Transportation Co., Inc. (Madison, Wis.):*

*Sheet Nos. 5 and 6*—Irregular routes—Canned goods, *in truckload lots:*

From points in Indiana on and south of U.S. Highway 40 to points in Illinois, with no transportation for compensation on return except as otherwise authorized.

From points in Wisconsin, to St. Louis, Mo., points in Indiana (except those in Lake County) on and north of U.S. Highway 40, and points in Iowa along the Mississippi River, other than Davenport, Burlington, and Dubuque, Iowa, moving through Streator, Ill., with no transportation for compensation on return except as otherwise authorized.

From Streator, Ill., to points in that part of Indiana on and north of U.S. Highway 40 (except points in Lake, Porter, and La Porte Counties) and points in Iowa along the Mississippi River (except Fort Madison, Keokuk, Davenport, Burlington, and Dubuque), with no transportation for compensation on return except as otherwise authorized.

From points in Indiana on and south of U.S. Highway 40 to points in Wisconsin, moving through Illinois, with no transportation for compensation on return except as otherwise authorized.

[F.R. Doc. 66-2696; Filed, Mar. 14, 1966; 8:48 a.m.]

[Notice 146]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 10, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 205 TA), filed March 7, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex., 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from plant site of Dow Chemical, Plaquemine, La., to Natchez, Miss., for 120 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaquemine, La., 70764, Mr. A. R. Mills, supervisor of traffic services. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 2980 (Sub-No. 5 TA), filed March 8, 1966. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road 130, Post Office Drawer 32, Valparaiso, Ind., 46383. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from La Crosse, Ind., over U.S. Highway 421 to Indiana Highway 10, thence over Indiana Highway 10 to Culver, Ind., thence north on Indiana Highway 17 to Indiana Highway 8, thence west via Indiana Highway 8 to La Crosse, Ind., serving all intermediate points, and serving as off-route points all points bounded by the above-named highways, and return over the same route, for 180 days. Supporting shippers: McGill Manufacturing Co., Inc., Valparaiso, Ind.; Gold Coast Industries, Culver, Ind.; Glenmark Industries, Knox, Ind.; Spencer Plumbing & Heating, Culver, Ind.; American Oak Preserving Co., Inc., North Judson, Ind.; Thermo Products, Inc., North Judson, Ind.; International Harvester Co., North Judson, Ind. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 59264 (Sub-No. 36 TA), filed March 8, 1966. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J., 08900. Applicant's representative: Milton Stoll, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed yeast, bread making compounds, dough enriching compounds, food preserving compounds, baking powder, bakers' cream, oleomargarine, dessert preparations, and spices*, from Old Bridge, N.J. to Harrisburg, Pottstown, Reading, Scranton, Williamsport, and York, Pa., and Norfolk, and Richmond, Va., for 180 days. Supporting shipper: Anheuser-Busch, Inc., 85 Main Street, Old Bridge, N.J., 08857, Attention: J. B. Dooley, district manager. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 75185 (Sub-No. 262 TA), filed March 8, 1966. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Preston Road, Federalsburg, Md., 21632. Applicant's representative: R. H. D'Armi (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Bear Lake, Benton Harbor, Decatur, Frankfort, Hart, Kalamazoo, Muskegon, and Traverse City, Mich., to Morgantown and Pottstown, Pa., for 180 days. Supporting shipper: Mrs. Smith's Pie Co., Pottstown, Pa., D. J. Coffey, transportation manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 109637 (Sub-No. 301 TA), filed March 7, 1966. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Applicant's representative: H. N. Nunnally (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions*, in bulk, in tank vehicles, from storage

facilities of Allied Chemical Corp., at Cincinnati, Ohio, to points in Indiana, for 180 days. Supporting shipper: Charles Johnston, manager, traffic, Nitrogen Division, Allied Chemical Corp., 40 Rector Street, New York, N.Y., 10006. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 114486 (Sub-No. 17 TA), filed March 8, 1966. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and salt compounds*, from Avery Island, La., to points in Arkansas, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: The Carey Salt Co., Post Office Box 1728, Hutchinson, Kans., H. J. Miller, traffic manager. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 114533 (Sub-No. 123 TA), filed March 7, 1966. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill., 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Accounting and data processing media, business reports and records*, between Chicago, Ill., on the one hand, and, on the other, Watertown, Wis., for 180 days. Supporting shipper: Lindberg Hevi-Duty, division of Sola Basic Industries, 2450 West Hubbard Street, Chicago, Ill., 60612. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 114699 (Sub-No. 31 TA), filed March 7, 1966. Applicant: TANK LINES, INCORPORATED, Post Office Box 6415, North Dabney Road, Richmond, Va., 23230. Applicant's representative: G. C. Kirkmyer, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease*, in bulk, in tank vehicles, from Crozet, Va., to Philadelphia, Pa., for 180 days. Supporting shipper: Jacob Sterns & Sons, Inc., NW. Corner Tioga and Gaul Streets, Philadelphia, Pa., 19134. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va., 23240.

No. MC 117136 (Sub-No. 21 TA), filed March 7, 1966. Applicant: BUSY BEE, INC., 6805 SE. Milwaukee, Post Office Box 02103, Portland, Oreg., 97202. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, Oreg., 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in San Joaquin County, Calif., to points in Oregon, for 180 days. Supporting shippers: The Best Fertilizers Co., Post Office Box 198, Lathrop, Calif.; H. J. Stoll & Sons, Inc., 1818 SE. Second Avenue, Portland, Oreg., 97214. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg., 97204.

No. MC 118959 (Sub-No. 28 TA), filed March 7, 1966. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. Applicant's representative: Thomas J. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, building, wall or insulating, and *materials and supplies* used in their installation, from Macon, Ga., and Pensacola, Fla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Armstrong Cork Co., Lancaster, Pa., 17604. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 124377 (Sub-No. 4 TA), filed March 8, 1966. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. Applicant's representative: Melburne Smookler (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and meat products* (meat, fresh, not salted, in carcasses or part carcasses, hanging, offal, lard, and rendered pork fats), from York, Nebr., to Nogales, Phoenix, Tucson, and Yuma, Ariz., Boise, Idaho Falls, Lewiston, and Pocatello, Idaho, Billings, Butte, Great Falls, Miles City, and Missoula, Mont., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Baker, Clackamas, and Portland, Oreg., El Paso, Tex., Hyrum, Ogden, Provo, and Salt Lake City, Utah, Ellensburg, Seattle, Spokane, Tacoma, and Yakima, Wash., including all points located in the commercial zone of each point, as defined by the Commission in Ex Parte MC 37–46 MCC 665 or in individual determination proceedings, for 150 days. Supporting Shipper: York Packing Co., Inc., Post Office Box 5244 T.A., Denver 17, Colo. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 127777 (Sub-No. 3 TA), filed March 3, 1966. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 253, Lansing, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua-lators* (trade name for a piece of equipment used for the purpose of purifying water), from Roscoe, Ill., to points in the United States (except Hawaii), for 120 days. Supporting shipper: Wells Products, Inc., Roscoe, Ill., 61073. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Court House and Federal Office Building, Chicago, Ill., 60604.

No. MC 127885 (Sub-No. 1 TA), filed March 7, 1966. Applicant: SHULL CONSTRUCTION CO., Route 1, Box 731, Mile 11 North Tongass, Ketchikan, Alaska, 99901. Applicant's representative: John M. Stern, 845 Fifth Avenue, Anchorage, Alaska, 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring the use of special equipment because of unusual size, shape, or weight, between points in Alaska south and east of the Canadian boundary line north of Haines, Alaska (to points in and/or between points in southeast Alaska), for 150 days. Supporting shippers: Keil & Peterman Co., Inc., Box 2638, Ketchikan, Alaska; Northern Machine & Marine Co., Post Office Box 1659, Ketchikan, Alaska, 99901; Northern Commercial Co., Post Office Box 741, Juneau, Alaska; Yukon Equipment, Inc., Box 1539, Anchorage, Alaska; U.S.D.A. Forest Service, Box 2278, Ketchikan, Alaska, 99901; Bureau of Indian Affairs, Juneau, Alaska, Attention: G. L. Baker; Floyd M. Benedict, 517 Revilla Avenue, Ketchikan, Alaska. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska, 99501.

No. MC 127998 TA, filed March 7, 1966. Applicant: HANDY TRUCK LINE, INC., Post Office Box 148, Heyburn, Idaho, 83336. Applicant's representative: Richards, Haga & Eberle, Post Office Box 1368, Boise, Idaho, 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes*, knocked down flat, corrugated, or other than corrugated, and *fiberboard or pulpboard sheet*, corrugated, from Burley, Idaho, to points in Malheur County, Oreg., and points in Box Elder, Tooele, Juab, Millard, Sevier, Emery, Sanpete, Carbon, Utah, Salt Lake, Davis, Weber, Duchesne, Summit, Rich, Cache, Morgan, and Wasatch Counties, Utah, for 180 days. Supporting shipper: Boise Cascade Corp., Post Office Box 7747, Boise, Idaho, 83707. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho, 83702.

By the Commission.

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

[F.R. Doc. 66–2697; Filed, Mar. 14, 1966; 8:48 a.m.]

[Notice 1312]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68482. By order of March 8, 1966, the Transfer Board approved the transfer to National Aerospace Freight Lines, Inc., Oklahoma City, Okla., of certificate in No. MC–106715, issued July 2, 1956, to Skaggs Freight Lines, Inc., Oklahoma City, Okla., authorizing the transportation of: Aeroplanes, unassembled or dismantled, and aeroplane parts, between specified points in Pennsylvania, Michigan, Ohio, Maryland, Texas, and Missouri on the one hand, and, on the other, points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas, between points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas; and, uncrated, new or used, unassembled or dismantled aeroplanes and parts when transported with aeroplanes, from points in Oklahoma to points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas, and between points in Colorado, Wyoming, Utah, New Mexico, Nebraska, Texas, and Kansas. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., attorney for applicants.

No. MC–FC–68499. By order of March 9, 1966, the Transfer Board approved the transfer to Frank Malzone, doing business as Commercial Transport, 151 Jacques Street, Somerville, Mass., of the certificate of registration No. MC–97857 (Sub-No. 1), issued December 30, 1963, to Frank A. Malzone, and Edmund J. Rastellini, a partnership, doing business as Commercial Transport (same address as above), covering the transportation of general commodities, anywhere within the Commonwealth of Massachusetts.

No. MC–FC–68501. By order of March 8, 1966, the Transfer Board approved the transfer to George J. Bond, doing business as Bond Moving & Storage, Toronto, Ohio, of the operating rights in certificate No. MC–4739, issued August 27, 1956, to Carroll Moving & Transfer Co., a corporation, Carrollton, Ohio, authorizing the transportation of: Household goods, as defined by the Commission, between points in named counties in Ohio, on the one hand, and, on the other, points in Indiana, Pennsylvania, and West Virginia. James R. Stiverson, 50 West Broad Street, Columbus, Ohio, 43215, attorney for applicants.

No. MC–FC–68508. By order of March 8, 1966, the Transfer Board approved the transfer to Fred L. York, Hamilton, Ohio, of the operating rights of Hazel Mildred Smith, Hamilton, Ohio, in permit No. MC–90265, issued June 22, 1962, authorizing the transportation, over irregular routes, of finished paper and paper products, from Hamilton, Ohio, to Chicago and St. Charles, Ill., and South Bend, Ind., scrap paper, from Chicago and St. Charles, Ill., and South Bend, Ind., and paper and paper products, and materials ton, to points in a described portion of Illinois, a described portion of Michigan, Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N.Y., and steel strapping, paper and paper products, and materials and supplies, used in the manufacture and shipping of paper and paper products, from a described portion of Illinois, a described portion of Indiana, a described portion of Michigan, Milwaukee, Racine, and Beloit, Wis., St. Louis, Mo., Erie, Pa., and Buffalo and Rochester, N.Y., to Hamilton, Ohio. Paul H. Tobias, 911 First National Bank Building, Cincinnati, Ohio, 45202, attorney for applicants.

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

[F.R. Doc. 66–2698; Filed, Mar. 14, 1966; 8:48 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 10, 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. 40350—*Bituminous fine coal to Abbott Park, Ill.* Filed by Illinois Freight Association, agent (No. 301), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to minimum shipment of 1,000 tons of 2,000 pounds, from mine origins in Illinois, Indiana, and western Kentucky, to Abbott Park, Ill.

Grounds for relief—Origin and destination rate relationship.

Tariffs—Supplement 52 to Chicago, Burlington & Quincy Railroad Co., tariff ICC 20572, and other schedules named in the application.

FSA No. 40351—*Liquid caustic soda in southern territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2830), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from specified points in Michigan, New Jersey, New York, Ohio, and West Virginia, to specified points in North Carolina, also Leadvale, Tenn.

Grounds for relief—Market competition.

Tariffs—Supplements 191 and 132 to Traffic Executive Association-Eastern Railroads, agent, tariffs ICC C–102 and C–334, respectively.

By the Commission.

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

[F.R. Doc. 66–2699; Filed, Mar. 14, 1966; 8:48 a.m.]

# CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

**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 March.**

## 1 CFR

| | Page |
|---|---|
| Appendix A | 4001 |

## 3 CFR

| | Page |
|---|---|
| PROCLAMATIONS: | |
| 3705 | 3221 |
| 3706 | 3223 |
| 3707 | 4191 |
| EXECUTIVE ORDERS: | |
| Dec. 18, 1878 (revoked in part by PLO 3946) | 4348 |
| May 27, 1885 (see PLO 3946) | 4348 |
| 5237 (revoked in part by PLO 3948) | 4348 |
| 5289 (revoked in part by PLO 3947) | 4348 |
| 5361 (revoked by PLO 3944) | 4282 |
| 5384 (revoked by PLO 3944) | 4282 |
| 6583 (revoked in part by PLO 3940) | 3495 |

## 5 CFR

| | Page |
|---|---|
| 213 | 3283, 4101, 4271, 4385 |
| 302 | 3381 |
| 337 | 3381 |
| 550 | 4385 |
| 713 | 4271 |
| 870 | 3381 |

## 6 CFR

| | Page |
|---|---|
| 5 | 4101 |

## 7 CFR

| | Page |
|---|---|
| 301 | 4385–4388 |
| 401 | 3225, 3335 |
| 410 | 3335 |
| 711 | 4271 |
| 717 | 4193 |
| 724 | 4197, 4343 |
| 730 | 4106 |
| 751 | 3483, 4343 |
| 777 | 4271 |
| 811 | 3283 |
| 857 | 4197 |
| 905 | 4106, 4344 |
| 906 | 4276 |
| 907 | 3445, 4344 |
| 908 | 3445, 4344 |
| 910 | 3446, 4345 |
| 967 | 4276 |
| 1001 | 3383 |
| 1002 | 3383 |
| 1003 | 3381, 3383 |
| 1004 | 3383 |
| 1011 | 3383 |
| 1015 | 3383 |
| 1016 | 3382, 3383 |
| 1030 | 3383 |
| 1031 | 3383 |
| 1032 | 3383 |
| 1033 | 3225 |
| 1034 | 3227 |
| 1036 | 3383 |
| 1038 | 3383 |
| 1039 | 3383 |
| 1041 | 3383 |
| 1043 | 3383 |
| 1044 | 3383 |
| 1045 | 3383 |
| 1051 | 3383 |
| 1062 | 3383 |
| 1063 | 3383 |
| 1064 | 3383 |
| 1070 | 3383 |
| 1071 | 3383 |
| 1078 | 3383 |
| 1079 | 3383 |
| 1094 | 3383 |
| 1097 | 3383 |
| 1098 | 3383 |
| 1099 | 3383 |
| 1102 | 3383 |
| 1103 | 3383 |
| 1106 | 3227, 3383 |
| 1108 | 3383 |
| 1126 | 3383 |
| 1132 | 3383 |
| 1138 | 3383 |
| 1421 | 3385, 3490 |
| 1427 | 3284, 4389 |
| 1486 | 3336 |
| PROPOSED RULES: | |
| 52 | 3253 |
| 1001 | 3465 |
| 1002 | 3465 |
| 1003 | 3294, 3465 |
| 1004 | 3465 |
| 1005 | 3465 |
| 1008 | 3465 |
| 1009 | 3465 |
| 1011 | 3465 |
| 1012 | 3465 |
| 1013 | 3465 |
| 1015 | 3465 |
| 1016 | 3294, 3465 |
| 1030 | 3401, 3465 |
| 1031 | 3401, 3465 |
| 1032 | 3401, 3465 |
| 1033 | 3465 |
| 1034 | 3465 |
| 1035 | 3465 |
| 1036 | 3465 |
| 1038 | 3401, 3465 |
| 1039 | 3401, 3465 |
| 1040 | 3465 |
| 1041 | 3465 |
| 1043 | 3465 |
| 1044 | 3465 |
| 1045 | 3465 |
| 1046 | 3465 |
| 1047 | 3465 |
| 1048 | 3465 |
| 1049 | 3465 |
| 1051 | 3401, 3465 |
| 1061 | 3401, 3465, 4148 |
| 1062 | 3401, 3465 |
| 1063 | 3401, 3465 |
| 1064 | 3401, 3465, 4148 |
| 1065 | 3466 |
| 1066 | 3466 |
| 1067 | 3401, 3465 |
| 1068 | 3466 |
| 1069 | 3466 |
| 1070 | 3401, 3465 |
| 1071 | 3401, 3465 |
| 1073 | 3401, 3465 |
| 1074 | 3401, 3465 |
| 1075 | 3466 |
| 1076 | 3466 |
| 1078 | 3401, 3465 |
| 1079 | 3401, 3465 |
| 1090 | 3401, 3465 |
| 1094 | 3465 |
| 1096 | 3401, 3465 |
| 1097 | 3257, 3401, 3465 |
| 1098 | 3401, 3465 |
| PUBLIC LAND ORDERS—Continued | |
| 1099 | 3401, 3465 |
| 1101 | 3465, 4148 |
| 1102 | 3257, 3465 |
| 1103 | 3465 |
| 1104 | 3401, 3465 |
| 1106 | 3401, 3465 |
| 1108 | 3257, 3401, 3465 |
| 1120 | 3401, 3465 |
| 1125 | 3466 |
| 1126 | 3401, 3465 |
| 1127 | 3401, 3465 |
| 1128 | 3401, 3465 |
| 1129 | 3401, 3465 |
| 1130 | 3296, 3401, 3465 |
| 1131 | 3466 |
| 1132 | 3401, 3465 |
| 1133 | 3466 |
| 1134 | 3466 |
| 1136 | 3466 |
| 1137 | 3466 |
| 1138 | 3466 |

## 9 CFR

| | Page |
|---|---|
| 73 | 4276 |
| 94 | 4210 |
| 203 | 4118 |
| PROPOSED RULES: | |
| 76 | 3401 |

## 10 CFR

| | Page |
|---|---|
| 2 | 4339, 4389 |
| 50 | 4339 |
| 115 | 4339 |

## 12 CFR

| | Page |
|---|---|
| 201 | 4390 |
| 222 | 4277 |
| 262 | 4197, 4390 |
| 264 | 3446 |
| 511 | 4277 |
| 545 | 4198 |
| 563 | 3229, 4390 |
| 581 | 4198 |
| 582 | 4198 |
| PROPOSED RULES: | |
| 545 | 4416 |

## 13 CFR

| | Page |
|---|---|
| 121 | 4340 |
| PROPOSED RULES: | |
| 107 | 3466, 4149 |
| 121 | 4213 |

## 14 CFR

| | Page |
|---|---|
| 21 | 3336 |
| 39 | 3388, 3449, 3450, 4282, 4283 |
| 43 | 3336 |
| 65 | 3336 |
| 71 | 3230, 3231, 3284, 3285, 3337, 3338, 3388, 4107, 4108, 4200, 4201, 4283, 4284, 4396. |
| 73 | 3231 |
| 91 | 3336 |
| 97 | 4109, 4285 |
| 145 | 3336 |
| PROPOSED RULES: | |
| 71 | 3347, 3348, 3467–3469, 3499, 3500, 4149, 4350–4352, 4414, 4415. |
| 73 | 3469, 4414, 4415 |
| 75 | 3348 |
| 290 | 4212 |