FEDERAL REGISTER

VOLUME 31 • NUMBER 105

Wednesday, June 1, 1966 • Washington, D.C.

Pages 7729–7784

PART I

(Part II begins on page 7777)

Agencies in this issue—

Detailed list of Contents appears inside.

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.

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 (4 documents) 7733, 7734

7 CFR

28 7734
701 7735
918 7735
1486 7735

PROPOSED RULES:

51 7757
1065 7757
1066 7757
1068 7757
1069 7757
1075 7757
1076 7757
1099 7758
1125 7757
1131 7757
1133 7757
1134 7757
1136 7757
1137 7757
1138 7757

14 CFR

39 7735
71 (2 documents) 7736
73 7736
75 7736

PROPOSED RULES:

71 (4 documents) 7760–7762
75 7762

15 CFR

230 7737

16 CFR

15 (2 documents) 7737

PROPOSED RULES:

45 7757

17 CFR

230 7738
239 7738
240 7740

21 CFR

120 7741

22 CFR

41 7741
42 7741

24 CFR

200 7743
221 7743

25 CFR

41 7744
42 7745

31 CFR

500 7745

32A CFR

OIA (Ch. X):

OI Reg. 1 7745

33 CFR

208 7751

39 CFR

13 7752
22 7752
25 7752
43 7752

41 CFR

101–15 7752

42 CFR

57 7755

45 CFR

801 7755

50 CFR

33 7756

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1966 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1966. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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

CFR Unit (as of Jan. 1, 1966):	Price
3 1965 Supp.	$1.00
4 (Rev.)	.30
5 (Supp.)	.60
6 (Rev.)	1.00
7 Parts:	
1–45 (Rev.)	1.25
46–51 (Rev.)	1.00
52 (Rev.)	2.00
53–209 (Rev.)	2.00
210–399 (Rev.)	1.00
945–980 (Rev.)	.70
981–999 (Rev.)	.60
1000–1029 (Rev.)	1.00
1030–1059 (Rev.)	1.00
1060–1089 (Rev.)	1.00
1090–1119 (Rev.)	.70
1120–1199 (Rev.)	.75
1200–end (Rev.)	2.00
8 (Rev.)	.70
10–11 (Supp.)	.60
12 (Supp.)	1.25
13 (Supp.)	.60
14 Parts 1–39 (Rev.)	1.50
16 (Supp.)	1.00
17 (Supp.)	1.00
18 (Supp.)	.75
21 Parts:	
1–129 (Rev.)	2.00
130–end (Rev.)	2.50
22 (Rev.)	1.00
23 (Rev.)	.25
26 Parts:	
1 (§§ 1.301–1.400) (Rev.)	.65
1 (§§ 1.401–1.500) (Rev.)	.65
1 (§§ 1.501–1.640) (Rev.)	.70
1 (§§ 1.641–1.850) (Rev.)	1.00
1 (§§ 1.851–1.1200) (Rev.)	1.25
1 (§§ 1.6001–end) to Part 19 (Rev.)	.65
20–29 (Supp.)	.40
30–39 (Supp.)	.50
40–169 (Rev.)	1.75
300–499 (Supp.)	.50
500–599	(*)
600–end (Supp.)	.40
27 (Supp.)	.30
28 (Rev.)	.50
29 Parts:	
1–499 (Rev.)	.65
500–899 (Rev.)	1.75
900–end (Rev.)	.65
30 (Rev.)	1.25
31 (Rev.)	1.25
32 Parts:	
40–399 (Rev.)	1.00
590–699 (Rev.)	4.25
800–999 (Rev.)	1.00
32A (Rev.)	1.00
35	(*)
41 Chapters:	
1 (Rev.)	1.75
2–4 (Rev.)	.70
5–5D (Rev.)	.50
18 (Rev.)	1.75
19–100 (Rev.)	.50
44 (Supp.)	.40
46 Parts:	
1–145 (Rev.)	2.75
146–149 (Rev.)	2.50
150–199 (Rev.)	1.25
47 Parts 70–79 (Rev.)	1.00
48 (Rev.)	.40
49 Parts 0–70 (Supp.)	.40
List of Sections Affected, 1949–1963 (Compilation)	6.75

*NOTE: No amendments to these volumes were promulgated during 1965. The cumulative pocket supplements issued as of January 1, 1965, should be retained.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that the number of positions of Special Assistant to the Secretary excepted under Schedule C is reduced from three to two, and that the position of Deputy Under Secretary (Manpower) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3309 is amended as set out below.

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) Two Special Assistants to the Secretary, and one Special Assistant to the Under Secretary and to each Assistant Secretary of the Air Force.

* * * * *

(5) One Deputy Under Secretary (Manpower).

(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. 66–5968; Filed, May 31, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that the position of Director, Office of Research and Engineering, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (19) is added to paragraph (a) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* * * *

(19) One Director, Office of Research and Engineering.

(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. 66–5972; Filed, May 31, 1966; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Deputy Director, Science and Education, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (p) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(p) *Science and Education.* * * *

(2) Deputy Director.

(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. 66–5967; Filed, May 31, 1966; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show that the position of Special Assistant for Public Affairs is no longer excepted under Schedule C, and that the position of Special Assistant to the Staff Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3356 is amended by revoking paragraph (e) and adding paragraph (g) as set out below.

§ 213.3356 Commission on Civil Rights.

* * * * *

(e) [Revoked]

* * * * *

(g) One Special Assistant to the Staff Director.

(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. 66-5971; Filed, May 31, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 28—COTTON CLASSING, TESTING AND STANDARDS

Cotton Micronaire Readings

Statement of Considerations Leading to Amendments. Revised Official Cotton Standards of the United States for Fiber Fineness and Maturity (7 CFR 28.601–28.603) are effective June 1, 1966. On and after that date these revised standards are available for general use without restriction. These standards are used in determining micronaire readings of fiber fineness and maturity.

Micronaire readings of fiber fineness and maturity are now recognized throughout the industry as an important quality factor in merchandising and processing cotton. Most commercial transactions in cotton now include a specification for micronaire readings.

In order to reflect the availability of the revised standards as general purpose standards without restriction, it is desirable to make amendments of a minor or conforming nature to the regulations governing cotton classing and testing under the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.) and Cotton Statistics and Estimates Act, as amended (44 Stat. 372; 7 U.S.C. 471 et seq.).

The Regulations under the U.S. Cotton Standards Act (7 CFR, Part 28, Subpart A) are being amended to (1) incorporate a fee of 8 cents per sample for micronaire reading service performed by boards of cotton examiners (provision for this service at the 8 cents fee is being deleted from Subpart E of Part 28), (2) delete the definition of wasty cotton and substitute therefor a definition of micronaire reading, and (3) make other conforming changes of a minor nature.

The Regulations for Cotton Classification and Market News Services for Organized Groups of Producers (7 CFR, Part 28, Subpart D) are being amended to indicate that classification memorandums issued to producers obtaining classification of their cotton under the Smith-Doxey program will show micronaire readings in addition to grade and staple length determinations.

The Regulations for Cotton Fiber and Processing Tests are being amended to delete provisions for micronaire readings on a fee basis by boards of cotton examiners. These provisions will become obsolete due to the amendments described above for Subparts A and D.

These amendments are of a minor or conforming nature and will impose no hardship or advance preparation on the part of users of the cotton classification service. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments are as follows:

Subpart A—Regulations Under the United States Cotton Standards Act

1. Paragraph (p) of § 28.2 is revised to read as follows:

§ 28.2 Terms defined.

* * * * *

(p) *Official cotton standards.* Official cotton standards of the United States for the grade of American upland cotton, American Egyptian cotton, and Sea Island cotton, for length of staple, and for fiber fineness and maturity, adopted by or established pursuant to the act, or any change or replacement thereof.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

2. Paragraph (d) of § 28.15 is revised to read as follows:

§ 28.15 Classification and comparison; requests.

* * * * *

(d) *Micronaire reading service.* Micronaire (mike) reading service is available under Form A, C, and D determinations upon request from the applicant and subject to the fees specified in § 28.116 of this Part 28.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

3. Pargraph (b) of § 28.40 is revised to read as follows:

§ 28.40 Terms defined; cotton classification.

* * * * *

(b) *Micronaire (mike) reading.* The measure of the fiber fineness and maturity, in combination, of cotton as determined by an airflow instrument. For any cotton that has a micronaire reading of 2.6 or lower, the board of cotton examiners will enter the micronaire reading on all classification memoranda issued for such cotton.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

4. Paragraphs (a), (c), and (d) of § 28.116 are revised to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the service shall pay a fee, as follows, subject to the minimum fee provided in paragraph (c) of this Section:

(1) Grade, staple, and micronaire reading—43 cents per sample.

(2) Grade and staple only, or grade only, or staple only—35 cents per sample.

(3) Micronaire reading only—8 cents per sample.

* * * * *

(c) A minimum fee of $3.50 shall be assessed for services described in paragraphs (a) and (b) of this section for each lot or mark of cotton reported or handled separately, unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The minimum fee prescribed in paragraph (c) of this section is not applicable to review of classification or comparison.

* * * * *

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers

5. Section 28.910 is revised to read as follows:

§ 28.910 Classification of samples.

The samples submitted as provided in this subpart shall be classified by employees of the Division and a classification memorandum showing the grade, staple length, and micronaire reading of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the sample, or to a representative designated by the producer or the organized group to receive the classification memorandum.

(Sec. 10 42 Stat. 1519, sec. 3c, 50 Stat 62; 7 U.S.C. 61, 473c)

Subpart E—Cotton Fiber and Processing Tests

6. In § 28.956, item numbers 36, 37, and 38 are deleted in their entirety.

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

Effective date. These revisions and deletions shall become effective on June 1, 1966.

Dated: May 26, 1966.

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

[F.R. Doc. 66-5974; Filed, May 31, 1966; 8:49 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP-1966, Supp. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1966

Correction

In F.R. Doc. 66-5723, appearing at page 7513 of the issue for Wednesday, May 25, 1966, the part and subpart headings should read as set forth above.

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

[Peach Reg. 2]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 918.308 **Peach Regulation 2.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 2, 1966. Shipments of peaches grown in Georgia are presently subject to grade and size regulation pursuant to the amended marketing agreement and order; the recommendation and supporting information with respect to size limitations during the period specified hereinafter were promptly submitted to the Department after an open meeting of the Industry Committee on May 26, 1966; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting; interested persons were afforded opportunity to submit their views at this meeting; the size limitation specified in this section is identical to the aforesaid recommendation of the committee and information concerning such recommended regulation has been disseminated among handlers of such peaches; it is necessary, in order to effectuate the declared policy of the act, to make this section effective at the time specified so as to provide for the continued regulation, by size, of the handling of such peaches; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., June 2, 1966, and ending at 12:01 a.m., e.s.t., September 1, 1966, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(c) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the term "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (§§ 51.1210-51.1223 of this title).

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

Dated: May 27, 1966.

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

[F.R. Doc. 66-6070; Filed, May 31, 1966; 11:20 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement PS-GR-4; Rev. 1, Amdt. 1]

PART 1486—FLAXSEED AND LINSEED OIL

Subpart—Flaxseed and Linseed Oil Export Payment-In-Kind Program Terms and Conditions

The regulations issued by the Commodity Credit Corporation governing the Flaxseed and Linseed Oil Export Payment-In-Kind Program (PS-GR-4, Revision 1) (31 F.R. 2954) are amended as follows:

Section 1486.153 *Flaxseed and linseed oil* is amended to read:

§ 1486.153 **Flaxseed and linseed oil.**

"Flaxseed" means flaxseed, as defined in the Official Grain Standards of the United States, grown in the United States. "Linseed oil" means linseed oil which is processed in the United States from flaxseed grown in the United States and which is (a) raw linseed oil conforming to Federal Specifications TT-L-215A, as amended, (b) refined linseed oil consisting of 100 percent linseed oil, or (c) such other linseed oil in processed form as may be agreed to in writing by the Vice President. "Net bushel of flaxseed" means 56 pounds of flaxseed free of dockage.

(Secs. 4 and 5, 62 Stat. 1070 and 1072, as amended, 15 U.S.C. 714b and 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 201(a), 70 Stat. 198, 7 U.S.C. 1851)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 19, 1966.

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

[F.R. Doc. 66-5959; Filed, May 31, 1966; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7390; Amdt. 39-242]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Model 23 and 24 Airplanes

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on May 21, 1966, and made effective immediately as to all known U.S. operators

of Lear Jet Model 23 and 24 airplanes. The directive requires action to prevent unsafe conditions in the windshield deicing alcohol system and the gyro and electrical systems.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lear Jet Model 23 and 24 airplanes by individual telegrams dated May 21, 1966. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LEAR JET. Applies to Model 23 and 24 airplanes.

Compliance required as indicated, unless already accomplished.

(a) On Model 23 airplanes, before further flight remove windshield deicing alcohol cans.

(b) On Model 23 airplanes, the following applies to all Serial Numbers except 003, 011, 016, 020, 024, 026, 033; 035, 039, 043, 044, 047, 050, 051, 062, 065A, 069, 070, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 087, 090, 092, 093: further flight is limited to day VFR meteorological conditions and to flight levels below 240 until installation of an attitude indicator (gyro horizon) usable by the pilot and powered by a source separate from the airplane's primary electrical system.

(c) On Models 23 and 24 airplanes, modify the electrical system within the next 300 hours' time in service after the effective date of this AD in accordance with data approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated May 21, 1966.

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

Issued in Washington, D.C., on May 25, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-5928; Filed, May 31, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-45]

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

Alteration of Transition Area

Controlled airspace in the Goshen, Ind., area presently consists of a transition area designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.) and within 2 miles north and 3 miles south of the Goshen, Ind., VOR 090° radial extending from the 5-mile radius area to the VOR.

The Federal Aviation Agency has conducted a further study of the airspace requirements in the Goshen, Ind., area. The Goshen VORTAC has been commissioned. The Goshen radio beacon will be decommissioned May 26, 1966, and the instrument approach procedure predicated on the radio beacon will be canceled. As a result, the 700-foot transition area extension to the west can be reduced, still allowing adequate protection of aircraft executing the public VOR instrument approach procedure. Therefore, Part 71 of the Federal Aviation Regulations is herein amended to reduce the size of the Goshen, Ind., transition area. Since this amendment is less restrictive and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

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

In § 71.181 (31 F.R. 2149), the Goshen, Ind., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

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

Issued in Kansas City, Mo., on May 13, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-5929; Filed, May 31, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-37]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Yazoo City, Miss., transition area.

The Yazoo City transition area is described in § 71.181 (31 F.R. 2149). An extension to the transition area is described as "* * * within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from latitude 32°52'00" N., longitude 90°23'31" W. to 18 miles west * * *."

Because of a change to the instrument approach procedure at Yazoo City, the airspace so designated is excessive to that required by applicable criteria.

Since this alteration lessens the burden on the public, notice and public procedure hereon are unnecessary.

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

In § 71.181 (31 F.R. 2149) the Yazoo City, Miss., transition area is amended as follows:

The portion designated "within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from latitude 32°52'00" N., longitude 90°23'31" W. to 18 miles west" is deleted and "within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from latitude 32°52'00" N., longitude 90°23'31" W. to 13 miles west" is substituted therefor.

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

Issued in East Point, Ga., on May 23, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-5930; Filed, May 31, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-39]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment is to alter the time of designation of Restricted Area R-5002 at Warren Grove, N.J.

In 1964, the time of designation of a portion of R-5002 was extended to accommodate a U.S. Air Force drop training mission. The Department of the Air Force has now advised the Federal Aviation Agency that the additional hours of usage granted to accommodate the drop training mission are no longer required. Therefore, action is taken herein to alter the time of designation of R-5002 accordingly.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.50 (31 F.R. 2323) Restricted Area R-5002 is amended by deleting from the text, "Time of Designation. Friday through Sunday, sunrise to sunset, Monday through Thursday, sunrise to sunset except for the portion beginning from the surface to 3,000 feet MSL which lies within a 1-nautical-mile radius centered at latitude 39°42'04" N., longitude 74°24'35" W.; which is sunrise to 2200 e.s.t." and substituting therefor "Time of Designation. Sunrise to Sunset."

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

Issued in Washington, D.C., on May 23, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-5931; Filed, May 31, 1966; 8:45 a.m.]

[Airspace Docket No. 65-EA-59]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On January 12, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 352) stating that the Federal Aviation Agency was considering designation of Jet Route No.

518 from Windsor, Ontario, Canada, to Westminster, Md.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The only comment received was from the Air Transport Association of America which endorsed the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 21, 1966, as hereinafter set forth.

Section 75.100 (31 F.R. 2346) is amended by adding the following:

Jet Route No. 518 (Windsor, Ontario, Canada, to Westminster, Md.) (Joins Canadian high level airway No. 518).

From Windsor, Ontario, Canada, via INT of Windsor 134° and Ellwood City, Pa., 296° radials; Ellwood City; INT of Ellwood City 123° and Westminster, Md., 289° radials; to Westminster; excluding the airspace which lies over Canadian territory.

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

Issued in Washington, D.C., on May 24, 1966.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-5932; Filed, May 31, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendments relating to standard reference materials issued by the National Bureau of Standards are effective upon publication in the Federal Register. The amendments add standard reference materials 335 and 1156 in §§ 230.7-1 and 230.7-2, respectively, and add standard reference material 725 in a new § 230.8-24.

The following amends Title 15 CFR Part 230.

Subpart C—Standards of Certified Chemical Composition

1. Section 230.7-1 *Steels (chip form)* is amended to add standard 335 as follows:

Carbon only

Sample No.	Kind	Carbon	Price
335	B.O.H., 0.1C (carbon only)	0.092	$5.00

2. Section 230.7-2 *Steels (solid form)* is amended to add standard 1156 as follows:

Speciality Steels

Sample No.	Kind	Price
1156	Maraging steel	$35.00

Subpart D—Standards of Certified Properties and Purity

Section 230.8-24 is added as follows:

§ 230.8-24 Mossbauer differential chemical shift for Iron-57

This standard reference material is intended to furnish a base (zero) point for Mossbauer spectrometry. It is furnished as a platelet 1 cm x 1 cm x 0.0775 cm cut from a single crystal of sodium nitroprusside along the 100 crystal plane. The natural iron concentration is 25.0 mg/cm^2±4 percent. This standard reference material has an average value for the chemical shift of 0.0000±0.0002 cm/sec, and an average value for the electric quadrupole splitting of 0.1726±0.0002 cm/sec at 25° C.

Sample No.	Kind	Price
725	Mossbauer differential chemical shift for iron-57 (sodium nitroprusside)	$150.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: May 18, 1966.

A. V. Astin,
Director.

[F.R. Doc. 66-5926; Filed, May 31, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Discount Stamp Advertising Plan

§ 15.51 Discount stamp advertising plan.

(a) The Federal Trade Commission has advised that a proposed promotional plan involving the use of discount stamps would not be illegal if properly implemented.

(b) The requesting party proposes to issue a set of stamps to customers in grocery stores and other types of retail outlets in certain trading areas. The stamps will feature particular brands of products. When forwarded affixed to labels, wrappers or boxtops of the products featured, the requester will send a check to the customer in an amount equal to 10 cents for each stamp plus 10 cents additional if an entire set has been forwarded.

(c) Suppliers of products featured would pay the requester for managing the promotion. Grocery store and other operators of retail outlets competing in and on the fringes of the trading areas in which the plan is attempted would be offered the opportunity to participate. To this end, such retail outlet operators would be furnished the stamps, promotional kits and money allowances on the basis of their annual dollar volume of sales.

(d) The advisory opinion said it is the Commission's understanding that although the requesting party would concentrate its promotional efforts on operators of grocery stores it would also offer the plan to operators of other types of retail outlets competing in the sale of the products of supplier-advertiser-participants in the promotion and would admonish all such supplier-advertiser-participants of their responsibility to accord proportionally equal treatment to all of their competing customers, whether engaged in grocery retailing or other fields. The Commission further assumed that the proposed notices would adequately inform all prospective participants of all details of the offer.

(e) The Commission advised that its opinion is that "implementation of the plan as outlined would not be violative of sections 2 (d) or (e) of the Robinson-Patman Amendment to the Clayton Act."

(38 Stat. 717, as amndeed; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 31, 1966.

By direction of the Commission.

[SEAL] Joseph W. Shea,
Secretary.

[F.R. Doc. 66-5991; Filed, May 31, 1966; 8:50 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Food Manufacturer, Retailer Promotion Program

§ 15.52 Food manufacturer, retailer promotion program.

(a) In an advisory opinion the Federal Trade Commission informed a promotional concern that its proposed advertising program to be utilized by food manufacturers and retailers would not be in violation of existing law if the program is modified to take into account "exceptions and caveats" pointed out the Commission.

(b) The promoter proposed to design a number of aisle-end displays, each promoting the name of a food manufacturer and a seasonal recipe incorporating a product of that manufacturer. Displays for twelve participating manufacturers and decorative material would be packaged in a kit (which may be divided into 12 segments) for distribution to retail stores taking part in the program.

(c) According to the plan, each manufacturer would pay a proportionate share of the cost of the program, retailers would bear none of the cost but must agree to provide aisle ends for displays and stack the manufacturers' products, and the number of kits each retailer

would receive would be determined by the number of retail stores each owns.

(d) The Commission advised the promoter, among other things, that if all retailers sell the products of all the manufacturers and all can use the entire kit, he would not be required to break down the kit just because a particular retailer so desired. However, the Commission said, if there are certain customers who do not sell the products of all the manufacturers or who cannot, because of space limitations, use the entire kit, then the law would be violated if the promoter insists the retailer take the entire kit or nothing.

(e) After pointing out the requirements concerning notice to all competing customers that the plan is available, the Commission said participating manufacturers would not be obligated to meet the demands for cash by retailers, who could utilize the program, simply because they refuse the kit or sell products of only one manufacturer.

(f) As to manufacturers requiring signed agreements from retailers who wish to receive the kits, the Commission advised that the law permits manufacturers to require that dealers who are to receive the benefit of such promotions must agree to reasonable display requirements so that the purposes of the promotion may be carried out. However, it noted, retailers desiring less than the full kit could not be expected to sign an agreement which would require them to accept the full display kits.

(g) Concerning a manufacturer limiting the program to only one of his products and his responsibility to retailers who handle his products only on a "sporadic basis," the Commission said the law imposes no requirement that a seller must give advertising allowances or services on all his products if he elects to accord them on one or more articles. Problems concerning products of like grade and quality which differ in only minor respects or trade names can be avoided if the suppliers include entire product lines and thus avoid fine distinctions between products. As to the second query, the Commission stated that it would not be safe to exclude any retailer who was in fact a customer of one or more of the manufacturers during the course of this promotion.

(h) The Commission pointed out that if there are some grocery outlets which are too small to use the entire kit—or that part of it which represents all the manufacturers with whom they do business—because of actual space limitations, then some alternative must be provided to keep the plan from being one which is tailored primarily for larger retailers. If the plan results in any of the manufacturers furnishing facilities to some customers which are not readily usable by others, the suppliers are likely to find themselves in violation of the law. By furnishing an alternative method of participation to the smaller customers, such as posters and counter displays, this result can be avoided, the Commission advised.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: May 31, 1966.

By direction of the Commission.

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

[F.R. Doc. 66–5992; Filed, May 31, 1966; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33–4833, IC–4610]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Registration Fees

On January 11, 1966, in Securities Act Release No. 4815 (31 F.R. 577), the Securities and Exchange Commission published for comment its proposal to amend certain of its rules and forms relating to the computation of the fee required to be paid in connection with the filing of registration statements under the Securities Act of 1933 and amendments to registration statements filed pursuant to the provisions of section 24(e)(1) of the Investment Company Act of 1940. After consideration of the comments received in response to the release, the Commission has decided to adopt the amendments in the form proposed with certain modifications described below.

Paragraph (a) of Rule 457 (17 CFR 230.457) has been changed to make clear that where the amount of securities registered is increased by an amendment filed prior to the effective date an additional filing fee based on the offering price of the additional securities is required.

The first clause of paragraph (e) of Rule 457, relating to the calculation of the registration fee where securities are offered in exchange for other securities, has been amended to clarify the meaning of "market value" with respect to securities traded over-the-counter and to make this clause consistent with other provisions of the rule.

Paragraphs (f) and (g) of Rule 457 as adopted have been modified further to clarify the filing fee basis for warrants and other rights offered by "underwriters" and stock issued pursuant to employee stock options.

The revised paragraph (f) refers to "warrants or other rights" where the holders may be deemed to the underwriters to distinguish the subject matter of that paragraph (g) which deals with "options" granted to employees. The revised paragraph (f) provides that the fee shall be calculated upon the basis of the highest of (1) the exercise price, if known at the time of filing, (2) the offering price of securities of the same class concurrently being registered or (3) the market price within 15 days. If the exercise price, (1) above, is not known at the time of filing, the fee is to be computed on the basis of (2) or (3).

Paragraph (g) has been revised to provide that the employer's contributions are to be included in the computation of the fee where the employee may choose the medium in which the employer's contributions are to be invested. Paragraph (g) has been further revised to provide that in the case of employee stock options the fee shall be computed upon the basis of the option price, if known; otherwise upon the basis of the market price within 15 days. The new paragraph (g) applies to all forms on which subject securities are registered and applies to any employee stock option plan regardless of whether such plan is accorded special tax treatment under the Internal Revenue Code.

On February 5, 1965, in Securities Act Release No. 4761 (30 F.R. 2021), the Commission adopted certain amendments to the rules under the Act to reflect the new numbering of the subsections of section 4 of the Act effected by the Securities Acts Amendments of 1964. Inadvertently, a reference to "Section 4(1)" in paragraph (b) of Rule 155 (17 CFR 230.155) was amended to refer incorrectly to "Section 4(2)". Accordingly, the reference to "Section 4(2)" in paragraph (b) of Rule 155 is being changed to refer to "Section 4(1)".

Commission action. Chapter II of Title 17 of the Code of Federal Regulations is amended in the following respects:

I. Rule 457 under the Securities Act of 1933 (17 CFR 230.457) is amended to read as follows:

§ 230.457 Computation of fee.

(a) If a filing fee based on a bona fide estimate of the maximum offering price, computed in accordance with this rule where applicable, has been paid, no additional filing fee shall be required as a result of changes in the proposed offering price. If the number of shares or other units of securities, or the principal amount of debt securities, to be offered is increased by an amendment filed prior to the effective date of the registration statement, an additional filing fee, computed on the basis of the offering price of the additional securities, shall be paid. If the number of shares or other units of securities or principal amount of debt securities, to be offered is decreased by an amendment filed prior to the effective date of the registration statement the amount of the filing fee applicable to the securities withdrawn shall be refunded, except that in no event shall such refund reduce the total filing fee paid to less than $100.

(b) Where securities are to be offered at prices computed upon the basis of fluctuating market prices, the registra-

tion fee is to be calculated upon the basis of the price at which securities of the same class were sold, or upon the average of the bid and asked prices of such securities, on a specified date within 15 days prior to the date of filing of the registration statement.

(c) Where securities are to be offered at varying prices based upon fluctuating values of underlying assets, the registration fee is to be calculated upon the basis of the market value of such assets as of a specified date within 15 days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

(d) Where securities are to be offered to existing security holders and the portion, if any, not taken by such security holders is to be reoffered to the general public, the registration fee is to be calculated upon the basis of the proposed offering price to such security holders or the proposed reoffering price to the general public, whichever is higher.

(e) Where securities are to be offered in exchange for other securities (except where such exchange results from the exercise of a conversion privilege) the registration fee is to be calculated as follows:

(1) Upon the basis of the market value of the securities to be received by the registrant in the exchange as established by the price at which securities of the same class were sold, or by the average of the bid and asked prices of such security as of a specified date within 15 days prior to the date of filing.

(2) If there is no market for the securities to be received by the registrant in the exchange, the book value of such securities computed as of the latest practicable date prior to the date of filing the registration statement shall be used, unless the issuer of such securities is in bankruptcy or receivership, in which case one-third of the principal amount, par value or stated value of such securities shall be used.

(3) If any cash is to be received by the registrant in connection with the exchange, the amount thereof shall be added to the value of the securities to be received by the registrant in exchange as computed in accordance with subparagraph (1) or (2) above of this paragraph. If any cash is to be paid by the registrant in connection with the exchange, the amount thereof shall be deducted from the value of the securities to be received by the registrant in exchange as computed in accordance with subparagraph (1) or (2) of this paragraph.

(4) Securities to be offered directly or indirectly in exchange for certificates of deposit shall be deemed to be offered in exchange for the securities represented by the certificate of deposit.

(f) Where securities are to be offered pursuant to warrants or other rights to purchase such securities and the holders of such warrants or rights may be deemed to be underwriters, as defined in section 2(11) of the Act, with respect to the warrants or rights or the securities subject thereto, the registration fee is to be calculated upon the basis of the price at which the warrants or rights or the securities subject thereto are to be offered to the public. If such offering price cannot be determined at the time of filing the registration statement, the registration fee is to be calculated upon the basis of the highest of the following: (1) The price at which the warrants or rights may be exercised, if known at the time of filing the registration statement; (2) the offering price of securities of the same class included in the registration statement; or (3) the price at which securities of the same class were sold, or the average of the bid and asked prices of such securities, on a specified date within 15 days prior to the date of filing the registration statement. If the fee is to be calculated upon the basis of the price at which the warrants or rights may be exercised and they are exercisable over a period of time at progressively higher prices, the fee shall be calculated on the basis of the highest price at which they may be exercised. If the warrants or rights are to be registered for distribution in the same registration statement as the securities to be offered pursuant thereto, no separate registration fee shall be required.

(g) Where securities are to be offered to employees pursuant to an employee stock purchase, savings or similar plan, the aggregate offering price and the amount of the registration fee shall be computed only with respect to the aggregate contributions of employees, except that if employees may choose the medium in which the employer's contributions are to be invested, the aggregate offering price shall include the employer's contributions. Where stock is to be offered to employees pursuant to an employee stock option plan, the aggregate offering price and the amount of the fee shall be computed upon the basis of the price at which the option may be exercised, or if such price is not known, upon the basis of the price at which stock of the same class was sold, or the average of the bid and asked prices of such stock, on a specified date within 15 days prior to the date of filing the registration statement.

(h) Where convertible securities and the securities into which conversion is offered are registered at the same time, the registration fee is to be calculated on the basis of the proposed offering price of the convertible securities alone, except that if any additional consideration is to be received in connection with the exercise of the conversion privilege, the maximum amount which may be received shall be added to the proposed offering price of the convertible securities.

(i) Where securities are sold prior to the registration thereof and are subsequently registered for the purpose of making an offer of recision of such sale or sales, the registration fee is to be calculated on the basis of the amount at which such securities were sold, except that where securities repurchased pursuant to such offer of recision are to be reoffered to the general public at a price in excess of such amount, the registration fee is to be calculated on the basis of the proposed reoffering price.

(j) Notwithstanding the other provisions of this rule, the proposed maximum aggregate offering price of American Depositary Receipts registered on Form S–12 (17 CFR 239.19) shall, for the purpose of calculating the registration fee, be computed upon the basis of the maximum aggregate fees or charges to be imposed in connection with the issuance of such receipts.

II. Rule 458 (17 CFR 230.458) under the Securities Act of 1933 is amended to read as follows:

§ 230.458 Payment of fees.

* * * * *

(b) Payments may be rounded to the nearest dollar. Amounts less than one dollar due the Commission will be waived except that in no case may the amount waived reduce the amount due to less than $100.

* * * * *

III. Such portion of the facing page of Form D–1 (17 CFR 239.6) under the Securities Act of 1933 as reads:

Filing fee (the fee is to be calculated as one one-hundredth of 1 percent of the market value (as of an indicated day within 15 days prior to the filing of this registration statement) of the securities to be called for deposit, or, if there be no market value, one one-hundredth of 1 percent of one-third of the face, par, or if no par, stated value of the securities to be called for deposit. In no case shall the fee be less than $25):

CALCULATION OF FILING FEE

Indicate basis used:

(a) Market value (if any)	$----
(b) Face, par, or stated value	----
(c) One-third of this	----
(d) Filing fee (1/100 of 1 percent of (a) or (c), whichever is used, but not less than $25)	----

is deleted and the following substituted therefor:

Amount of filing fee:

IV. Such portion of the facing page of Form D–1A (17 CFR 239.7) under the Securities Act of 1933 as reads:

Filing fee (the fee is to be calculated as one one-hundredth of 1 percent of the market value (as of an indicated day within 15 days prior to the filing of this registration statement) of the securities to be called for deposit, or if there be no market value, one one-hundredth of 1 percent of one-third of the face, par, or if no par, stated value of the securities to be called for deposit. In no case shall the fee be less than $25):

CALCULATION OF FILING FEE

Indicate basis used:

(a) Market value (if any)	$----
(b) Face, par, or stated value	----
(c) One-third of this	----
(d) Filing fee (1/100 of 1 percent of (a) or (c), whichever is used, but not less than $25)	----

is deleted and following substituted therefor:

Amount of filing fee:

V. Paragraph G of the facing page of Form S–6 (17 CFR 239.16) under the Securities Act of 1933 which reads:

G. Amount of filing fee, computed at one one-hundredth of 1 percent of the proposed maximum aggregate offering price to the public (minimum fee $25):

is revised to read:

G. Amount of filing fee:

VI. The entire footnote designated by a double asterisk in the table for calculation of the registration fee on the facing page of Form S–8 (17 CFR 239.16b) under the Securities Act of 1933 and the double asterisks following the headings "Proposed maximum aggregate offering price" and "Amount of registration fee" in such table are deleted.

VII. The entire footnote designated by an asterisk in the table for calculation of the registration fee on the facing page of Form S–12 (17 CFR 239.19) under the Securities Act of 1933 and the asterisks following the headings "Proposed Maximum Aggregate Offering Price" and "Registration Fee" in such table are deleted.

VIII. Rule 155 under the Securities Act of 1933 (17 CFR 230.155) is amended by changing "section 4(2)" as it appears in the text of paragraph (b) of such rule, to "section 4(1)".

Since the amendments conform the rules and forms to statutory changes or are in the nature of interpretative rules, the Commission adopts the foregoing amendments, effective on publication, May 24, 1966. The foregoing action is taken pursuant to the Securities Act of 1933, as amended, particularly sections 6(b), 7 and 19(a) thereof.

By the Commission, May 24, 1966.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–5946; Filed, May 31, 1966; 8:47 a.m.]

[Release No. 34–7896]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Hypothecation of Customers' Securities

On July 16, 1965, in Securities Exchange Act Release No. 7647 and in the FEDERAL REGISTER of July 23, 1965, 30 F.R. 9222, the Securities and Exchange Commission published a proposal to amend its Rules 8c–1 and 15c2–1 (17 CFR 240.8c–1 and 240.15c2–1) under the Securities Exchange Act of 1934 ("Exchange Act"). The Commission has considered the comments and suggestions received and after including certain minor technical changes has adopted the amendment in the form stated below effective May 31, 1966.

Rules 8c–1 and 15c2–1 (17 CFR 240.8c–1 and 240.15c2–1) prohibit the hypothecation of customers' securities by broker-dealers under circumstances which permit the pledging of one customer's securities (1) with those of any other customer, unless each customer's prior consent has been obtained; and (2) with those of other than a bona fide customer. The amendments add a new paragraph (g) to Rules 8c–1 and 15c2–1 (17 CFR 240.8c–1 and 240.15c2–1) to provide an exemption from the commingling prohibitions of these rules where an exchange member, broker or dealer participating in a system of a national securities exchange or national securities association for the central handling of securities hypothecates securities in accordance with such system. For the exemption to be applicable the system must contain specified provisions and follow specified procedures which have been deemed adequate by the Commission for the protection of investors.

The amendment is necessitated by the development in recent years of centralized systems for the handling and delivery of securities through the use of automated procedures. In this connection, the Special Study of Securities Markets recommended that the securities industry, with the cooperation of the Commission, should give continuing attention to the possibilities for improving and modernizing existing securities handling and delivery systems.[1] For example, the New York Stock Exchange will soon initiate a Central Certificate Service which would have custody of a large proportion of customers' and proprietary securities now held by individual firms and would effect transfers and hypothecation of securities by means of bookkeeping entries for members of the system, thereby reducing the number of physical transfers of securities.

These amendments provide that the hypothecation of customers' securities held by a clearing corporation or other subsidiary organization of a national securities exchange or national securities association or by a custodian bank pursuant to a central system in which the customers' securities are commingled with others will not of itself constitute a commingling prohibited by these rules. For the exemption to be applicable, the custodian must, in general, agree to deliver the securities that it holds as directed by the system and not assert any claim, right or lien against the securities; the system must have safeguards for the handling, transfer and delivery of the securities; the system must provide for fidelity bond coverage of employees and agents of the clearing corporation or other subsidiary organization; and the system must contain provisions for periodic examination by independent public accountants. The exemption will be applicable only after the Commission has deemed the above provisions, and any amendments of them, to be adequate for the protection of investors. The Commission finds that the form of custody agreement and the other safeguards provided for in the New York Stock Exchange's Central Certificate Service meet these standards.

It should be emphasized that, while the amendments make it clear that the presence within a system of a stock certificate representing the interests of various customers and other parties, including pledges, does not constitute a prohibited commingling under Rule 8c–1 (17 CFR 240.8c–1) or Rule 15c2–1 (17 CFR 240.15c2–1) it nevertheless does not make legal a hypothecation of securities prohibited by these rules. Thus, it would constitute a violation of Rule 8c–1 and Rule 15c2–1 (17 CFR 240.8c–1 and 240.15c2–1) to hypothecate the securities of more than one customer of a member, broker or dealer to secure a loan unless the consent of each customer is obtained. Similarly, it would constitute a violation under any circumstances to hypothecate the securities of a customer with those of any person other than a customer in order to secure a loan. The amendment of these rules would not in any way affect these prohibitions.

Statutory basis. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 as amended, and particularly sections 8(c), 15(c)(2) and 23(a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of its functions under the Act, hereby amends Rules 8c–1 and 15c2–1 (17 CFR 204.8c–1 and 240.15c2–1) by adding a paragraph (g) thereto as stated below. The Commission finds that these amendments relieve restriction and are exemptive in nature and hence under the provisions of section 4(c) of the Administrative Procedure Act, may be and are hereby declared effective May 31, 1966.

The text of the new paragraph added to Rule 8c–1 (17 CFR 240.8c–1) and to Rule 15c2–1 (17CFR 240.15c2–1) is as follows:

§ 240.8c–1 Hypothecation of customers' securities.

* * * * *

(g) The fact that securities carried for the accounts of customers and securities carried for the accounts of others are represented by one or more certificates in the custody of a clearing corporation or other subsidiary organization of either a national securities exchange or of a registered national securities association, or of a custodian bank, in accordance with a system for the central handling of securities established by a national securities exchange or a registered national securities association, pursuant to which system the hypothecation of such securities is effected by bookkeeping entries without physical delivery of such securities, shall not, in and of itself, result in a commingling of securities prohibited by paragraph (a)(1) or (a)(2) of this section, whenever a participating member, broker or dealer hypothecates securities in accordance with such system: *Provided, however,* That (1) any such custodian of any securities held by or for such system shall agree that it will not for any reason, including the assertion of any claim, right or lien of any kind, refuse to refrain from promptly delivering any such securities (other than securities then hypothecated in accordance with such system) to such clearing corporation or other subsidiary organization or as directed by it,

[1] See Report of Special Study of Securities Markets, Part 1, p. 428.

except that nothing in such agreement shall be deemed to require the custodian to deliver any securities in contravention of any notice of levy, seizure or similar notice, or order or judgment, issued or directed by a governmental agency or court, or officer thereof, having jurisdiction over such custodian, which on its face affects such securities; (2) such systems shall have safeguards in the handling, transfer and delivery of securities and provisions for fidelity bond coverage of the employees and agents of the clearing corporation or other subsidiary organization and for periodic examinations by independent public accountants; and (3) the provisions of this paragraph (g) shall not be effective with respect to any particular system unless the agreement required by subparagraph (1) and the safeguards and provisions required by subparagraph (2) shall have been deemed adequate by the Commission for the protection of investors, and unless any subsequent amendments to such agreement, safeguards or provisions shall have been deemed adequate by the Commission for the protection of investors.

§ 240.15c2–1 Hypothecation of customers' securities.

* * * * *

(g) The fact that securities carried for the accounts of customers and securities carried for the accounts of others are represented by one or more certificates in the custody of a clearing corporation or other subsidiary organization of either a national securities exchange or of a registered national securities association, or of a custodian bank, in accordance with a system for the central handling of securities established by a national securities exchange or a registered national securities association, pursuant to which system the hypothecation of such securities is effected by bookkeeping entries without physical delivery of such securities, shall not, in and of itself, result in a commingling of securities prohibited by paragraph (a)(1) or (a)(2) of this section, whenever a participating member, broker or dealer hypothecates securities in accordance with such system: *Provided, however,* That (1) any such custodian of any securities held by or for such system shall agree that it will not for any reason, including the assertion of any claim, right or lien of any kind, refuse or refrain from promptly delivering any such securities (other than securities then hypothecated in accordance with such system) to such clearing corporation or other subsidiary organization or as directed by it, except that nothing in such agreement shall be deemed to require the custodian to deliver any securities in contravention of any notice of levy, seizure or similar notice, or order or judgment, issued or directed by a governmental agency or court, or officer thereof, having jurisdiction over such custodian, which on its face affects such securities; (2) such systems shall have safeguards in the handling, transfer and delivery of securities and provisions for fidelity bond coverage of the employees and agents of the clearing corporation or other subsidiary organization and for periodic examinations by independent public accountants; and (3) the provisions of this paragraph (g) shall not be effective with respect to any particular system unless the agreement required by subparagraph (1) of this paragraph and the safeguards and provisions required by subparagraph (2) of this paragraph shall have been deemed adequate by the Commission for the protection of investors, and unless any subsequent amendments to such agreement, safeguards or provisions shall have been deemed adequate by the Commission for the protection of investors.

(Secs. 8(c), 15(c)(2) and 23(a); 48 Stat. 888, 895 and 901, as amended, 15 U.S.C. 78h, 78o and 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 25, 1966.

[F.R. Doc. 66-5947; Filed, May 31, 1966; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Coordination Product of Zinc Ion and Maneb; Tolerance for Residues

A petition (PP 6F0467) was filed with the Food and Drug Administration by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa., 19105, requesting the establishment of a tolerance of 7 parts per million for residues in or on eggplants, peppers, pimentos, and tomatoes of a fungicide consisting of a coordination product of zinc ion and maneb containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product of which is calculated as zinc ethylenebisdithiocarbamate). The petitioner later withdrew the request for a tolerance in or on eggplants, peppers, and pimentos.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 120.176 is amended by adding thereto a new item, as follows:

§ 120.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

7 parts per million in or on tomatoes.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C 346a(d)(2))

Dated: May 26, 1966.

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

[F.R. Doc. 66-5970; Filed, May 31, 1966; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.532]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are being amended (1) to make certain editorial changes and (2) to provide for registration on quota waiting lists at consular offices abroad only of qualified immigrant visa applicants.

1. Section 41.6(e)(1) is amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(e) *Aliens in immediate transit.*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an

alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian People's Republic"), Poland, Romania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country. The privilege of transit without visa may be authorized only under the condition that the alien will depart voluntarily from the United States, that he will not apply for adjustment of status under section 245 of the Act, and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director of the Immigration and Naturalization Service, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Immigration and Naturalization Service at carrier expense and shall depart on the earliest and most direct foreign-destined vessel or aircraft.

* * * * *

2. Section 42.21 is amended to read as follows:

§ 42.21 Spouses, children, and parents of U.S. citizens.

An alien shall be classifiable as an immediate relative under section 201(b) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen must be at least 21 years of age in order to confer immediate relative status upon a parent. An immediate relative shall be documented as such unless the U.S. citizen refuses to file the required petition for personal reasons other than financial considerations or inconvenience, or unless the immediate relative is also a special immigrant.

3. Paragraph (b) of § 42.30 is amended to read as follows:

§ 42.30 First preference immigrants.

* * * * *

(b) The child of an unmarried son or daughter of a U.S. citizen shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative first preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

4. Paragraph (b) of § 42.31 is amended to read as follows:

§ 42.31 Second preference immigrants.

* * * * *

(b) The child of a spouse or unmarried son or daughter of a lawful permanent resident shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative second preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

5. Paragraph (b) of § 42.32 is amended to read as follows:

§ 42.32 Third preference immigrants.

* * * * *

(b) The spouse or child of the beneficiary of a third preference petition shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative third preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

6. Paragraph (b) of § 42.33 is amended to read as follows:

§ 42.33 Fourth preference immigrants.

* * * * *

(b) The spouse or child of a married son or daughter of a U.S. citizen shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative fourth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

7. Paragraph (b) of § 42.34 is amended to read as follows:

§ 42.34 Fifth preference immigrants.

* * * * *

(b) The spouse or child of a brother or sister of a U.S. citizen shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative fifth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

8. Paragraph (b) of § 42.35 is amended to read as follows:

§ 42.35 Sixth preference immigrants.

* * * * *

(b) The spouse or child of the beneficiary of a sixth preference petition shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa, be entitled to derivative sixth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

9. Section 42.50 is amended to read as follows:

FOREIGN STATE CHARGEABILITY

§ 42.50 General rules of chargeability.

An immigrant shall be chargeable to the foreign state of his birth unless (a) he is classifiable as an immediate relative or special immigrant, or (b) his case falls within one of the exceptions to the general rule of chargeability as provided in section 202(b) of the Act.

10. Section 42.62 is amended to read as follows:

§ 42.62 Waiting lists.

(a) *Establishment of waiting lists.* Form FS–417 (Waiting List Filler) or Forms FS–499A and FS–499B (Immigrant Visa Control Card), when maintained in accordance with appropriate Departmental instructions, shall be considered to constitute "waiting lists" within the meaning of section 203(a)(8) of the Act. Such lists shall show the priority date of each qualified nonpreference applicant. The name of each family member shall be listed separately under the quota for the foreign state to which he is chargeable with appropriate cross references to members of the family who may be chargeable to other oversubscribed quotas. The provisions of section 202(b) of the Act shall be applied, if appropriate, when the turn of either spouse or of a parent is reached on the waiting list.

(b) *Listing of qualified nonpreference applicants.* No record shall be made of a nonpreference visa applicant who has indicated an intention to immigrate to a consular officer subsequent to January 31, 1966, until he has qualified as a nonpreference applicant under the provisions of section 212(a)(14). The registration priority of qualified nonpreference immigrants, shall, except as provided in paragraph (c) of this section, be determined by the chronological order in which their applications on Form FS–497 (Preliminary Questionnaire to Determine Immigrant Status) were received at the consular office, or by the date of issuance of a certification by the Department of Labor in the alien's behalf, whichever is earlier. When a Form FS–497 is received at a consular office, the date, as well as the hour and minute, whenever practicable, of the receipt of such application, shall be noted thereon. The applicant shall be informed of the requirements of section 212(a)(14) and shall be accorded 1 year from the date of receipt of the Form FS–497 by the consular office within which to establish (1) that the provisions of that section are inapplicable to him, (2) that he is within a class listed in the Department of Labor Schedule A (29 CFR 60.4), or (3) that an individual labor certification has been granted in his case. If the alien is unable to establish his eligibility under section 212(a)(14) within 1 year of the date noted on Form FS–497 he is no longer entitled to that date as a priority date. The alien may file a new Form FS–497 which would have the same time limitation. In the absence of an earlier priority date base on the filing of a Form FS–497, the alien may always be granted as a priority date the date of a labor certification approved in his behalf.

(c) *Registration priority.* No alien shall be given a priority date earlier than January 1, 1944. An alien who, before

February 1, 1966, was registered as an unqualified registrant on a consular waiting list shall be requested to complete and return a Form FS–497 revised in November 1965, or later. Registrants who do not return the Form FS–497 within 60 days of the mailing of the notification to them shall be accorded no further consideration on the basis of their original registration unless they establish that their failure to return the Form FS–497 was for reasons beyond their control. Registrants who return the Form FS–497 shall be informed of the procedure to be followed in establishing eligibility under section 212(a)(14), and shall be accorded their original priority date if they meet the requirements of that section within 1 year of the notification.

(d) *Priority in order of consideration.* Consideration shall be given immigrant visa applications in the order prescribed in section 203(b) of the Act, and no immigrant within any category shall have his case considered until consideration shall have been given to other immigrants in the same category who have an earlier priority on the chronological waiting list for such category.

11. Section 42.63 is amended to read as follows:

§ 42.63 Derivative registration.

The registration of an applicant on the qualified waiting list shall be considered as automatically including any spouse he may have or may subsequently acquire and any child such applicant or his spouse may have or may subsequently acquire, regardless of whether such spouse or child was specifically named in his application for determination of qualifications. The name of any spouse or child included in the principal alien's application shall be separately registered by the consular officer under the priority date of the principal alien. The provisions of this paragraph shall not adversely affect any privileges relating to derivative registration acquired prior to July 1, 1954.

12. Section 42.64 is amended to read as follows:

§ 42.64 Listing of preference immigrants.

(a) The priority of a preference immigrant shall be determined by the date on which the approved petition granting the preference status was filed with the Immigration and Naturalization Service, including petitions filed prior to December 1, 1965. If it is necessary, because of oversubscription within a particular preference category, to maintain a chronological listing of such intending immigrants, the procedures outlined in § 42.62(a) shall be followed.

(b) The priority of registration established by the filing date of a petition approved to accord preference status under the provisions of sections 203(a)(1) through (6) of the Act shall not be canceled unless the petition according preference status is revoked by the Immigration and Naturalization Service, or, if it has expired, the Service has refused to revalidate it.

13. Sections 42.65, 42.66, 42.67, and 42.68 are rescinded.

* * * * *

Effective date. The amendments to the regulations contained in this order shall be effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: May 2, 1966.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 66-5957; Filed, May 31, 1966; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Miscellaneous Amendments

The following miscellaneous amendments have been made to this chapter:

In Part 200 in the Table of Contents the appropriate section headings are amended as follows:

Sec.
200.50 Authority for delegations.
200.83a Assistant Commissioner for Property Disposition; Director, Community Disposition Staff; Assistant to the Director, Community Disposition Staff; Field Director (Community Disposition) and Assistant Field Director (Community Disposition).

Subpart A—Origin and Establishment

Section 200.1 is amended to read as follows:

§ 200.1 Creation.

The Federal Housing Administration (frequently referred to herein as the FHA) was originally created by the National Housing Act, approved June 27, 1934 (48 Stat. 1246; 12 U.S.C. 1702). On November 9, 1965, by operation of the Department of Housing and Urban Development Act, approved September 9, 1965 (79 Stat. 667), the FHA was transferred to the Department of Housing and Urban Development.

Section 200.2 is amended to read as follows:

§ 200.2 Status.

The Federal Housing Administration is an organizational unit within the Department of Housing and Urban Development.

Subpart B—Functions and Programs

In § 200.32 paragraph (a) is amended to read as follows:

§ 200.32 Residential rehabilitation.

(a) To assist in the elimination of slums and urban blight and the conservation of existing properties and neighborhoods or for disaster areas, the FHA insures mortgages for financing the rehabilitation of existing salvable housing and the replacement of slums with new housing in areas for which, in other than disaster areas, urban renewal plans or urban redevelopment plans have been certified to the FHA by the Secretary of Housing and Urban Development. As a step preliminary to such certification, the Secretary must have approved and certified a workable program designed for the entire community to eliminate slums and prevent the spread of urban blight, unless the plans were approved before the enactment of the Housing Act of 1954.

* * * * *

Subpart C—Organization and Management

Section 200.40 is amended to read as follows:

§ 200.40 Commissioner.

The Federal Housing Administration is headed by a Commissioner who is an Assistant Secretary in the Department of Housing and Urban Development and who has been designated by the Secretary to serve as Assistant Secretary for Mortgage Credit. Each Assistant Secretary of the Department is appointed by the President by and with the advice and consent of the Senate.

Subpart D—Delegations of Basic Authority and Functions

Section 200.50 and the heading thereof are amended to read as follows:

§ 200.50 Authority for delegations.

(a) Section 5(a) of the Department of Housing and Urban Development Act (79 Stat. 667) transferred to and vested in the Secretary all of the functions, powers, and duties of the Federal Housing Commissioner and the Federal Housing Administration which existed prior to November 9, 1965.

(b) Section 1 of title I of the National Housing Act, the authority under which the Commissioner and the Federal Housing Administration operated prior to November 9, 1965, provides in part as follows:

* * * In order to carry out the provisions of this title and titles II, III, VI, VII, VIII, IX, and X, the Commissioner may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such

other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, * * *. The Commissioner may delegate any of the functions and powers conferred upon him under this title and titles II, III, VI, VII, VIII, IX, and X to such officers, agents and employees as he may designate or appoint * * *.

(c) Section 7(d) of the Department of Housing and Urban Development Act (79 Stat. 667) provides in part as follows:

The Secretary may delegate any of his functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties * * *.

(d) Interim Order II effective January 18, 1966 (31 F.R. 815) provides in part as follows: The offices or positions and organizational units in the Department shall include, in addition to those otherwise prescribed:

Office or position	*Respective organizational unit*
Federal Housing Commissioner.	Federal Housing Administration.

Each officer or employee appointed to, or designated to act in, the office or position listed immediately above, and each organizational unit so listed is hereby authorized to exercise the functions, powers, and duties vested in, or delegated or assigned to, the office or position or officer or employee or organizational unit having the same title immediately prior to the effective date of the Act, and to redelegate and authorize successive redelegations of such authority to the extent empowered under authority vested, delegated, or assigned immediately prior to the effective date of the Act. Authority delegated herein or redelegated hereunder shall be exercised in the name of the Secretary, except that authority delegated to the Federal Housing Commissioner or the Public Housing Commissioner may be exercised in the name of the Federal Housing Commissioner or the Federal Housing Administration, or the Public Housing Commissioner or the Public Housing Administration, respectively, and any actions taken under this delegation or a redelegation hereunder by or in the name of the Federal Housing Commissioner, Federal Housing Administration, the Public Housing Commissioner, or the Public Housing Administration, shall be deemed to be the action of the Secretary.

In § 200.83a the heading, paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 200.83a Assistant Commissioner for Property Disposition; Director, Community Disposition Staff; Assistant to the Director, Community Disposition Staff; Field Director (Community Disposition) and Assistant Field Director (Community Disposition).

(a) To the position of Assistant Commissioner for Property Disposition and, under his general supervision, to the positions of Director, Community Disposition Staff, and Assistant to the Director, Community Disposition Staff, there is hereby delegated the authority to execute the functions, powers and duties delegated to the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner under delegation of the Secretary of Housing and Urban Development effective June 5, 1966 (31 F.R. 6839).

(b) To the positions of Field Director (Community Disposition) and Assistant Field Director (Community Disposition), there are delegated the following authorities with respect to the functions referred to in paragraph (a) of this section:

* * * * *

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

In Part 221 in the Table of Contents the centered heading preceding § 221.543 is amended and followed by a new § 221.542a as follows:

APPLICATION OF NET INCOME

Sec.
221.542a Accounting for net income.

Subpart C—Eligibility Requirements—Moderate Income Projects

In Part 221 the centered heading preceding § 221.543 is amended and followed by a new § 221.542a as follows:

APPLICATION OF NET INCOME

§ 221.542a Accounting for net income.

All net income received by a nonprofit, builder-seller or investor-sponsor mortgagor shall be accounted for to the Commissioner and shall not be distributed without the prior approval of the Commissioner.

In § 221.543 paragraph (b) is amended to read as follows:

§ 221.543 Advance amortization.

* * * * *

(b) The provisions of paragraph (a) of this section shall not apply to the following:

(1) Investor-sponsor, builder-seller or nonprofit mortgagor (the distribution of net income by such mortgagors is controlled by § 221.542a).

(2) Cooperative mortgagors (the use of surplus funds by such mortgagors is prescribed in § 221.534).

(3) Projects involving rehabilitation where the mortgage does not exceed $200,000.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., May 25, 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-5976; Filed, May 31, 1966; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Application, Preparation and Approval of Rolls

Incident to the preparation of a membership roll of the Tlingit and Haida Indians of Alaska authorized by the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543), the following amendments are made to Title 25—Indians, Part 41:

Section 41.3 is amended by designating the first paragraph as (a) and adding a new paragraph, designated (b) for the purpose of including requirements for enrollment with the Tlingit and Haida Indians of Alaska and establishing a deadline for filing applications for enrollment. As so amended, § 41.3 reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

(a) Qualifications which must be met to establish eligibility for enrollment and the deadline for filing enrollment applications will be included in this Part 41 by appropriate amendments to this section.

(b) Tlingit and Haida Tribes in Alaska: All persons of Tlingit or Haida Indian blood residing in the various local communities or areas in the United States or Canada on August 19, 1965, shall be eligible for enrollment provided they were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or they are descendants of persons of Tlingit or Haida Indian blood who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto. Applications for enrollment must be postmarked no later than June 30, 1967.

Section 41.5 provides that sponsors may file an application on behalf of members of the Armed Services or other services of the U.S. Government and/or members of their immediate families stationed in Alaska, Hawaii, or elsewhere outside the Continental United States. Language specifying the class of applicants for enrollment with the Tlingit and Haida Indians of Alaska for whom sponsors may file has been added. With the addition of this language § 41.5 now reads as follows:

§ 41.5 Filing of applications.

(a) Any person who desires to be enrolled and believes he meets the requirements for enrollment specified in the regulations of this part must file or have filed in his behalf a completed application form with the Director, Superintendent, or other designated person on or before the deadline specified in § 41.3. Except as provided in paragraph (b) of

this § 41.5, written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the U.S. Government and/or any members of their immediate families stationed in Alaska, Hawaii, or elsewhere outside the Continental United States, or a person who died after the date of the act, may be filed by the sponsor on or before the specified deadline.[1]

(b) In the preparation of a roll of Tlingit and Haida Indians of Alaska sponsors may file applications on behalf of minors, mentally incompetent persons, or other persons in need of assistance, members of the Armed Services or other services of the United States or Canadian Governments and/or any members of their immediate families stationed outside the limits of Alaska, or a person who died after the date of the act.[1]

No further changes are made in the text of Part 41.

Notice of proposed rule making would cause undue delay in the preparation of the roll and would be contrary to the public interest. Therefore, notice and public procedure imposed by section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), are dispensed with under the exceptions provided in that section. Accordingly, the foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 25, 1966.

[F.R. Doc. 66-5942; Filed, May 31, 1966; 8:46 a.m.]

PART 42—ENROLLMENT APPEALS

Filing, Review and Determination of Enrollment Appeals

Incident to the preparation of a membership roll of the Tlingit and Haida Indians of Alaska authorized by the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543), the following amendments are made to Title 25—Indians, Part 42:

Section 42.3 provides that sponsors may file an appeal on behalf of rejected applicants who are members of the Armed Services or other services of the U.S. Government and/or any members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States. It is believed that an exception should be made for persons stationed outside of Alaska in the preparation of the roll of the Tlingit and Haida Tribes of Alaska. Therefore, language has been added specifying the class of appellants for enrollment with the Tlingit and Haida Indians of Alaska for whom appeals may be filed by a sponsor. With the addition of this language § 42.3 reads as follows:

§ 42.3 Who may appeal.

(a) Any person who has been rejected for enrollment may file or have filed in his behalf an appeal from an adverse enrollment action. The burden of proof of establishing eligibility is on the appellant. Except as provided in paragraph (b) of this § 42.3, in the case of minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the U.S. Government and/or any members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after the date of any relevant act, an appeal may be filed by a sponsor. The burden of proof of establishing eligibility is on the appellant.

(b) In the preparation of a roll of Tlingit and Haida Indians of Alaska, the sponsors may file appeals on behalf of minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States or Canadian Governments and/or any members of their immediate families stationed outside the limits of Alaska, or a person who died after the date of the act.

Section 42.4 provides, as an exception to the 30-day time limitation for filing appeals, that rejected applicants residing in Alaska or Hawaii or elsewhere outside the Continental United States shall be allowed 60 days in which to file an appeal. To remove the exception where a roll is being prepared for a tribe, band, or group of Indians in Alaska, new language has been added as the second sentence of § 42.4 to provide that when a roll is being prepared for a tribe, band, or group of Indians in Alaska rejected applicants residing outside of Alaska shall have 60 days in which to file an appeal and persons residing in Alaska shall have 30 days in which to appeal from a rejected application. With the new language § 42.4 reads as follows:

§ 42.4 Filing of an appeal.

The appeal shall be in writing addressed to the Secretary and must be received by the official designated in the letter of rejection before the close of business on the 30th day after receipt of the rejection notice, except in those cases where the letter of rejection is delivered to an address in Alaska or Hawaii or elsewhere outside the Continental United States the addressee will have 60 instead of 30 days to file an appeal with the official designated in the letter of rejection. However, if the roll being prepared is for a tribe, band, or group of Indians in Alaska, in cases where the letter of rejection is delivered to an address in Alaska the addressee will have 30 days in which to appeal the rejection of the application and, where the letter of rejection is delivered to an address outside the limits of Alaska the addressee will have 60 days in which to file an appeal. In computing the 30- or 60-day period, the count begins with the day following receipt of the rejection notice and continues for 30 or 60 consecutive days. If, however, the 30th or 60th day falls on a Saturday, Sunday, or legal holiday, the period would end on the first working day thereafter.

No further amendments are made in the text of Part 42.

Notice of proposed rule making would cause undue delay in the preparation of the roll and would be contrary to the public interest. Therefore, notice and public procedure imposed by section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), are dispensed with under the exceptions provided in that section. Accordingly, the foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 25, 1966.

[F.R. Doc. 66-5943; Filed, May 31, 1966; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of Hair

The Office of Foreign Assets Control has interpreted the term "hair, human, Asiatic" as used in § 500.204(a)(2)(ii) as including Philippine and Indonesian human hair. The regulations are being amended to incorporate a definition to this effect in the Appendix to § 500.204.

Item (12) of the Appendix to § 500.204 is hereby amended to read as follows:

(12) *Hair in various forms.* (i) The term "human, hair, Asiatic" is defined to include hair originating in The Republic of Indonesia and in The Republic of the Philippines.

(ii) The items "hair, human, Asiatic," "fur skins," and "yak hair" include commodities processed therefrom, e.g. beards, braids, buns, chignons, eyelashes, hair pieces, mustaches, nets, netting, switches, tresses, wefts, wefted wiglets, wigs, and wiglets.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-5961; Filed, May 31, 1966; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

[Rev. 5]

Chapter X—Oil Import Administration, Department of the Interior

OI REG. 1—OIL IMPORT REGULATION

In the FEDERAL REGISTER for March 30, 1966 (31 F.R. 5130), notice was given of a proposal to add a new section 25 to Oil Import Regulation 1 (Revision 4), as amended, which would provide for the making of allocations of imports into Districts I–IV and District V of crude oil and unfinished oils to persons having petrochemical plants in these districts.

Ancillary amendments to sections 4, 5, 6, 17, and paragraphs (g)(1) and (k) of section 22 and the addition of new paragraphs (n), (o), and (p) to section 22 of that regulation were also proposed. Comments were received from 29 companies, associations, or interested persons.

The proposals generally were favorably received, and this Revision 5 adopts the amendments that were proposed with two modifications. Paragraph (g)(1) of section 22 now specifically enumerates all of the hydrocarbons regarded as coming within the term "liquefied gases." The amendment to paragraph (k) of that section 22, relating to refinery inputs, has been made more specific in the interest of clarity. However, a new section 25 has not been added; as the provisions of section 9 were obsolete, that section has been revised to set forth the provisions for the making of allocations to petrochemical plants.

Since a number of amendments have been made to Oil Import Regulation 1 (Revision 4), it is desirable to incorporate these amendments in a new revision of the regulation. No changes of substance have been made in provisions of the regulation other than in those mentioned above. Accordingly, Oil Import Regulation 1 (Revision 5) supersedes Oil Import Regulation 1 (Revision 4) and all outstanding amendments of Revision 4. Because allocations of imports of crude oil and unfinished oil must be made and licenses issued to persons having petrochemical plants, Oil Import Regulation 1 (Revision 5) shall become effective immediately.

Sec.

AUTHORITY: Secs. 1 to 22 issued under Proclamation 3279, as amended, 24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507, 811; 27 F.R. 9683, 11985; 28 F.R. 4077, 5931; 30 F.R. 15459; sec. 232, 76 Stat. 877.

Section 1. Purpose.

These regulations implement Presidential Proclamation 3279, "Adjusting Imports of Petroleum and Petroleum Products into the United States," dated March 10, 1959, as amended, by providing for the discharge of the responsibilities imposed upon the Secretary of the Interior.

Sec. 2 Oil Import Administration.

There is in the Department of the Interior an Oil Import Administration under the direction of an Administrator designated by the Secretary of the Interior. The Administrator is hereby empowered to exercise, pursuant to this regulation, all of the authority conferred upon the Secretary by Proclamation 3279, as amended, and the Administrator may redelegate such authority.

Sec. 3 Allocation periods.

(a) With respect to Districts I–IV and District V, allocations of imports of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) will be made for periods of 12 months beginning January 1. Allocations of imports into Districts II–IV of residual fuel oil to be used as fuel will be made for periods of 12 months beginning April 1, and allocations of such imports into District V will be made for periods of 12 months beginning January 1.

(b) Allocations of imports of finished products into Puerto Rico will be made for periods of 12 months beginning January 1.

(c) Allocations of imports of crude oil and unfinished oils into Puerto Rico (except allocations made pursuant to paragraph (c) of section 15) will be made for periods of 12 months beginning April 1.

Sec. 4 Eligibility for allocations.

(a) To be eligible for an allocation of imports into Districts I–IV or into District V of crude oil and unfinished oils, a person must (1) have either refinery capacity or a petrochemical plant in the respective districts and (2) have had refinery inputs or petrochemical plant inputs in the respective districts for the year ending 3 months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports into Puerto Rico of crude oil and unfinished oils, a person must have had refinery capacity in Puerto Rico during the calendar year 1964. Allocations may also be made pursuant to paragraph (c) of section 15.

(c) To be eligible for an allocation of imports into Districts I–IV or into District V of finished products, other than residual fuel oil to be used as fuel, a person must have imported such products into the respective districts during the calendar year 1957.

(d) To be eligible for an allocation of imports into Districts II–IV or into District V of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(e) To be eligible for an allocation of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(f) To be eligible for an allocation of imports into Puerto Rico of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(g) A person is not eligible individually for an allocation of imports of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm, or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

Sec. 5 Applications for allocations and licenses.

(a) Except as provided in paragraph (b) of this section, an application for allocation of imports of crude oil, unfinished oils, or finished products and for a license or licenses must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. Allocation periods are provided for in section 3 of this regulation.

(b) Applications for allocations of imports of crude oil and unfinished oils to persons having petrochemical plants for the allocation period January 1, 1966, through December 31, 1966, must be filed with the Administrator, in such form as he may prescribe on or before June 15, 1966, unless the time is extended by the Administrator. Paragraph (a) of this section does not apply to an application for an allocation pursuant to paragraph (c) of section 15 or to an application for imports into District I of residual fuel oil to be used as fuel.

Sec. 6 Records and inspections.

All persons receiving allocations pursuant to these regulations shall maintain complete records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants. These records shall be maintained on a current basis so that they will be available for inspection by a representative of the Oil Import Administration. All records required to be maintained pursuant to this section shall be retained for a period of three (3) years. In connection with the performance of the Oil Import Administration's responsibility for assuring full

compliance with these regulations and Proclamation 3279, as amended, the person shall permit representatives of the Oil Import Administration to enter upon his office, property, plants and facilities to examine such records and, if deemed necessary in order to verify such records, to inspect the refinery, petrochemical plant, or terminal and all operations being performed within the facilities which include, but are not necessarily limited to refining, receiving, shipping, testing, and storage. If requested by the Oil Import Administration representatives, the person shall be required to assign an employee to accompany the representatives of the Oil Import Administration in all inspections, record evaluations, and verification operations. The Oil Import Administration representatives shall not be required to sign any releases prior to entering upon a person's property or installation.

Sec. 7 Licenses.

(a) When an allocation has been made to a person under this regulation, the Administrator shall issue a license or licenses based on the allocation, specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (District I, Districts I–IV, Districts II–IV, District V or Puerto Rico) into which the importation may be made. The Administrator may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 8 Small quantities.

(a) Collectors of Customs are authorized to permit without a license baggage entries, and entries for consumption of small quantities of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis and which do not exceed 110 gallons per entry.

(b) Persons desiring to import small quantities not covered by paragraph (a) of this section shall file with the Administrator a written request for an authorization for entry without a license for each shipment describing the oil and quantity to be imported and listing the port of entry.

Sec. 9 Allocations—crude and unfinished oils—petrochemical plants—Districts I–IV, District V.

(a) For the allocation period January 1, 1966, through December 31, 1966, the quantity of imports of crude oil and unfinished oils available for allocation in Districts I–IV was 722,916 B/D. Of this quantity 30,000 B/D were set aside and are now made available for allocation in accordance with this paragraph (a) to persons having petrochemical plants in these districts. Each person with a petrochemical plant in Districts I–IV shall receive an allocation of crude oil and unfinished oils which equals the quantity of petrochemical plant inputs, in barrels at 60° Fahrenheit, which he charged to his petrochemical plant or plants in those districts during the year ending September 30, 1965, multiplied by the percentage ratio that imports of crude oil and unfinished oils, subject to allocation, into these districts bore to refinery inputs and petrochemical plant inputs in these districts during the year ending September 30, 1965. However, the Administrator may adjust this percentage upward or downward as necessary in order to allocate 30,000 B/D ratably among those eligible applicants filing timely applications.

(b) For the allocation period January 1, 1966, through December 31, 1966, the quantity of imports of crude oil and unfinished oils available for allocation in District V was 229,321 B/D. Of this quantity 2,000 B/D were set aside and are now made available for allocation in accordance with this paragraph (b) to persons having petrochemical plants in this district. Each person with a petrochemical plant in District V shall receive an allocation of crude oil and unfinished oils which equals the quantity of petrochemical plant inputs, in barrels at 60° Fahrenheit, which he charged to his petrochemical plant or plants in that district during the year ending September 30, 1965, multiplied by the percentage ratio that imports of crude oil and unfinished oils, subject to allocation, into this district bore to refinery inputs and petrochemical plant inputs in this district during the year ending September 30, 1965. However, the Administrator may adjust this percentage upward or downward as necessary in order to allocate 2,000 B/D ratably among those eligible applicants filing timely applications.

(c) No allocation made pursuant to paragraphs (a) and (b) of this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation. However, a person obtaining an allocation for crude oil or unfinished oils pursuant to this section may petition the Administrator to adjust this percentage of imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

(a) For the allocation period January 1, 1966, through December 31, 1966, the quantity of imports of crude oil and unfinished oils available for allocation in Districts I–IV is 722,916 B/D. Of this quantity 30,000 B/D were set aside and are now made available for allocation in accordance with section 9 to persons having petrochemical plants in these districts, and approximately 3,000 B/D are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. The balance of imports shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, such eligible applicant shall receive an allocation based on refinery inputs for the year ending September 30, 1965, and computed according to the following schedule:

Average B/D input	*Percent of input*
0–10,000	18.0
10–30,000	11.4
30–100,000	8.9
100,000 plus	5.26

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 54.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 54.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 42.25 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 42.25 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to paragraphs (b) and (c) of this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 11 Allocations—crude and unfinished oils—refiners—District V.

(a) For the allocation period January 1, 1966, through December 31, 1966, the quantity of imports of crude oil and unfinished oils available for allocation in District V is 229,321 B/D. Of this quantity 2,000 B/D were set aside and are now made available for allocation in accordance with section 9 to persons having petrochemical plants in this district, and approximately 1,000 B/D are reserved from allocation by the Administrator and made available to the Oil Import Appeals Board. The balance of imports shall be allocated by the Adminstrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending Sep-

tember 30, 1965, and computed according to the following schedule:

Average B/D input	*Percent of input*
0–10,000	48.5
10–30,000	22.0
30–100,000	11.9
100,000 plus	7.3

(c) (1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 46.0 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 46.0 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(2) If an applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program which reflected imports of crude oil that would now be exempt from restrictions pursuant to clause (4) of paragraph (a) of section 1 of Proclamation 3279, as amended, and if an allocation computed under paragraph (b) of this section would be less than 38.5 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 38.5 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 12 Eligibility for and allocations of residual fuel oil to be used as fuel—District I.

(a) To be eligible for an allocation of imports into District I of residual fuel oil to be used as fuel a person must:

(1) Have imported residual fuel oil to be used as fuel into District I during the calendar year 1957; or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and have under his management and operational control a deep-water terminal located in District I into which there has been delivered residual fuel oil to be used as fuel which he owned at the time of delivery, such delivery being the first delivery of that oil into a deep-water terminal in District I; or

(3) Be in the business in District I of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal residual fuel oil to be used as fuel which he owned when it was so delivered, such delivery being the first delivery of that oil into a deepwater terminal in District I.

(b) Subject to adjustments upward by the Secretary, the maximum level of imports of residual fuel oil to be used as fuel into District I for the allocation period April 1, 1966, through March 31, 1967, shall be 372,000 B/D. Of this amount the Administrator shall allocate 8,725 B/D in accordance with the decisions of the Oil Import Appeals Board, 5,480 B/D to the Department of Defense, 5,480 B/D to the General Services Administration, and 352,315 B/D pursuant to paragraph (c) of this section.

(c) (1) Except as provided in subparagraph (2) of this paragraph and unless an allocation under subparagraph (2) of this paragraph would be larger, each eligible applicant in District I who had terminal inputs as specified in paragraph (d) of section 12 of Oil Import Regulation 1 (Rev. 4), Amendment 1, shall receive an allocation of imports of residual fuel oil to be used as fuel into District I based upon the applicant's terminal inputs in that district for the year ending December 31, 1965, and computed according to the following schedule:

Average B/D input	*Percent of input*
0–5,000	35.0
5,000 plus	15.0

(2) An eligible applicant who imported residual fuel oil to be used as fuel into District I during the calendar year 1957 shall be entitled to an allocation of imports of residual fuel oil to be used as fuel into District I in an amount which equals the quantity of such imports by the applicant into that district during the calendar year 1957 multiplied by 0.75.

(d) In addition to allocations provided for in paragraphs (b) and (c) of this section for the allocation period April 1, 1966 through March 31, 1967, within the maximum level as periodically adjusted upward by the Secretary:

(1) The Administrator shall make allocations for that allocation period to each eligible applicant in District I of such quantities of imports of residual fuel oil to be used as fuel as the applicant certifies are required by the applicant to meet his obligations under firm existing contracts between the applicant and customers in District I less the quantity received by such applicant under an allocation made pursuant to paragraph (b) or (c) of this section. The Administrator shall issue licenses under such allocations to such applicant in such amounts as the applicant certifies have been delivered to customers during the allocation period under such contracts; and

(2) The Administrator shall make allocations for that allocation period and simultaneously issue licenses to each eligible applicant in District I of imports of residual fuel oil to be used as fuel in quantities equal to the quantities of such product which the applicant certifies that he has sold and delivered to customers in District I, exclusive of quantities which the applicant has delivered under contracts and which constitute the basis for the issuance of licenses pursuant to subparagraph (1) of this paragraph.

(e) The Administrator shall formulate procedures for making allocations and issuing licenses pursuant to paragraph (d) of this section.

NOTE: The Administrator has issued Residual Fuel Oil Import Instructions—District I, dated April 14, 1966 (31 F.R. 5960).

(f) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 13 Allocations of finished products—District I–IV, Districts II–IV, District V.

(a) The quantity of imports of finished products other than residual fuel oil to be used as fuel determined to be available for allocation in Districts I–IV and in District V, and the quantity of imports of residual fuel oil to be used as fuel available for allocation in Districts II–IV and in District V for any particular allocation period, shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of such products in the respective districts during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 14 Determination of maximum level of imports—Puerto Rico.

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended, the Secretary will, for each allocation period, establish a maximum level of imports of crude oil and unfinished oils into Puerto Rico. For each allocation period, the average barrels per day of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel into Puerto Rico shall not exceed the average barrels per day of imports of such products, respectively, into Puerto Rico during the last half of the calendar year 1958. The Secretary may adjust such level to meet a demand in Puerto Rico for finished products that would not otherwise be met.

Sec. 15 Allocations of crude oil and unfinished oils—Puerto Rico.

(a) For each allocation period, the Administrator shall recommend to the Secretary an allocation of imports of crude oil and unfinished oils for each applicant having refinery capacity in Puerto Rico during the calendar year 1964 based upon estimates of the requirements of such applicant for the allocation period. Allocations will be made by the Secretary upon consideration of the Administrator's recommendations.

(b) If, during the calendar year 1966, a person who received an allocation under paragraph (a) of this section for the allocation period April 1, 1966, through March 31, 1967, ships to Districts I–IV unfinished oils or finished products

(other than residual fuel oil to be used as fuel) or sell unfinished oils or finished products (other than residual fuel oil to be used as fuel) which were shipped to Districts I–IV in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the calendar year 1965, the person's allocation for the allocation period April 1, 1967, through March 31, 1968, shall be reduced by the amount of the excess. Thereafter, each succeeding allocation made to such a person shall be reduced by the amount by which shipments (as described above in this paragraph) made by or attributable to such person during the calendar year immediately preceding the beginning of the allocation period exceeds shipments made by or attributable to such person during the calendar year 1965.

(c) (1) In instances in which the Secretary determines that accomplishment of the objectives of Proclamation 3279, as amended, will not be impaired, allocations of imports of crude oil and unfinished oils may be granted to persons as feedstocks for facilities which in the Secretary's judgment will promote substantial expansion of employment in Puerto Rico through industrial development.

(2) A person seeking such an allocation should file an application with the Administrator. The application should disclose in detail the nature of the facility which the applicant proposes to construct, the proposed location of the facility, the capacity of such facility, the feedstocks to be charged to the facility, the products to be produced and the anticipated destinations of such products, the capital outlay involved, and the manner in which construction of the facility would promote substantial expansion of employment in Puerto Rico through industrial development.

(3) Each such allocation shall be subject to the following conditions and restrictions:

(i) That the profits from the operation of the facility during a minimum period of 10 years be invested in Puerto Rico in ways which will tend to promote substantial expansion of employment;

(ii) That all operations of the facility be conducted in accordance with sound business principles in order to provide maximum funds for investment in Puerto Rico;

(iii) That the Secretary or his authorized representative be given access upon request to all records of transactions pertaining to the operations of the facility, including the purchase of feedstocks for, and the sale and shipment of finished products, unfinished oils, and petrochemicals products by, the facility;

(iv) That all feedstocks imported under licenses issued pursuant to the allocation shall be derived from crude oil produced in the Western Hemisphere (North America, Central America, South America, and the West Indies), except in those instances in which this requirement is waived by the Secretary;

(v) That no licenses will be issued under the allocation until the facility is ready to go on stream and thereafter only upon a certification of amounts to be directly used by the facility;

(vi) That all imports made under such licenses be directly used by the facility; and

(vii) That imports in storage be taken into account by the Administrator in issuing licenses under the allocation for the succeeding allocation period.

An allocation shall, in addition, be subject to such other conditions and restrictions as the Secretary may deem necessary to prevent impairment of the objectives of Proclamation 3279, as amended, and to assure that any imports so allocated are used for the purposes for which the allocation is made and that the holder of such allocation fulfills commitments made in connection with the making of the allocation. The holder of such an allocation shall comply with all such conditions and restrictions, and noncompliance shall be grounds for the suspension or revocation of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 16 Allocations of finished products—Puerto Rico.

(a) For the allocation period beginning January 1, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products for the last half of the calendar year 1958 multiplied by the number of days in the allocation period. Separate allocation shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of other finished products is increased to meet a demand in Puerto Rico that would not otherwise be met, the Administrator shall increase the individual allocation of the person who has the demand.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 17 Use of imported crude oil and unfinished oils.

(a) Except as provided in paragraph (b) of this section, each person who imports crude oil or unfinished oils under a license issued pursuant to an allocation made (1) under sections 10, 11, or 15 of this regulation must process the oils so imported in his own refinery or (2) under section 9 of this regulation must process the oils so imported in his own petrochemical plant.

(b) (1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, or 11 or paragraph (a) of section 15 of this regulation may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A proposed agreement for each such exchange must be reported to the Administrator before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than one barrel of domestic oil for each barrel of imported oil unless a different exchange ratio is approved by the Administrator.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under sections 10, 11, or 15 for domestic oil must take delivery of the domestic oil and process it in his own refinery not later than 120 days after the day on which the imported oil is delivered to the other party to the exchange. Also, a person who is exchanging oil imported pursuant to an allocation under section 9 for domestic oil must take delivery of the domestic oil and process it in his own petrochemical plant not later than 120 days after the day on which the imported oil is delivered to the other party to the exchange.

(5) Each such exchange must be on an oil-for-oil basis, and no exchange involving adjustments, settlements, or accounting on a monetary basis is permissible.

(6) Any such exchange must not be otherwise unlawful.

Sec. 18 Reports.

(a) Each person who imports crude oil, unfinished oils, or finished products under a license issued under this regulation shall report to the Administrator the quantities in barrels corrected to 60° Fahrenheit of crude oil, unfinished oils, and finished products so imported. Each report shall state through which port of entry the importation was made and shall specify the kinds of unfinished oils and finished products imported. Each report shall be filed with the Administrator within fifteen (15) days of the end of a particular month.

(b) Each person who exchanges oil pursuant to section 17 of this regulation shall report the exchange to the Administrator on such forms as he shall prescribe. In addition, any changes occurring during an allocation period in the types of oils or the exchange ratio shall be reported.

Sec. 19 False statements.

Persons concealing material facts or making false statements in or in connection with any applications or reports filed with the Administrator or in connection with any license presented to or statements made to a Collector of Customs with respect to imports of crude oil, unfinished oils, or finished products, are guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

Sec. 20 Revocation or suspension of allocations or licenses.

The Administrator may, after a hearing, revoke or suspend any allocation or license issued under this regulation, on grounds relating to the national security, or the violation of the terms of Proclamation 3279, this regulation, or licenses issued pursuant thereto.

Sec. 21 Appeals.

(a) There is in the Department of the Interior, an Oil Import Appeals Board, comprised of a representative each from the Departments of the Interior, Defense, and Commerce, designated, respectively, by the Secretaries of such Departments. The Board shall elect a Chairman from its own membership.

(b) The Appeals Board shall consider petitions by persons affected by this regulation and may, within the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended:

(1) Modify any allocation made to any person under this regulation on the grounds of exceptional hardship or error;

(2) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for the allocations under this regulation;

(3) Grant allocations of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under this regulation; and

(4) Review the revocation or suspension of any allocation or license.

(c) (1) Except as provided in subparagraphs (2) and (3) of this paragraph, the modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made and no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than 30 calendar days before the beginning of an allocation period.

(2) An allocation granted pursuant to subparagraph (2) or (3) of paragraph (b) of this section to a person who has become ineligible because of total loss of refinery capacity, petrochemical plant, or deepwater terminal facilities may be made effective within the allocation period during which the Appeals Board's decision is made.

(3) The Board may make effective in a current allocation period a grant or a modification of an allocation of imports when a quantity of such imports has been made available for such purpose by the Secretary.

(d) The Appeals Board may take such action on petitions as it deems appropriate; and it may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business. The decisions of the Appeals Board on petitions shall be final.

Sec. 22 Definitions.

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "District I" comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia;

(c) "Districts II–IV" means all of the States of the United States except those States within District I and District V;

(d) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(e) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii;

(f) "Crude oil" means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products;

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases—ethane, propane, butanes, ethylene, propylene, and butylenes (but not methane) which are recovered from natural gas or produced in the refining of petroleum and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmospheric pressures;

(2) Gasoline—a refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel—a refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil—a liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil—a topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification MIL–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt—a solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil;

(9) Natural gas products—means liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in subparagraphs (2) through (5), inclusive, of this paragraph (g);

(h) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (g) of this section, or a mixture or combination of such oils which are to be further processed other than by blending by mechanical means;

(i) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(j) The words "importation," "importing," "import," "imports," and "imported" include both entry for consumption and withdrawal from warehouse for consumption;

(k) "Refinery inputs" means refinery feedstocks,

(1) And include only—

(i) Crude oil,

(ii) Imported unfinished oils and,

(iii) Ethane, propane and butanes which are recovered from natural gas and which are converted into other finished products or unfinished oils;

(2) But do not include for the purpose of computing allocations under section 10 or section 11 of this regulation, any crude oil or unfinished oils which are imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oil from which the unfinished oils were processed or manufactured.

(l) "Refinery capacity" means a plant which (1) consists of stills, refining units and equipment for separating or converting hydrocarbons, and storage tanks, pipelines and pumps; (2) processes crude oil or further processes unfinished oils through the stills or units; and (3) manufactures two or more separate and distinct finished products, unfinished oils, or at least one finished product and one unfinished oil for a total yield equal to not less than 30 percent of the total refinery inputs;

(m) "Deepwater terminal" means a permanent land installation which (1) consists of bulk storage tanks having not

less than 100,000 barrels of operational capacity, pumps, and pipelines used for the storage, transfer and handling of residual fuel oil; (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons; and (3) has a berth that will permit the delivery of residual fuel oil to be used as fuel into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage;

(n) "Petrochemical plant" means a facility or a unit or group of units within a facility to which petrochemical plant inputs are charged and in which more than 50 percent (by weight) of such inputs are converted by chemical reactions into petrochemicals;

(o) "Petrochemical plant inputs" means unfinished oils other than (1) unfinished oils which are imported into the United States by pipeline, rail, or other means of overland transportation from the country where they are produced, which country is also the country of production of the crude oil from which the unfinished oils were processed or manufactured; and (2) unfinished oils produced in a petrochemical plant as a byproduct in the manufacture of petrochemicals and subsequently recharged to the same petrochemical plant in which they were produced;

(p) "Petrochemicals" means organic compounds or chemical elements other than unfinished oils or finished products, produced from petrochemical plant inputs by chemical reaction.

STEWART L. UDALL,
Secretary of the Interior.

MAY 25, 1966.

[F.R. Doc. 66-5952; Filed, May 31, 1966; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Sanford Dam and Lake Meredith, Canadian River, Tex.; Cheney Dam and Reservoir, North Fork of Ninnescah River, Kans.

1. Pursuant to the provisions of section 7 of the Act of Congress, approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of flood control storage above elevation 2941.3 in Lake Meredith on the Canadian River, Tex., and operation of the Sanford Dam for flood control purposes.

§ 208.32 Sanford Dam and Lake Meredith, Canadian River, Tex.

The Bureau of Reclamation, or its designated agent, shall operate the Sanford Dam and Lake Meredith in the interest of flood control as follows:

(a) Flood control storage in the reservoir, Lake Meredith, between elevation 2941.3 (top of conservation pool) and elevation 2965.0 (top of flood control pool) initially amounts to 462,100 acre-feet. Whenever the reservoir level is within this elevation range, the flood control discharge facilities shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. All flood control releases shall be made in amounts which, when combined with local inflow below the dam, will not produce flows in excess of bankful on the Canadian River downstream of the reservoir. In order to accomplish this purpose, flows shall not exceed 25,000 c.f.s. at the Sanford Dam site or an 8.0-foot stage (75,000 c.f.s.) on the U.S.G.S. gage on the Canadian River near Canadian, Tex., river mile 433.9.

(b) When the reservoir level exceeds elevation 2965.0 (top of flood control pool) releases shall be made at the maximum rate possible through the flood control outlet works, the river outlet works and the uncontrolled spillway and continue until the pool level recedes to elevation 2965.0 when releases will be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation, or its designated agent in immediate charge of operation of the Sanford Dam will furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer for this purpose showing the pool elevation; the number of flood control outlet works gates in operation with their respective openings and releases; the uncontrolled spillway release; and the municipal outlet works release; storage; tailwater elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally a reading at 8 a.m., noon, 4 p.m., and midnight, shall be shown for each day. Readings of all items except evaporation shall be shown for at least four observations a day when the reservoir level is at or above elevation 2941.3. Whenever the reservoir level rises to elevation 2941.3 and releases for flood regulation are necessary or appear imminent, the representative of the Bureau of Reclamation, or its designated agent, shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, will report once daily thereafter in that manner until the reservoir level recedes to elevation 2941.3. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section, insofar as they govern use of the flood control storage capacity above elevation 2941.3, are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation and its designated agent in immediate charge of operation of the Sanford Dam by the best available means of communication, and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, and his designated agent, with a copy to the representative in charge of the Sanford Dam.

(e) Flood control operation shall not restrict pumping necessary for municipal and industrial uses and releases necessary for downstream users.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with the safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the flood control outlet works (capable of discharging approximately 22,000 c.f.s. with the reservoir level at elevation 2941.3) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5725 as modified by revised drawings and criteria in Designers' Operating Criteria, Sanford Dam, dated October 1965).

(h) All elevations stated in this section are at Sanford Dam and are referred to the datum in use at that location.

2. Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1421.6 in Cheney Reservoir on the North Fork of Ninnescah River, Kans., and the operation of the Cheney Dam for flood control purposes.

§ 208.33 Cheney Dam and Reservoir, North Fork of Ninnescah River, Kans.

The Bureau of Reclamation, or its designated agent, shall operate the Cheney Dam and Reservoir in the interest of flood control as follows:

(a) Flood control storage in the reservoir is the capacity between elevation 1421.6 (top of the conservation pool) and elevation 1429.0 (top of the flood control pool), and initially amounts to 80,860 acre-feet. Whenever the reservoir level is within this range the flood control discharge facilities shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. All flood control releases shall be made in amounts which, when combined with local inflow below the dam, will not produce flows in excess of bankfull on the North Fork of

Ninnescah and Ninnescah River downstream of the reservoir and on the Arkansas River to Arkansas City, Kans. In order to accomplish this, flows shall not exceed a 90-foot stage (2,500 c.f.s.) on the U.S.G.S. gage on North Fork of Ninnescah River near Cheney, Kans., river mile 8.8; a 12-foot stage (7,000 c.f.s.) on the U.S.G.S. gage on Ninnescah River near Peck, Kans., river mile 31.6; and a 16-foot stage (18,000 c.f.s.) on the U.S.W.B. gage on Arkansas River at Arkansas City, Kans., river mile 701.4.

(b) When the reservoir level exceeds elevation 1429.0 (top of flood control pool), releases shall be made at the maximum rate possible through the river outlet works and the uncontrolled spillway and continued until the pool recedes to elevation 1429.0 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation or its designated agent in immediate charge of operation of the Cheney Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer for this purpose, showing the pool elevation; the number of river outlet works gates in operation with their respective openings and releases; uncontrolled spillway release; municipal pumping rate; storage; tailwater elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, a reading at 8 a.m., noon, 4 p.m., and midnight, shall be shown for each day. Whenever the reservoir pool rises to elevation 1421.6 and releases for flood regulation are necessary or appear imminent, the representative of the Bureau of Reclamation or its designated agent, shall report at once to the District Engineer by telephone or telegraph, and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir pool recedes to elevation 1421.6. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section, insofar as they govern use of flood control storage capacity above elevation 1421.6, are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation and its designated agent in immediate charge of operations of the Cheney Dam by any available means of communication, and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, and his designated agent, with a copy to the representative in charge of the Cheney Dam.

(e) Flood control operation shall not restrict pumping necessary for municipal and industrial uses and releases necessary for downstream users

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with the safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the river outlet works (capable of discharging approximately 3,590 c.f.s. with the reservoir level at elevation 1421.6) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC–5744 as modified by revised drawings and criteria in Designers' Operating Criteria, Cheney Dam, dated November 1964).

(h) All elevations stated in this section are at Cheney Dam and are referred to the datum in use at that location.

[Regs., May 5, 1966, ENGCW–EY] (sec. 7, 58 Stat. 890; 33 U.S.C. 709)

LAWRENCE H. WALKER, Jr.,
Brigadier General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 66–5925; Filed, May 31, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

PART 22—SECOND CLASS

PART 25—FOURTH CLASS

PART 43—MAIL DEPOSIT AND COLLECTION

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 13.5, paragraph (a)(1) is amended to prohibit nonpostal personnel from copying names and addresses from city or rural carrier cases. As so amended, it now reads;

§ 13.5 Mailing list services.

(a) *Correction of mailing lists*—(1) *Service available.* Mailing lists submitted by departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested at the expense of the owners of the lists. For lists received from Federal agencies and Members of Congress, see subparagraph (4) of this paragraph. Postal employees must not compile mailing lists including occupant lists. Persons other than postal employees may not copy or record by any other means names or addresses from city or rural carrier cases.

* * * * *

NOTE: The corresponding Postal Manual section is 123.511.

II. In § 22.8, paragraph (a) is revised to reflect current language in section 4352b, Title 39, United States Code.

§ 22.8 Cancellation of second-class privileges.

(a) The Postmaster General may revoke the entry of a publication as second-class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second-class mail. (39 U.S.C. 4352b).

* * * * *

NOTE: The corresponding Postal Manual section is 132.81.

III. In § 25.2, paragraph (a)(4)(v) is amended to provide for acceptance of player piano rolls as sound recordings at the special fourth-class rate of postage. As so amended, it now reads:

§ 25.2 Classification.

(a) *Description.* * * *

(4) * * *

(v) Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Player piano rolls are classified as sound recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement "Special Fourth-Class Rate—Sound Recordings" must be placed conspicuously on the address side of each package.

* * * * *

NOTE: The corresponding Postal Manual section is 135.214e.

IV. In § 43.6, the address following "Federal Mail Chute Corp., Ltd." in paragraph (h)(2) is changed to read:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(h) *Mailing chute and receiving box manufacturers.* * * *

(2) Manufacturers of approved receiving boxes and mailing chutes are: * * * Federal Mail Chute Corp., Ltd., 364 Bush Street, San Francisco, Calif., 94104; * * *

* * * * *

NOTE: The corresponding Postal Manual section is 153.682.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4352, 4554)

TIMOTHY J. MAY,
General Counsel.

MAY 26, 1966.

[F.R. Doc. 66–5963; Filed, May 31, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER C—DEFENSE MATERIALS

PART 101–15—LEAD AND ZINC STABILIZATION

The following materials set forth miscellaneous amendments to reference Public Law 89–238. In particular, Part 101–15 is revised to delete obsolete materials on qualifications of participants

and to incorporate new materials which effectuate the provisions of Title VI of the Civil Rights Act of 1964.

Pursuant to the authority vested in me by Delegation of Authority from the Secretary of the Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822), on April 20, 1962, this regulation is amended as follows:

Subchapter C is amended by the revision of Part 101–15, to read as follows:

Subpart 101–15.1—Stabilization Payments to Small Domestic Producers

Subparts 101–15.2—101–15.48 [Reserved]

Subpart 101–15.49—Forms

AUTHORITY: The provisions of this Part 101–15 issued under secs. 4, 5, 75 Stat. 767, 768, as amended; 30 U.S.C. 684, 685; delegation of the Secretary of the Interior, 27 F.R. 3822.

Subpart 101–15.1—Stabilization Payments to Small Domestic Producers

§ 101–15.101 Basis and purpose.

The regulations in this Part 101–15 implement Public Law 87–347, 30 U.S.C. 684, 685, as amended, which authorizes the establishment and maintenance of a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by such producers on public, Indian, and other lands. Pursuant to this Act, and the delegation of authority from the Secretary of the Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822, Apr. 20, 1962), the Administrator of General Services is authorized to make stabilization payments and to establish and promulgate such regulations and to require such reports as he deems necessary to carry out the purposes of the Act and to assure equitable distribution of the benefits provided for by the Act among the small domestic producers affected. The Administrator of General Services will make such stabilization payments in accordance with the Act and the regulations in this Part 101–15.

§ 101–15.102 Definitions.

As used in this subpart, terms shall have the meanings described in this section.

§ 101–15.102–1 Act.

"Act" means the Act of Congress approved October 3, 1961, Public Law 87–347, 30 U.S.C. 681, as amended.

§ 101–15.102–2 Administrator.

"Administrator" means the Administrator of General Services or his duly authorized representative.

§ 101–15.102–3 Normal inventory of crude ore.

"Normal inventory of crude ore" means the quantity of broken ore on hand at the surface of a mine on October 5, 1965, but not in excess of a quantity which bears a reasonable relation to the quantities of such material customarily maintained during any calendar year between January 1, 1960, and the first day of the period for which he seeks payment.

§ 101–15.102–4 Newly mined ore or concentrates.

"Newly mined ore or concentrates" means domestic ores severed from the land, or concentrates produced from such domestic ores, subsequent to October 5, 1965, including a normal inventory of crude ore as defined in § 101–15.102–3. The term does not refer to material recovered from mine dumps, mill tailings, smelter slags, or residues derived from the ore mined prior to October 5, 1965, or to secondary or salvage material, or to any ores or concentrates which have been commingled with such materials.

§ 101–15.102–5 Operating unit.

"Operating unit" means a mine or group of mines, or portions of either, which the Administrator determines, on the basis of cost and operating records or other available data, are being operated as a single unit separate and apart from other units in the same area.

§ 101–15.102–6 Principal product or products.

The term "principal product or products" means that the dollar value of lead or zinc sold or the combination of lead and zinc sold must have been 50 per centum or more of the total dollar value of all minerals and metals contained in the ores and concentrates produced and sold by the small domestic producer, calculated on the basis of the product of the total metal and mineral content of the ores and concentrates sold, as determined from the settlement assays, and the quoted market prices of those metals or minerals at the time of the sale.

§ 101–15.102–7 Quarter.

"Quarter" means a 3-month period commencing on the first day of January, April, July, or October.

§ 101–15.102–8 Recoverable content.

"Recoverable content" means 95 percent of the lead content of the ores or concentrates and 85 percent of the zinc content of the ores or concentrates as determined by assay.

§ 101–15.102–9 Sale.

"Sale" means a bona fide transfer for value of ores or concentrates from a producer to a processor, which shall be deemed to have occurred not later than the date of receipt of the material by the processor. If a producer smelts or refines his own ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are received at his smelter or refinery. A sale of concentrates produced from ores sold to a processing plant by a small domestic producer in accordance with the regulations in this Part 101–15 shall not be considered as a sale by the owner of the processing plant, but shall be considered as a sale by such producer.

§ 101–15.102–10 Small domestic producer.

The term "small domestic producer" means any person or firm who, during a period of not less than 12 months, has engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels and who, during any 12-month period between January 1, 1960, and the first day of the period for which he seeks payments under this Act, has not produced or sold ores or concentrates the recoverable content of which is more than 3,000 tons of lead and zinc combined, recoverable content being computed as 95 per centum of the lead content of the ores or concentrates and 85 per centum of the zinc content of the ores or concentrates: *Provided*, That the principal product or products of such producer is either lead or zinc or a combination of lead and zinc. The term "small domestic producer" does not include any firm which is a subsidiary of, or controlled by, a large producer.

§ 101–15.102–11 Normal commercial channels.

The term "normal commercial channels" means the use of beneficiating plants, smelters, refineries, or other processing plants which purchase and process lead or zinc ores or concentrates as a usual part of their business.

§ 101–15.102–12 Ton.

"Ton" means 2,000 pounds avoirdupois net dry weight.

§ 101–15.103 Duration of the program.

The program shall terminate with respect to each calendar year upon the

happening of any of the following, whichever occurs first:

(a) The closing of the calendar year, or

(b) When the amount of stabilization payment during any calendar year totals $2,500,000, or

(c) December 31, 1969.

§ 101–15.104 Participation in the program.

(a) Any small domestic producer desiring to participate in the program shall apply on GSA Form 1776 (see § 101–15.4901) to General Services Administration, Defense Materials Service, Washington, D.C., 20405. The application should state that the applicant has read the regulations in this Part 101–15 and accepts their terms and conditions. The Administrator may request such additional information as may be necessary and will issue to each applicant found by him to be qualified, a certificate of participation on GSA Form 1777 (see § 101–15.4902), authorizing the applicant to apply for stabilization payments under the regulations in this Part 101–15 to the extent he is eligible and qualified to receive such payment. The issuance of such a certificate shall not entitle the applicant to any stabilization payments to which he would not otherwise be entitled under the terms and conditions of the Act and the regulations in this Part 101–15.

(b) To obtain stabilization payments, a certified producer shall submit to GSA a request for payment on GSA Form 1778 (see § 101–15.4903). Subject to compliance with the regulations in this part, previously qualified participants will not be required to reapply.

(c) Notwithstanding the fact that all requirements of the regulations in this Part 101–15 may have been met, a small domestic producer shall not be entitled to any stabilization payments if funds are not available therefor under the program.

(d) Notwithstanding any other provisions of the regulations in this Part 101–15, no stabilization payments will be made to any participant in the Lead and Zinc Small Producer's Stabilization Act unless the participant recognizes and agrees to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (Subpart 101–6.2 of this chapter) issued under the provisions of Title VI of the Civil Rights Acts of 1964.

§ 101–15.105 Stabilization in the program.

Stabilization payments will be made to small domestic producers upon the following terms and conditions:

(a) Presentation of evidence satisfactory to the Administrator of the sale by such applicant of his production of newly mined ore, or concentrates produced therefrom, as provided for in the regulations in this Part 101–15.

(b) Payment shall be made only with respect to the lead or zinc metal content as determined by assay in accordance with paragraphs (c) and (d) of this section.

(c) When the producer sells ore to a processing plant, the assays for lead and zinc shown on the certified assay report issued by the processing plant shall be used. When the producer ships ore to his own processing plant, or ships ores to a toll processing plant and sells the concentrates therefrom, the assays shown on the certified assay report issued by the smelter or refinery purchasing the concentrates shall be used. Such assays shall be furnished without cost to GSA. Prior to the issuance of a certificate of participation to an applicant, the applicant shall agree that a representative of the Administrator may be present at the weighing, sampling, and assaying of the material upon which stabilization payments are claimed; that a representative portion of the sample shall be packaged, sealed, and identified as the Government's sample; that the Government's sample shall be set aside and held for the Government; and that the Government may have its sample assayed, in which event the Government's assays shall be accepted as establishing the metal content of the material sampled for the purpose of determining the amount of stabilization payments which the applicant may claim against the sales of such material. The cost of the Government's assay shall be for the Government's account.

(d) Lead or zinc metal content shall be calculated on the basis of the dry weights of the ores or concentrates sold multiplied by the percentages of contained lead or zinc metal shown in the assays issued in accordance with paragraph (c) of this section. No stabilization payments shall be made for zinc metal contained in a lead ore or concentrate, or for lead metal contained in a zinc ore or concentrate, unless both metals are sold. If, however, the processor is the same person as the producer, such payments will be made only if such ore or concentrate is to be primarily processed for the recovery of both metals.

(e) For lead, such payment shall be made, subject to the availability of funds therefor, on sales made at times when the market price for common lead at New York, N.Y., as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(f) For zinc, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for prime western zinc at East St. Louis, Ill., as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(g) The Administrator's market price determinations shall be based upon trade publications and such other sources of market information as he deems relevant.

(h) Each small domestic producer shall submit one request for payment, on GSA Form 1778 (see § 101–15.4903), covering all sales for each month. Each such request should be submitted by the 15th day after the end of the month in which the sales covered by such request are made, except that requests with respect to sales made between January 1, 1966, and the last day of the month in which the participant receives his certification of participation are to be submitted by the 15th day of the following month. Requests shall be submitted to: General Services Administration, Region 3, Office of Regional Data and Financial Management, 3BCR, Accounting and Reports Division, Washington, D.C., 20407. Unless justifiable cause beyond the reasonable control of the applicant is shown, request for payment received after the applicable date will not be paid until the month following their receipt and in no event will payments be made on requests received after March 31 of the year following the year of the sale. Late requests run the risk of the exhaustion of funds through the payment of timely requests.

(i) Except for applications for participation received during the first three quarters of 1965, an applicant may be eligible for payments under the regulations in this Part 101–15 only with respect to sales in a quarter commencing after the date of the receipt of his application.

§ 101–15.106 Limitations on individual producers and properties.

(a) Stabilization payments otherwise authorized under the regulations in this Part 101–15 shall be subject to the following limitations and restrictions:

(1) No stabilization payments shall be made to any small domestic producer on sales, or further processing in lieu of sales, of newly mined ores or concentrates produced therefrom in any calendar year in excess of 1,200 tons of zinc and 1,200 tons of lead.

(2) No stabilization payments shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, 50 U.S.C. Appendix 2061–2166, as amended, or the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98–98h. The amounts of such material shall be applied to reduce the annual maximum quantities specified in subparagraph (1) of this paragraph and the applicable quarterly limitations and quotas fixed by the Adminstrator pursuant to § 101–15.107.

(b) The Administrator may determine what constitutes a single operating unit producing ores. If more than one producer claims payment for sales from production of a single operating unit, the Administrator may determine the quantity of sales for each such producer to which the limitations set forth in the regulations in this Part 101–15 apply.

§ 101–15.107 General limitations.

(a) Notwithstanding any other provisions of the regulations in this Part 101–15, the maximum amounts of stabilization payments which may be made on account of sales of newly mined ores or concentrates produced therefrom shall not exceed the sum of $2,500,000 in any calendar year.

(b) For the purpose of achieving stabilization in the annual rates of production, the Administrator will fix limitations each quarter on the total amounts of lead and zinc on which stabilization payments will be made. The Administrator will assign quotas to individual producers within such quarterly limitations to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the programs. The limitations and quotas so fixed and assigned will not be subject to adjustment except in the event of changes in market prices having such substantial impact upon amounts payable on sales during the quarter as the Administrator determines to require adjustments to avoid defeating the statutory purposes of stabilizing production and making equitable distribution of benefits. The sum of the quarterly limitations or the sum of all producers' quarterly quotas for a calendar year may be less than the total eligible tonnage if funds are not available to cover the full eligible tonnage. Shortfalls in meeting quarterly quotas for any of the first three quarters may be made up by sales in excess of the individual producer's quota for the following quarter only. Shortfalls in the fourth quarter cannot be made up by sales in the first quarter of the following year. Sales made in any quarter in excess of the quota for that quarter may not be carried forward for payment during subsequent quarters.

§ 101–15.108 Reports and inspections.

(a) Applicants shall furnish the Administrator, from time to time, reports showing production and disposition of ores or concentrates, together with such other reports and information as the Administrator may require for the administration of the regulation in this Part 101–15. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U.S.C. 139), and requirements subsequently prescribed will be subject to such approval.

(b) Authorized representatives of the U.S. Government may enter the applicant's property at all reasonable times for inspection of the operations of the applicant. The applicant shall provide such authorized representatives with all reasonable means of access for such inspections.

§ 101–15.109 Access to books and records.

Until 3 years after the termination of the program established under the regulations in this Part 101–15 authorized representatives of the U.S. Government shall have access to and the right to examine any pertinent books, documents, papers, and records of any participant involving transactions related to the program.

§ 101–15.110 Modifications of benefits.

The regulations in this Part 101–15 may be amended or revised by the Administrator from time to time whether or not such amendment or revision increases or decreases any of the benefits provided for by the regulations in this Part 101–15 or affects the distribution of benefits among small domestic producers.

§ 101–15.111 Criminal and civil penalties.

As provided in 30 U.S.C. 689:

(a) Whoever, for the purpose of procuring a payment to which he is not entitled under the Act or the regulations in this Part 101–15 or for the purpose of assisting another to procure a payment to which the other is not entitled under the Act or the regulations in this Part 101–15 misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than $5,000 or imprisoned not more than 2 years, or both, and shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

(b) Whoever accepts a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, knowing that he is not entitled, thereto or whoever, having accepted a payment under the Act or the regulations in this Part 101–15 to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than $5,000 or imprisonment for not more than 2 years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101–15.

Subparts 101–15.2—101–15.48 [Reserved]

Subpart 101–15.49—Forms

§ 101–15.4900 Scope of subpart.

This subpart illustrates forms available for use in connection with the Lead and Zinc Stabilization Program prescribed in Part 101–15.

§ 101–15.4901 GSA Form 1776, Application for Participation in the Lead and Zinc Mining Stabilization Program.

§ 101–15.4902 GSA Form 1777, Certificate of Participation in the Lead and Zinc Mining Stabilization Program.

§101–15.4903 GSA Form 1778, Request for Payment in the Lead and Zinc Mining Stabilization Program.

NOTE: The forms in §§ 101–15.4901, 101–15.4902, 101–15.4903 are filed as part of the original document. Copies of these forms may be obtained from the General Services Administration, Defense Materials Service, Industry Materials Division, Washington, D.C., 20405.

Secretary of the Interior concurrence. These regulations have been concurred in by the Secretary of the Interior.

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

Dated: May 24, 1966.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 66–5955; Filed, May 31, 1966; 8:47 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart F—Grants To Improve Quality of Schools of Medicine, Dentistry, Osteopathy, Optometry, and Podiatry

Correction

In F.R. Doc. 66–5565, appearing at page 7376 of the issue for Saturday, May 21, 1966, the phrase reading "with the princicant" in § 57.511(b) should read "of the applicant".

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

ALABAMA

Appendix A to Part 801 is amended as set out below to show, under the heading

"Dates, Times, and Places for Filing," one additional place for filing in Alabama:

ALABAMA

County; place for filing; beginning date.
* * * * *
Choctaw; Butler—Post Office; May 31, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965, P.L. 89–110)

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

[F.R. Doc. 66–6065; Filed, May 31, 1966; 9:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

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

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted only on the areas designated by signs as open to fishing. These posted areas, comprising 13,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from the date of this publication through September 30, 1966.

(2) The use of minnows or fish, or parts thereof, for bait is not permitted.

(3) The use of boats is not permitted on Chippewa Lake. The use of boats without motors is permitted on Lost and Wauboose Lakes.

(4) Fishing in the Ottertail River at the bridge on County Road 26 is limited as posted by signs to approximately 50 yards upstream and approximately 100 yards downstream from the bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1966.

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

MAY 24, 1966.

[F.R. Doc. 66–5944; Filed, May 31, 1966; 8:46 a.m.]

Proposed Rule Making

FEDERAL TRADE COMMISSION

[16 CFR Part 45]

SOLVENTS INDUSTRY

Revocation of the Trade Practice Rules

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58, and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 16 CFR 1.61–1.67, the Federal Trade Commission proposes to revoke the Trade Practice Rules for the Solvents Industry promulgated August 28, 1931.

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed revocation to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C., 20580, in writing not later than July 1, 1966. All comments received will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C., and will be fully considered by the Commission.

Approved: May 24, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–5958; Filed, May 31, 1966; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

APPLES

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Grades of Apples (7 CFR 51.300–51.323) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 1, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed amendment of the grade standards. Section 51.312 of the U.S. Standards for Grades of Apples requires that closed containers of apples be marked to indicate numerical count or minimum diameter. This section further states that when the numerical count is not shown, the minimum diameter shall be plainly marked on the containers in accordance with the facts.

The U.S. Department of Agriculture has, for many years, interpreted minimum diameter, when marked on containers of apples, to mean that more than 5 percent of the apples must be smaller than the next larger size. For example, in containers marked "2¼-inch minimum" at least 6 percent of the apples must be smaller than 2½ inches in diameter to comply with the marking requirements. However, in this example there must not be more than 5 percent, the tolerance for undersize, under 2¼ inches.

Several industry leaders objected to the Department's interpretation and suggested that the word "minimum," or its abbreviation, when used as part of a size marking, be interpreted to mean only that there are no apples smaller than the marked diameter except for the tolerances provided in §§ 51.307 and 51.308 of the U.S. Standards for Grades of Apples.

On October 25, 1965 the U.S. Department of Agriculture sent an explanation on the question of minimum diameter markings interpretation to interested persons as a notice of intention to consider amending the U.S. Standards for Grades of Apples. As a result of this notice, approximately 80 percent of those who responded favored interpreting the word "minimum" in § 51.312 of the U.S. Standards for Grades of Apples as meaning only that the apples are of the stated size or larger. To avoid misunderstanding in connection with the meaning of minimum diameter markings, it is proposed that § 51.312 be amended.

Also, in the same section, a provision would be made for reporting diameter in inches and not less than one-fourth inch fractions in accordance with common practice, instead of the one-eighth inch fractions now provided.

As proposed to be amended, § 51.312 is set forth below.

§ 51.312 Marking requirements.

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than one-fourth inch fractions thereof.

(b) The word "minimum," or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (See §§ 51.307 and 51.308.)

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: May 25, 1966.

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

[F.R. Doc. 66–5975; Filed, May 31, 1966; 8:49 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Parts 1065, 1066, 1068, 1069, 1075, 1076, 1125, 1131, 1133, 1134, 1136, 1137, 1138]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA ET AL.

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR parts	Marketing area	Docket Nos.
1065	Nebraska-Western Iowa	AO 86–A19.
1066	Sioux City, Iowa	AO 122–A13.
1068	Minneapolis-St. Paul, Minn.	AO 178–A17 RO 1.
1069	Duluth-Superior	AO 153–A11.
1075	Black Hills, S. Dak.	AO 248–A6.
1076	Eastern S. Dak.	AO 260–A8.
1125	Puget Sound	AO 226–A13.
1131	Central Arizona	AO 271–A10.
1133	Inland Empire	AO 275–A14.
1134	Western Colorado	AO 301–A5.
1136	Great Basin	AO 309–A8.
1137	Eastern Colorado	AO 326–A9.
1138	Rio Grande Valley	AO 335–A7.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Silver Glade Room, Cosmopolitan Hotel, East 18th Avenue and Broadway, Denver, Colo., beginning at 9 a.m., local time, on June 6, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Nebraska-Western Iowa, Sioux City, Iowa, Minneapolis-St. Paul, Duluth-Superior, Black Hills, S. Dak., Eastern South Dakota, Puget Sound, Central Arizona, Inland Empire, Western Colorado, Great Basin, Eastern Colorado, and Rio Grande Valley marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions anticipated for the next few months. With respect to the order

regulating the handling of milk in the Minneapolis-St. Paul marketing area this hearing represents a reopening for the limited purposes stated herein of a public hearing previously held under docket No. AO 178–A17.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the months of July through December 1966 under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued on representation by producers that emergency action is necessary to avert present or potential milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on May 27, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-6061; Filed, May 31, 1966; 9:28 a.m.]

[7 CFR Part 1099]

[Docket Nos. AO–183–A13, AO–183–A15]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Paducah, Ky., on November 17 and 18, 1965, pursuant to notice thereof issued on October 21, 1965 (30 F.R. 13581), and on April 26, 1966, pursuant to notice thereof issued on April 18, 1966 (31 F.R. 6120).

Upon the basis of the evidence introduced at the hearings and the records thereof, the Deputy Administrator, Regulatory Programs, on May 11, 1966 (31 F.R. 7129; F.R. Doc. 66–5281), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 7129; F.R. Doc. 66–5281) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Immediately preceding the "Findings and conclusions" two new paragraphs are added.

2. The three paragraphs of Issue No. 2 "Emergency action" are deleted and four new paragraphs are added.

3. Under the subheading "Relationships to other markets" in the tenth paragraph a new sentence is added immediately preceding the last sentence.

The material issues on the records of the hearings relate to:

1. Class I prices for May 1966 and subsequent months (including the issue listed as No. 2(b), Class I prices after June 1966, in the final decision issued April 25, 1966).

2. Whether there is need for emergency action with respect to said Class I prices; and

3. Location adjustments for handlers (listed as Issue No. 5 in the April 25, 1966, decision).

Class I prices under the Paducah order were a subject at both the November 1965 and April 1966 hearings. On the record of the earlier hearing the issue of Class I prices was decided for the period of February through June 1966 but not for subsequent periods. The April hearing was called to consider a new proposal for Class I prices for period beginning with May 1966 and any economic and emergency marketing conditions relating to the proposed amendments.

Issue No. 3, location adjustments for handlers, on the record of the November hearing, will be considered in a further decision on the record. All other issues on the record of the November hearing were dealt with in decisions issued January 21, 1966 (31 F.R. 1152), and April 25, 1966 (31 F.R. 6500).

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

The Class I price per hundredweight at pool plants in the Kentucky portion of the marketing area should be the Class I price pursuant to Order No. 62 for the St. Louis, Mo., marketing area plus 15 cents.

Price proposals. At the hearing held on April 26, the Paducah Graded Milk Producers Association asked that the Class I price per hundredweight at Paducah each month be the St. Louis order Class I price plus 15 cents. This is a modification of their proposal as it appeared in the notice of hearing which would have based the Class I price on the Suburban St. Louis order price. Under the association's proposal, the price 15 cents over the St. Louis price would apply in the Kentucky portion of the marketing area, and (as now provided in the order) a price 10 cents higher than at Paducah would apply at pool plants in the Missouri part of the marketing area. The association, which represents virtually all producers on the Paducah market, asserted that such price is necessary to maintain an adequate supply of milk for the market.

Since this proposal contemplates a fixed relationship to the St. Louis Class I price each month, it would modify the seasonal pricing in Paducah to be the same as the seasonal pricing in the St. Louis market. This proposal was requested in place of producers' proposal in the November hearing which would have preserved the present seasonal changes and added 10 cents per hundredweight each month.

One Paducah handler who testified at the April 26, 1966, hearing supported the price increase proposed by the producers' association. The handler asserted that the proper alignment of the Paducah Class I price would be with markets to the north. There was no objection at the April hearing to the producer proposal, although certain handlers in the Memphis market asked that the Class I prices preferably be based on a relationship to the Memphis Class I price. Their modification of producers' proposal would have resulted in a higher price level. Witnesses for Mid-South Milk Producers Association and Central Arkansas Milk Producers Association also testified in favor of the producers' proposal.

Production and Class I sales. The Paducah milk market has relatively high Class I utilization, averaging 88.4 percent of producer milk in Class I during 1965. Monthly milk production averaged about 9.7 million pounds and monthly Class I disposition of producer milk about 8.6 million pounds.

During the past 2 years, average Class I disposition has increased more than producer milk receipts. Class I use of producer milk in 1965 increased 17.1 percent over the quantity in 1964, while production increased 13.3 percent. For the first 3 months of 1966, Class I producer milk was 6.1 percent more than in the same months of 1965, and producer receipts increased 1.6 percent.

As a result of the greater increase in sales than production, milk supplies in recent months have been barely sufficient to meet Class I requirements. Class I utilization of producer milk exceeded 90 percent in 6 of the 8 months ending with March 1966, and averaged 93.3 percent in the last 3 months.

Although most fluid disposition of Paducah handlers is producer milk, it was necessary in the early part of 1966 to secure supplemental supplies of about 550,000 pounds of other source milk for Class I during the January–March period.

Relationships to other markets. The utilization of association member milk is influenced by conditions in nearby markets. The Paducah Graded Milk Producers Association shifts members among several milk markets including Paducah, Suburban St. Louis and Central Arkansas markets, according to the availability and needs for fluid milk. Accordingly, the number of producers on the Paducah market may vary substantially from month to month. Also, a substantial volume of milk from Kentucky dairy farmers who are members of the Paducah Graded Milk Producers Association moves regularly to an Illinois plant regulated under the Suburban St. Louis order.

Milk production for the market is also directly affected by the Memphis Federal order market. In December 1965 about 65 percent of the 427 Paducah producers were located in the seven Kentucky counties of Ballard, Calloway, Carlisle, Fulton, Graves, Hickman and Marshall, in which there were also 107 Memphis producers.[1] Also, in six counties in Tennessee there are 41 Paducah producers and 215 Memphis producers. There is also some overlap of production areas with the Nashville, Tenn., market in Kentucky and with the St. Louis and Suburban St. Louis markets in Missouri.

The representative of the Paducah producers association complained that the price relationship with the Memphis market is currently causing severe concern among membership in the overlapping production areas. This condition he asserted has become more pronounced since the Memphis procurement activity in recent years has moved to Northern Tennessee and into Kentucky. The Paducah market lost about 450,000 pounds of milk per month to Memphis beginning in September 1965. Some of the larger volume milk producers are now expressing intentions of changing markets unless the Paducah price is increased.

Although the hauling charges for moving milk to Memphis from the Kentucky procurement areas is about 45 cents per hundredweight compared to about 20 cents to Paducah, the net returns to Memphis producers may be greater. After allowing for the difference in hauling, the weighted average Memphis price returns exceeded the Paducah blend returns by 20 to 47 cents per hundredweight each month in 1965 and the first 3 months of 1966.

The association did not request, however, that the Paducah price be adjusted so that returns would in every case equal returns to Memphis producers in the same area. The request for price adjustment was limited in relation to price levels in the St. Louis and Suburban St. Louis Federal order markets. Such limitation of price adjustment was considered necessary in view of the proximity of Suburban St. Louis regulated plants and because two Paducah handlers have extensive sales areas in Missouri which adjoin areas served by St. Louis handlers. Also, member milk has a substantial outlet in the Suburban St. Louis market.

Over the long term, therefore, Class I price levels in the St. Louis and Suburban St. Louis markets, where larger supplies of milk exist, may be expected to have a practical limiting effect on the price level in the Paducah market. It is for these reasons that the proposed modification of producers' Class I price proposal made by Memphis regulated handlers is denied.

The Paducah Class I price formula, as now constituted, is 14 cents higher than the St. Louis Class I formula before application of the St. Louis supply-demand adjustment. The annual average of Class I differentials added to the basic formula under the Paducah order is $1.30, compared to $1.40 for St. Louis. The latter, however, is reduced by a factor of 24 cents (formerly the Chicago supply-demand adjustment, now an equivalent price factor), so that the effective average St. Louis differential is $1.16.

In 1964 the Paducah Class I price averaged 11 cents over the St. Louis price and 13 cents over in 1965. More recently, however, the Paducah order Class I price for the April 10–30 period was $4.95 compared to $5.02 for St. Louis. The St. Louis order supply-demand adjustment of plus 16 cents offset the other factors in the price formula which, without the adjustment, would result in a price 9 cents lower than Paducah.

Under the association's proposal to maintain a 15-cent difference between the two markets, the St. Louis supply-demand adjustment would have the same effect on the Paducah Class I price as on the St. Louis price. The association preferred such reflection of the St. Louis supply-demand adjustment to one based on Paducah utilization, because of the smallness of the Paducah market.

It is concluded that reflection of the St. Louis supply-demand adjustment in the manner proposed would be an appropriate factor in a Paducah Class I price. The supply-demand adjustment reflects changes in supply-demand conditions over a broad area in close proximity with the Paducah marketing area. The St. Louis supply-demand adjustment is also a factor in the Suburban St. Louis Class I price. The St. Louis supply-demand adjustment thus provides a signficant measure of conditions which may limit the level of the Paducah Class I price. For the relatively small Paducah market the supplies and distribution activities of St. Louis and Suburban St. Louis handlers represent a potential which should be recognized in the price level. Further, the 15-cent differential closely approximates the difference in the annual averages of the Class I differentials in the two markets over the basic formula price. Such price would apply in the Kentucky portion of the marketing area and the differential as now provided in the order would apply a price 10 cents higher at pool plants in the Missouri counties of the area. The language of the order provision has been modified from the recommended decision, only for the purpose of clarification. This amendment would include the effect of the April 10 amendment which added 22 cents to the St. Louis Class I price through June 1966.

2. *Emergency action.* The conditions in the market are such that supplies in recent months have been barely adequate for Class I milk requirements and there is the threat of loss of producers to other markets. Much concern was expressed at the April hearing as to possible loss of milk supplies because of higher blend prices available to Paducah producers in nearby markets. Therefore, market conditions required that immediate remedial action be taken. This remedial action was provided on a temporary basis by a suspension order issued concurrently with the recommended decision, to provide immediate adjustment of the Class I price until the order could be amended.

The suspension action provided an immediate correction of 18 cents per hundredweight in the Class I price level for the remainder of the month of May and June. This approximated the adjustment which would likely result from adoption of the proposed amendment described herein.

In these circumstances it was not necessary that a recommended decision be omitted. Further, inasmuch as the proposed amendment would provide a long-term modification of the Class I price formula, it was desirable that a recommended decision be issued with opportunity for exceptions.

The suspension order was issued and made effective May 11, 1966 (31 F.R. 7110; F.R. Doc 66–5280), and has provided temporary Class I prices based on a differential of $1.45 plus the basic formula price (Minnesota-Wisconsin price) for the period of May 11 through June 30, 1966. Since the suspension order was issued as a temporary action to provide immediate remedial action as to Class I prices until the long-term modification of the Class I price formula could be made effective, it should be terminated upon the effective date of the amendment resulting from this decision.

This amendment to the order should be made effective at the earliest possible date even though it may not be at the beginning of the monthly accounting period. There will be little difference in returns to producers whether the Class I prices are prorated over the month's utilization based on the number of days each price was effective or whether two accounting periods in the same month are established. Each handler should be given the option of either filing two reports for the month or having the two Class I prices prorated according to the number of days within the month for which the different price levels were effective. The option chosen by the handler should be indicated at the time of filing his report of receipts and utilization.

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

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously

[1] Official notice is taken of the January 1966 issue of the Memphis Milk Review, Memphis, Tenn., Milk Marketing Area.

issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

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

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of representative period. The month of March 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 26, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area

§ 1099.0 Findings and determinations.

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

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

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

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

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

The provision of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on May 11, 1966, and published in the FEDERAL REGISTER on May 14, 1966 (31 F.R. 7129; F.R. Doc. 66-5281), shall be and are the terms and provisions of this order, and is set forth in full herein subject to the following revision:

In § 1099.51, paragraph (a) is revised to read as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight of Class I milk for the month shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.), plus 15 cents: *Provided,* That the price for the month for Class I milk at pool plants located within that portion of the marketing area in the State of Missouri shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.), plus 25 cents; and

* * * * *

[F.R. Doc. 66-5994; Filed, May 31, 1966; 8:50 a.m.]

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

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-89]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would revoke the Fortuna, Calif., control area extension, amend the Arcata, Calif., control zone, add the Arcata, Calif., and Fortuna, Calif., transition areas, and amend control area 1415.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic serv-

ices are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of 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.

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., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has under consideration the following airspace actions:

1. In § 71.171 (31 F.R. 2065) the Arcata, Calif., control zone would be amended to read "Within a 5-mile radius of Arcata Airport (latitude 40°58' 45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° True bearing from the Arcata Radio Beacon, extending from the 5-mile radius zone to 8 miles southwest of the radio beacon."

2. In § 71.181 (31 F.R. 2149) the following transition areas would be added:

ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° and 153° True bearings from the Arcata Radio Beacon, extending from 7.5 miles northwest to 14.5 miles southeast of the radio beacon; and that airspace extending upwards from 1,200 feet above the surface bounded on the west by longitude 124°30'00" W., on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° True bearings from the Arcata Radio Beacon to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°12'-00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W.; and within 9 miles each side of the Fortuna VOR 110° True radial, extending from the VOR to 61 miles east.

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VOR 327° True radial, extending from the VOR to 8 miles northwest; and within 2 miles northeast and 4.5 miles southwest of the Fortuna VOR 147° True radial, extending from the VOR to 3.5 miles southeast.

3. In § 71.165 (31 F.R. 2055) the Fortuna, Calif., control area extension would be revoked.

4. In § 71.163 (31 F.R. 2050) Control Area 1415 would be amended to read "That airspace within parallel boundary lines 4 NM each side of the Fortuna VOR 270° True radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the east boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL west of longitude 124°30'00" W."

These amendments are proposed under the authority of sections 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 May 25, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-5933; Filed, May 31, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-38]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Helena, Mont., terminal area.

Presently, the Helena, Mont., transition area is designated as that airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VOR 089° and 269° radials extending from 17 miles E to 7 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 9 miles N of the Helena VOR 089° and 272° radials extending from 12 miles E of the VOR to 45 miles W of the VOR and within 6 miles NW and 9 miles SE of the Great Falls, Mont. VOR 222° radial extending from 8 miles NE to 27 miles SW of the INT of the Great Falls VOR 222° and Helena 352° radials.

Since designation of the Helena transition area, the Helena VOR has been converted to a VORTAC and a VOR/DME approach procedure has been developed for Helena City-County Airport. In addition, a direct off-airway direct route between Helena and Great Falls has been authorized. Radar vectoring of aircraft on this direct route would be advantageous for air traffic control. The addition of the new approach procedure and authorization of the direct off-airway direct route require modification of the transition area to provide controlled airspace protection.

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

Alter the Helena, Mont., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VORTAC 089° and 269° radials extending from 18 miles E to 7 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles S and 9 miles N of the Helena VORTAC 089° and 272° radials extending from 12 miles E to 45 miles W of the VORTAC, within the area bounded on the N by a line 5 miles N of and parallel to the Helena VORTAC 089° radial and on the SW by a line 5 miles SW of and parallel to the Helena VORTAC 119° radial extending from the VORTAC to the arc of an 18-mile radius circle centered on the VORTAC, and the area bounded on the NW by a line 6 miles NW of and parallel to the Great Falls, Mont., VORTAC 222° radial, on the NE by the arc of a 40-mile radius circle centered on Malmstrom AFB (latitude 47°30'35" N., longitude 111°11'35" W.), on the SE by a line 5 miles SE of and parallel to the Helena VORTAC 023° radial and on the south by a line 9 miles N of and parallel to the Helena VORTAC 089° and 272° radials.

The 700-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approaches at Helena during descent from 1,500 to 1,000 feet above the surface and for departing aircraft during their climb from 700 to 1,200 feet above the surface.

The 1,200-foot floor transition area would provide controlled airspace for the holding patterns in the Helena terminal area and for the portions of the prescribed instrument approach procedures executed at and above 1,500 feet above the surface. It would also provide adequate controlled airspace for the maximum of flexibility in radar control of air traffic between Helena and Great Falls, Mont.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

No procedural changes will be required by the proposal contained herein.

Specific details of this proposal and the new approach procedure for Helena City-County Airport may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Public Docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on May 18, 1966.

FRANCIS E. UNTI,
Acting Director, Central Region.

[F.R. Doc. 66-5934; Filed, May 31, 1966; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-35]

CONTROL ZONES

Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., control zone and designate the Albany, Ga. (Turner AFB), control zone.

The Albany, Ga., control zone is described in § 71.181 (31 F.R. 2065).

The Albany, Ga. (Municipal Airport), control zone would be redesignated as within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); within 2 miles each side of the 155° radial of the Albany VOR extending from the 5-mile radius area to the VOR; excluding that airspace which coincides with the Albany, Ga. (Turner AFB), control zone.

The Albany, Ga. (Turner AFB), control zone would be designated as within a 5-mile radius of Turner AFB (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the 222° radial of the Turner VOR, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 038° radial, extending from the 5-mile radius zone to 10 miles NE of Turner TACAN; within 2 miles each side of the 098° radial of the Albany VOR, extending from the 5-mile radius zone to the VOR.

The proposed control zone alteration and designation are required for the protection of prescribed instrument approach and departure procedures at Albany Municipal Airport and Turner AFB. Separate control zones would be provided so that operations within each zone can be conducted in accordance with weather conditions existing within the respective zones.

The adjustment to an extension of the Albany, Ga. (Turner AFB), control zone is required by applicable criteria.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on May 23, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-5935; Filed, May 31, 1966; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 65-SO-53]

JET ROUTE AND ASSOCIATED AIRSPACE

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 and Part 75 of the Federal Aviation Regulations that would designate a jet route from Houston, Tex., via Grand Isle, La., and Sarasota, Fla., to Miami, Fla.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designated to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of 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.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. 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 proposed amendment would extend the designation of Jet Route No. 86 from Houston, Tex., VOR via Grand Isle, La., VOR; intersection of Grand Isle VOR 104° T (098° M) and Sarasota, Fla., VOR 286° T (285° M) radials; Sarasota VOR; intersection of Sarasota VOR 143° T (142° M) and Miami, Fla., VORTAC 297° T (297° M) radials; to Miami VORTAC. Part 71 would be amended to provide controlled airspace

for this route outside the continental control area.

Designation of this jet route would provide a VHF navigational routing where only a routing utilizing low frequency navigational aids via Control 1226 currently exists. Approximately 25 aircraft operate daily along Control 1226 which closely parallels the proposed jet route. This route would be used for operations between Miami and New Orleans, La., and the West Coast.

It is also proposed to alter § 71.209 by redescribing the Crab VHF Intersection as the intersection of the Sarasota, Fla., 286° T (285° M) and the Tallahassee, Fla., 192° T (191° M) radials to provide a compulsory reporting point on the proposed route for air traffic control purposes.

These amendments are proposed under the authority of Sec. 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 May 25, 1966.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-5936; Filed, May 31, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.312]

ANHYDROUS SODIUM SULPHATE AND CRUDE SALT CAKE

Tariff Classification

In the FEDERAL REGISTER of November 9, 1963 (28 F.R. 12065), a notice that the Bureau had before it for consideration the tariff classification of anhydrous sodium sulphate and crude salt cake was published.

In a letter, dated July 21, 1965, the Bureau issued a ruling that these commodities which contain more than 98.5 percent of sodium sulphate are classifiable as anhydrous sodium sulphate under paragraph 81, Tariff Act of 1930 (item 421.44, Tariff Schedules of the United States). Such commodities containing 98.5 percent or less of sodium sulphate were held to be classifiable as crude salt cake under paragraph 1766 of the tariff act (item 421.42 of the tariff schedules).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-5962; Filed, May 31, 1966; 8:48 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-p]

WHOLE FROZEN EGGS FROM UNITED KINGDOM

Determination of Sales at Not Less Than Fair Value

MAY 27, 1966.

On April 16, 1966, there was published in the FEDERAL REGISTER a "Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value" because of termination of sales with respect to whole frozen eggs from the United Kingdom, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

After consideration of all comments received, I hereby determine that because of termination of sales whole frozen eggs from the United Kingdom are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-6023; Filed, May 31, 1966; 8:50 a.m.]

[T.D. 66-116; T.D. Order No. 165—17, Amdt. 3]

BUREAU OF CUSTOMS

Field Service; New York

MAY 27, 1966.

Pursuant to Reorganization Plan No. 1 of 1965 (30 F.R. 7035), Reorganization No. 26 of 1950 (3 CFR Ch. III), section 1 of the Act of August 1, 1914, as amended, 38 Stat. 623 (19 U.S.C. 2), and Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), Treasury Department Order 165-17 (T.D. 56464, 30 F.R. 10913) is hereby amended by changing from June 1, 1966, to June 15, 1966, the effective date of the creation of Customs Region II, New York City, and the effective date of the creation of the new offices and the abolition of existing districts and offices for the territory included in said Region II.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-6066; Filed, May 31, 1966; 10:08 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

CHOCTAW COUNTY, ALA.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89-110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment to the Constitution of the United States in Choctaw County, Ala. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9397).

NICHOLAS DEB. KATZENBACH,
Attorney General of the United States.

MAY 30, 1966.

[F.R. Doc. 66-6060; Filed, May 31, 1966; 9:15 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-B-50]

AMERICAN STERN TRAWLERS, INC.

Notice of Hearing

American Stern Trawlers, Inc., 26 Broadway, New York, N.Y., 10004, has applied for a fishing vessel construction differential subsidy to aid in the construction of a steel vessel with a length between perpendiculars of 262 feet to engage in the fishery for bottomfish, hake and herring in the North Pacific Ocean.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on July 7, 1966, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C., 20240. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

MAY 26, 1966.

[F.R. Doc. 66-5956; Filed, May 31, 1966; 8:47 a.m.]

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustment in Maximum Level of Imports Into Puerto Rico

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), the maximum level of imports into Puerto Rico of finished products other than residual fuel oil to be used as fuel established on December 21, 1965 (30 F.R. 16088), pursuant to section 14 of Oil Import Regulation 1 (Revision 4) as amended, for the period January 1, 1966, through December 31, 1966, is increased by 110,000 barrels to permit the importation of asphalt in that amount to meet a demand in Puerto Rico that would not otherwise be met.

STEWART L. UDALL,
Secretary of the Interior.

MAY 25, 1966.

[F.R. Doc. 66-5953; Filed, May 31, 1966; 8:47 a.m.]

WALKER RIVER PAIUTE RESERVATION, NEVADA

Ordinance Regulating Sale and Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Ses-

sion; 67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Walker River Paiute Reservation was duly adopted by the Walker River Paiute Tribal Council which has jurisdiction over the area of Indian country included in the ordinance:

An ordinance to regulate the sale and possession of intoxicating beverages within the Walker River Indian Reservation, Nevada.

Whereas, Ordinance WR–64–1 was enacted on February 7, 1964, to prohibit the sale of intoxicating beverages on the Walker River Reservation, Nev., and such ordinance was certified by the FEDERAL REGISTER, Volume 29, No. 6659, on May 21, 1964.

Whereas, in the interest of the entire community the members of the Tribe wish to now permit the sale of intoxicating beverages on the reservation.

Now, therefore, be it enacted by the Walker River Paiute Tribal Council of the Walker River Paiute Indian Reservation, Nev., in council meeting assembled this 1st day of April, 1966, that Ordinance No. WR–64–1, enacted on February 7, 1964, is rescinded in its entirety.

Be it further enacted that possession and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Walker River Paiute Tribe: *Provided*, That such introduction and possession is in conformity with the laws of the State of Nevada, and with the following:

SECTION 1. (a) It shall be unlawful for any person to sell alcoholic beverages on and within the Walker River Paiute Indian Reservation, Nev., without first obtaining a valid State license as required by law or county ordinance and a valid license issued by the Walker River Paiute Tribal Council.

(b) Such license will authorize the holder thereof to sell alcoholic beverages at retail in packages or by drink for consumption on the premises.

(c) Such license shall set forth the location and description of the building and premises where such sales may be made and for which said license is issued.

(d) Said license shall be displayed in a conspicuous place within the building or room where such alcoholic beverages are sold.

(e) Such license shall be issued for a period concurrent with the period for which the licensee holds a valid State and County license and the license fee, to be paid in advance, shall be at a rate of one-third that of the State and County.

SEC. 2. (a) No person shall sell, deliver or give any alcoholic beverages to any person actually or apparently under the influence of alcoholic beverages.

(a) [sic] No person shall sell, give away or otherwise furnish any alcoholic beverages to any person under the age of twenty-one (21) years or leave or deposit any such alcoholic beverages in any place with the intent that same shall be procured by any person under the age of twenty-one (21) years.

Penalty. Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100, or by sentence to imprisonment for not less than 10 days nor more than 50 days, or both such fine and imprisonment and/or suspension or revocation of his or her license. When any provision of this ordinance is violated by a non-Indian, he or she shall be referred to the State and/or Federal authorities for prosecution under applicable law and his or her license may be suspended or revoked.

Certification. We, the undersigned, duly elected officers of the Walker River Paiute Tribal Council, hereby certify that the foregoing Ordinance was enacted by the Walker River Paiute Tribal Council pursuant to the Act of August 15, 1953 (Public Law 277, 67 Stat. 586, 83d Congress, 1st Session) at a duly called regular meeting, convened on April 1, 1966, a quorum being present, by a vote of 4 for and 0 against, and said Ordinance has not been rescinded or amended in any way.

Dated this 1st day of April 1966.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MAY 25, 1966.

[F.R. Doc. 66–5945; Filed, May 31, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 353]

ANTWERP MARINE RADIO CO.

Consent Probation Order for Export Control Act Violations

In the matter of Antwerp Marine Radio Co., 8 Ambtmanstraat, Antwerp, Belgium, Respondent.

By charging letter dated October 8, 1965, the respondent was charged by the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the U.S. Export Control Act and regulations thereunder. The respondent was served with the charging letter, appeared in the proceedings and filed an answer. Pursuant to the provisions of § 382.10 of the Export Regulations, with agreement of the Director of the Investigations Division, the respondent submitted to the Compliance Commissioner a proposal for the issuance of a consent order substantially in the form hereinafter set forth. In said consent proposal the respondent, for the purpose of this compliance proceeding, admitted the charges set forth in the charging letter. It waived all right to an oral hearing before the Compliance Commissioner, and consented to the issuance of an order. It also waived all right of administrative appeal from, and judicial review of, such order.

The Compliance Commissioner has reviewed the facts in the case and the respondent's proposal. He has approved the proposal and has recommended that it be accepted.

Having considered the Compliance Commissioner's report and the consent proposal, I hereby make the following findings of fact:

1. The respondent Antwerp Marine Radio Co. is a corporation with a place of business in Antwerp, Belgium. The firm is engaged in the installation, servicing, and repair of electronic equipment on ships in Belgian ports. At the time here material Michel Blomme was Administrator-Director of the firm and Marcel Van Der Aa was Managing Director or Commercial Manager.

2. In the latter part of 1964 and the early part of 1965 the respondent sought to obtain a special type electronic tube from a supplier in New York. The said supplier in writing advised respondent that the required license to permit the exportation of said tube from the United States could only be obtained if the application for such license was supported by an import certificate issued to respondent by the Belgian Government. The respondent advised the supplier that the import certificate could not be obtained from the Belgian Government because the tube in question was to be reexported from Belgium.

3. In the early part of 1965 respondent sought to obtain from the same New York supplier certain equipment to be used in a radar installation on a vessel. The supplier informed respondent that to support an application for the exportation of this equipment from the United States a Belgian import certificate was necessary. According to information furnished by respondent this equipment was to be installed on an East German vessel.

4. The respondent having failed in its efforts to obtain Belgian import certificates for the equipment in question, it thereafter solicited and knowingly counseled and sought to procure the U.S. supplier to ship the items in question to it by concealing from the U.S. authorities the true description of the equipment to avoid the necessity of applying for and obtaining the validated licenses required to authorize exportation of the equipment from the United States.

Based on the foregoing I have concluded that the respondent violated §§ 381.2 and 381.3 of the U.S. Export Regulations in that it solicited and knowingly counseled and sought to induce and procure a person in the United States to perform acts which would be contrary to the provisions of the U.S. Export Regulations.

On consideration of the record in the case, including factors which warrant acceptance of the consent proposal, I do hereby accept the consent proposal. Accordingly, it is hereby ordered:

I. For a period of 3 years from the effective date of this order the respondent is placed on probation on condition that it does not knowingly violate the Export Control Act of 1949, as amended, or any regulations or order issued thereunder. While the respondent is on probation it shall be permitted all export privileges as though this order had not been entered. If the respondent does not violate the condition of probation, this order without further action shall terminate at the expiration of 3 years from its effective date.

II. In the event that, after investigation, it is found by the Director, Office of Export Control, or such other official as may at that time be exercising his duties, that the respondent has failed during the 3-year period of probation, to comply in any respect with the condition set forth in Part I hereof, such official may summarily and without notice to the respondent enter and publish an order against the respondent which in substance shall provide as follows:

(a) Revoke all outstanding validated export licenses to which respondent is a party.

(b) For a period up to 3 years deny to the respondent and all persons and firms related to it, all privileges of participating directly or indirectly in any manner or capacity in any exportation of any commodity or technical data from the United States to any foreign destination including Canada. Without limitation of the generality of this provision, participation in any exportation is deemed to include and prohibit participation by the respondent or any related party, directly or indirectly, in any manner or capacity in the conduct of trade (1) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (2) in the preparation or filing of any export license application or of any documents to be submitted therewith, (3) in the obtaining or using of any validated or general export license or other export control documents, (4) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part, exported or to be exported, from the United States, and (5) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

(c) No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or any related party may obtain any benefits therefrom or have any interest or participation therein, directly or indirectly: (1) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control documents relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or any related party denied export privileges; or (2) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

(d) The entry of an order under this part shall not limit the Bureau of International Commerce from taking other action based on the violation for which probation was revoked as said Bureau shall deem warranted.

This order shall become effective May 27, 1966.

Dated: May 23, 1966.

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

[F.R. Doc. 66-5964; Filed, May 31, 1966; 8:48 a.m.]

Office of the Secretary

[Dept. Order 83, Amdt. 1]

ORGANIZATION

The following amendment to the order was issued by the Secretary of Commerce on May 12, 1966. This material amends the material appearing at 31 F.R. 3471 of March 5, 1966. The material appearing at 29 F.R. 13541 of October 1, 1964, and 30 F.R. 3548 of July 3, 1965, is hereby rescinded.

Department Order 83, dated February 15, 1966, is hereby amended as follows:

Revised organization chart. Attached is a revised organization chart[1] of the Department of Commerce which replaces the chart attached to Department Order 83 issued February 15, 1966. The revised chart reflects the transfer of the Community Relations Service, effective April 22, 1966, from the Department of Commerce to the Department of Justice by Reorganization Plan No. 1 of 1966.

Recision. Department Orders 194 of September 15, 1964, and 194-B of June 24, 1965, "Community Relations Service," are hereby rescinded.

Effective date: May 12, 1966.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 66-5927; Filed, May 31, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15063]

AEROVIAS QUISQUEYANA, C. POR A.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on June 22, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 25, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-5965; Filed, May 31, 1966; 8:48 a.m.]

[Docket No. 17336]

EMPRESA GUATEMALTECA DE AVIACION

Notice of Prehearing Conference

Application for renewal of its foreign air carrier permit between a point or points in Guatemala and the terminal point Miami, Fla., with respect to persons, property and mail; and between a point or points in Guatemala and the terminal point New Orleans, La., with respect to persons, property and mail.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 13, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 25, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-5966; Filed, May 31, 1966; 8:48 a.m.]

[1] Chart filed as part of original document.

FEDERAL AVIATION AGENCY

PRIORITIES UNDER FEDERAL-AID AIRPORT PROGRAM FOR FISCAL YEAR 1967

Policy Statement

1. *Purpose.* To state the priorities used in allocating Federal funds for airport development under the Federal-aid Airport Program (FAAP).

2. *Background.* Federal funds available for airport development under the Federal Airport Act (49 U.S.C. 1101 et seq.) are usually less than the Requests for Aid submitted by sponsors. Therefore, it is necessary to establish priorities to be used in allocating these Federal funds. For the information of applicants requesting aid the priorities that will be applied in allocating these funds are listed below in their descending order of priority.

3. *Priorities for allocation of Federal funds.* a. Urgent safety facilities to support all weather operations at major air carrier airports. This would cover inpavement lights, high intensity runway edge lighting, land for the approach lighting system and generators for standby power at "continuous power airports."

b. Development for the improved service of the modern equipment now being acquired by the scheduled airlines. This would cover the lengthening, strengthening, widening and marking of runways and taxiways with related land acquisition to accommodate new jet aircraft.

c. Improvements to provide additional airport capacity required by scheduled airlines and air taxis such as parking aprons, secondary runways and additional taxiways.

d. Development at airports that accommodate a high volume of activity or tend to divert aircraft operations from the busy metropolitan area airports serving scheduled air carriers.

e. Development for public use by general aviation at airports in medium and small communities.

f. Development needed under the National Airport Plan that is not covered by the first five priorities.

4. *Application.* The Federal Airport Act contemplates that projects eligible for consideration should include all types of airport development and should not be limited to any classes or categories of public airports. Within the limits of discretion permitted by the Act, the FAA will uniformly apply the above priorities on a national basis. In some States

where the program can be supported entirely within State Apportionment Funds, allocations may be made under lower priorities than would be the case where Discretionary Funds are required to support the State program. Airports used by general aviation are not eliminated from consideration in the Fiscal Year 1967 Program. The application of these priorities is intended to make use of the available Federal funds so as to provide the greatest public benefit.

Issued in Washington, D.C., on May 24, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-5937; Filed, May 31, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-466]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MAY 26, 1966.

In accordance with the Commission's action of May 25, 1966, granting a waiver of § 1.571(c) of its rules to permit expeditious processing of the below-described application, notice is hereby given that on July 6, 1966, the following application

New, Tioga, N. Dak.
Tioga Broadcasting Corp.
Req: 1090 kc, 250 w, Day.

will be considered as ready and available for processing, and pursuant to § 1.227 (b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on July 5, 1966, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on July 5, 1966, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: May 25, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-5988; Filed, May 31, 1966; 8:50 a.m.]

[1] Commissioner Loevinger absent.

[Docket Nos. 16306-16308; FCC 66M-733]

K-SIX TELEVISION, INC. (KVER), AND SOUTHWESTERN OPERATING CO. (KGNS-TV)

Order Continuing Hearing

In re applications of K-Six Television, Inc. (KVER), Laredo, Tex., Docket No. 16306, File No. BPCT-3304, for construction permit for new television broadcast station; K-Six Television, Inc. (KVER), Laredo, Tex., Docket No. 16307, File No. BMPCT-6153, for modification of construction permit; Southwestern Operating Co. (KGNS-TV), Laredo, Tex., Docket No. 16308, File No. BRCT-503, for renewal of license.

The Hearing Examiner having under consideration a motion filed May 20, 1965, and an errata to said motion filed May 23, 1966, on behalf of Southwestern Operating Co. requesting that the hearing in the above-captioned proceeding be extended from June 6, 1966, to June 24, 1966; and

It appearing that the reason for the requested extension is the fact that on March 11, 1966, a joint petition for reconsideration of the hearing order and grant of the above-designated applications has been filed before the Commission which, if granted, will obviate the necessity for a hearing; and

It further appearing that counsel for K-Six Television, Inc., and Chief, Broadcast Bureau have no objection to the immediate consideration and grant of the motion, and good cause for granting the same having been shown;

It is ordered, This the 25th day of May 1966, that the motion is granted, and the date of hearing is extended from June 6, 1966, to June 24, 1966.

Released: May 26, 1966.

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

[F.R. Doc. 66-5982; Filed, May 31, 1966; 8:49 a.m.]

[Docket Nos. 16525, 16526; FCC 66M-731]

JAMES L. HUTCHENS AND FAITH TABERNACLE, INC. (KRVC)

Order Scheduling Further Prehearing Conference

In re applications of James L. Hutchens, Central Point, Oreg., Docket No. 16525, File No. BP-16640; Faith Tabernacle, Inc. (KRVC), Ashland, Oreg., Docket No. 16526, File No. BP-16745; for construction permits.

The Hearing Examiner having under consideration a joint motion filed May 18, 1966, on behalf of the above-captioned applicants requesting an extension of the procedural steps established April 15, 1966, or alternately, set a further prehearing conference thereon; and

It appearing that the reason for the requested extension of procedural dates is to await action by the Review Board on a joint petition to dismiss the application of Faith Tabernacle, Inc., and related material filed before said Board on May 18, 1966, and which, if granted, would necessitate a reevaluation of the issues and procedures resulting therefrom; and

It further appearing that counsel for the Chief, Broadcast Bureau has no objection to the requested extension, and good cause for granting the motion having been shown;

It is ordered, This the 25th day of May 1966, that the joint motion is granted, and the procedural steps established April 15, 1966, are set aside;

It is further ordered, That a further prehearing conference in the above-captioned proceeding will be held on June 17, 1966, at 9 a.m. in the offices of the Commission, Washington, D.C.

Released: May 26, 1966.

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

[F.R. Doc. 66-5983; Filed, May 31, 1966; 8:50 a.m.]

[Docket No. 16430; FCC 66M-730]

CENTRAL COAST TELEVISION (KCOY-TV)

Order Continuing Hearing

In re Application of Mili Acquistapace, Helen L. Pedotti, James H. Ranger, Burns Rick, and Marion A. Smith, doing business as Central Coast Television (KCOY-TV), Santa Maria, Calif., Docket No. 16430, File No. BPCT-3580, for construction permit.

The Hearing Examiner having under consideration an oral request by counsel for Central Coast Television (KCOY-TV) (said request being concurred in by all other counsel) for a postponement of the hearing in the above-entitled matter from 2 p.m., May 31, 1966, to 10 a.m., June 1, 1966, and

It appearing, that the postponement would conduce to the expedition of the matter,

It is ordered, This 25th day of May 1966, that the aforesaid request is granted and, accordingly, the hearing now scheduled for 2 p.m., May 31, 1966, is postponed to 10 a.m., June 1, 1966, in the Commission's offices in Washington, D.C.

Released: May 26, 1966.

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

[F.R. Doc. 66-5984; Filed, May 31, 1966; 8:50 a.m.]

[Docket Nos. 16649, 16650]

SEMO BROADCASTING CORP. AND SIKESTON COMMUNITY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Semo Broadcasting Corp., Sikeston, Mo., Docket No.

16649, File No. BPH-5087, requests: 97.7 mc, No. 249, 3 kw, 195 feet; Sikeston Community Broadcasting Co., Sikeston, Mo., Docket No. 16650, File No. BPH-5161, requests: 97.7 mc, No. 249, 3 kw, 177 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on May 23, 1966.

2. Each of the applicants is qualified to construct and operate as proposed. However, the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permits should be granted.

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

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

Released: May 26, 1966.

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

[F.R. Doc. 66-5986; Filed, May 31, 1966; 8:50 a.m.]

[Docket Nos. 16649, 16650; FCC 66M-739]

SEMO BROADCASTING CORP. AND SIKESTON COMMUNITY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Semo Broadcasting Corp., Sikeston, Mo., Docket No. 16649, File No. BPH-5087; Sikeston Community Broadcasting Co., Sikeston, Mo., Docket No. 16650, File No. BPH-5161; for construction permits.

It is ordered, This 26th day of May 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on June 23, 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: May 26, 1966.

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

[F.R. Doc. 66-5987; Filed, May 31, 1966; 8:50 a.m.]

[Docket No. 16612; FCC 66M-732]

STAR STATIONS OF INDIANA, INC.

Order Following Prehearing Conference Continuing Hearing

In re applications of Star Stations of Indiana, Inc., Docket No. 16612, File Nos. BR-1144, BRH-1276; for renewal of licenses of Station WIFE AM-FM, Indianapolis, Ind.

Counsel for the applicant and for the Broadcast Bureau having agreed to continue this proceeding until the Commission has acted upon applicant's Petition for Reconsideration filed May 20, 1966;

With concurrence of both counsel: *It is ordered,* This 25th day of May 1966, that hearing now scheduled for July 12, 1966, is continued to September 7, 1966. Place of hearing, Indianapolis, Ind., is unchanged.

Released: May 26, 1966.

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

[F.R. Doc. 66-5989; Filed, May 31, 1966; 8:50 a.m.]

[Docket Nos. 16606, 16607; FCC 66M-735]

KANSAS STATE NETWORK, INC., AND HIGHWOOD SERVICE, INC.

Order Continuing Hearing

In re applications of Kansas State Network, Inc., Topeka, Kans., Docket No. 16606, File No. BPCT-3537; Highwood Service, Inc., Topeka, Kans., Docket No. 16607, File No. BPCT-3561; for construction permit for new television broadcast station (Channel 29).

It is ordered, This 25th day of May 1966 pursuant to the agreements reached at the prehearing conference held herein on this date, said agreements having taken cognizance of the pending petition for rule making looking toward allocation of an additional television channel to the city of Topeka, that a second prehearing conference shall be held herein on July 25, 1966, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

It is further ordered, That the hearing herein presently scheduled for June 20, 1966, is continued without date.

Released: May 26, 1966.

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

[F.R. Doc. 66-5990; Filed, May 31, 1966; 8:50 a.m.]

[FCC 66-476]

RADIO AMATEUR CIVIL EMERGENCY SERVICE (RACES) PLANS

Notice of Review

MAY 26, 1966.

The Commission today[1] approved all outstanding Radio Amateur Civil Emergency Service (RACES) Plans as interim plans for the Amateur Radio Service under the provisions of Executive Order 11092, which assigned emergency preparedness functions to the Federal Communications Commission.

This action, which was concurred in by all interested Government Departments and Agencies, is the result of studies and recommendations by the Amateur Radio Service Subcommittee of the Commission's National Industry Advisory Committee (NIAC).

A detailed review of all present RACES Plans will be conducted by the Amateur Radio Service Subcommittee of the NIAC. All State and local Civil Defense Directors are requested to submit two copies of their present RACES Plans to their Regional Director, Office of Civil Defense for transmittal to the NIAC not later than August 1, 1966.

All other interested entities are requested to submit their requirements for emergency communications, utilizing facilities and personnel of the Amateur Radio Service, to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C., 20554, not later than August 1, 1966.

The above information will be utilized by the Amateur Radio Service Subcommittee of NIAC in the development of a new basic plan for the Amateur Radio Service under the provisions of Executive Order 11092.

Adopted: May 25, 1966.

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

[F.R. Doc. 66-5895; Filed, May 31, 1966; 8:50 a.m.]

---

[1] See F.R. Doc. 66-5981, supra.

[FCC 66-475]

INTERIM AMATEUR RADIO SERVICE PLAN FOR EMERGENCY OPERATION

Order of Approval

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1966;

The Commission having under consideration a formal recommendation of Executive Committee of the National Industry Advisory Committee (NIAC), which was submitted October 28, 1965, for an Interim Amateur Radio Service Plan for operation during emergencies; and

It appearing, that Executive Order 11092 places upon the Commission, the function of developing plans and procedures covering, among other things, authorization, operation and use of Safety and Special Radio Services facilities and personnel in the national interest in an emergency; and

It further appearing, that the adoption of the proposed interim plan, which recognizes and is based upon the existing Radio Amateur Civil Emergency Service (RACES) but looks toward the development of a Basic Plan for the Amateur Radio Service which will more completely fulfill the expected requirements for emergency communications to be supplied by the Amateur Radio Service, is in the public interest, convenience, and necessity;

It is ordered, Pursuant to sections 4(i), 606 (c) and (d) of the Communication Act of 1934, and Executive Order 11092, that the attached Interim Amateur Radio Service Plan and Statement of Objectives is approved.

Released: May 26, 1966.

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

OCTOBER 28, 1965.

The following is the formal recommendation of the Executive Committee of the National Industry Advisory Committee (NIAC), which is herewith respectfully submitted to the Federal Communications Commission for appropriate consideration:

Reference: Item No. 3, NIAC Executive Committee Meeting, October 27, 1965.

Subject: Recommendation of the Amateur Radio Service Subcommittee of NIAC for adoption of an Interim Amateur Radio Service Plan.

1. The formal recommendation of the NIAC Amateur Radio Service Subcommittee, dated September 15, 1965, pertaining to the above subject is attached hereto as Attachment A.

2. The NIAC Executive Committee, in formal session on October 27, 1965, considered this recommended plan and unanimously adopted it as an Interim Basic Plan for the Amateur Radio Service, with the primary purpose of giving interim approval of RACES plans now existing; as well as those to be submitted and approved under current regulations, pending review and incorporation into the final basic amateur plan.

3. It is respectfully recommended that the Federal Communications Commission give appropriate consideration to the adoption of the Interim Basic Amateur Plan pending further study and recommendation of a final Basic Amateur Plan.

W. ELMER POTHEN,
Acting Chairman,
National Industry Advisory Committee.

SEPTEMBER 15, 1965.

INTERIM REPORT NO. 1

Under its terms of reference, the Amateur Radio Services Subcommittee of the National Industry Advisory Committee is charged with the responsibility for submitting recommended plans and procedures to facilitate an amateur emergency communications capability, pursuant to Executive Order 11092. Sections 3 and 3(c) thereof cover "Safety and Special Radio Services" (of which the Amateur Radio Service is an integral part) as follows:

"The Commission shall develop plans and procedures, in consonance with national telecommunications plans and policies, covering * * * authorization, operation and use of safety and special radio services, facilities and personnel in the national interest in an emergency."

This is the initial report of the Subcommittee dealing with only one aspect of its task, but one which is believed to be of prime importance as a first step and to require prompt consideration and action by the Federal Communications Commission.

In order to accomplish its task, the Subcommittee must first be informed of current approved emergency communications requirements of all potential users. The preparation of such requirements is now in process. Pending the receipt and processing of these approved requirements and the formulation of a Basic plan to be recommended by the Subcommittee, it is believed desirable to recognize the existing amateur emergency capabilities as an approved Interim system.

On a voluntary basis, organized and administered through its national society, the Amateur Radio Service has for many years provided vital communications during peacetime emergencies. This service should be continued and encouraged. The Amateur Radio Services Subcommittee will study the current FCC Rules and Regulations Governing Amateur Radio Service and make appropriate recommendations for any changes found desirable to improve the amateur's peacetime emergency capability.

The Radio Amateur Civil Emergency Services (RACES) is a specialized phase of the Amateur Radio Service set up to provide emergency communications under the special conditions which exist in time of war or declared national emergency. It is the only means currently available by which the capabilities of the amateur service may be used under such wartime conditions. The Subcommittee will study the current rules governing RACES along with basic plans and procedures, looking toward recommendations to improve the RACES capability. However, it is believed the present status and development of RACES constitute a sound plan, on an interim basis, for fulfilling the currently known requirements for civil defense and emergency communications. There are currently nearly 2,000 state and local RACES plans in operation, and additional plans now being processed by the Commission for approval will further enhance the capability of the system.

In view of the foregoing, it is respectfully recommended that the FCC formally recognize the existing RACES plan as well as those in process and those to be submitted and approved under current regulations, as an Interim plan to fulfill under the provisions of section 3(c) of Executive Order 11092, immediate emergency communications responsibilities of the Amateur Radio Service pending completion of studies as required under the Terms of Reference of our Subcommittee.

In addition, attached is a statement of objectives for the work of the Amateur Radio Services Subcommittee, which is submitted for approval.

JOHN HUNTOON,
Chairman, Amateur Radio
Services Subcommittee, NIAC.

AMATEUR RADIO SERVICE SUBCOMMITTEE (NIAC)

AMATEUR RADIO SERVICE; STATEMENT OF OBJECTIVES

Introduction

The Amateur Radio Service is one of "self-training, intercommunication and technical investigations" carried on by individuals with no pecuniary interest, direct or indirect. It is perhaps unique among all others under the jurisdiction of the Federal Communications Commission, since it does not normally provide a continuing communications service for a specific commercial purpose, a specific industry, or a State or local government function. Thus, the requirements to be fulfilled by the Amateur Radio Service in time of emergency are not a continuation of its own internal communications experimental and training needs, but rather making its facilities available to accomplish or supplement the needs of others. Potentially, the facilities of the organized Amateur Radio Service can be used in emergency for almost any present government, commercial or industrial telecommunications operation, to supplement or extend these means of communications, or provide such means when no others exist.

To assure proper development of emergency communications plans, procedures and systems under the provisions of Executive Order 11092, the term "Emergency Operational Communications" is defined as communications pertaining to and covering conditions of war, threat of war, a state of public peril or disaster, or other national, regional, State or area emergency condition posing a threat to the safety of life and property.

Basic Assumptions

1. An attack on the United States or a natural disaster could seriously disrupt communications within and among Federal, State, and local governments, industry and the public.

2. The resumption, restoration and improvement of State and local communications services and facilities would be a priority prerequisite for survival measures, requiring optimum use of some and possibly all surviving communications.

3. During periods of emergency, the facilities of the Amateur Radio Service can provide vital replacement of or backup for destroyed or overloaded communications circuits to support survival and recovery operations.

4. Because of the substantial number of amateur radio licensees and their widespread geographical dispersion, there is a high probability of communications survivability in the Amateur Radio Service despite infliction of severe damage.

5. The principal utilization of amateur capabilities during periods of emergency should be through organized Amateur Radio emergency operations in accordance with prearranged and approved plans.

6. Amateur organizations will promote and support voluntary participation by individual

amateur licensees in organized emergency operations.

7. Government, at all levels, and particularly the Department of the Army (Office of Civil Defense) will cooperate fully in the development of plans and procedures to facilitate an organized amateur emergency communications capability.

8. The emergency communications requirements of all potential users will be made available to the National Industry Advisory Committee for review and appropriate consideration in the preemergency planning under the provisions of Executive Order 11092 and Executive Order 11007.

9. An organized amateur radio capability necessary to provide adequate backup to other communications under general war conditions must also be tailored to fulfill requirements of emergencies such as peacetime disaster, international tension and limited war.

Specific Objections

In order to respond to an emergency situation on a national, regional, State, or local area basis on short notice, the Amateur Radio Service requires an organized capability. To this end, the following specific operational features must be provided:

1. *Notification.* An Emergency Action Notification procedure for designated key Amateur Radio Service licensees is desirable. Notification to other amateur radio licensees will be necessary in some instances in order to reduce or eliminate prevailing interference conditions. The scope of such notifications will depend upon the type and severity of the specific emergency situation; i.e., national emergency, international tension, limited war, or other national, regional, State or local area emergency. The NIAC Amateur Radio Service Subcommittee will be alert to the development of procedures to attain a target reaction time of 5 minutes, particularly with respect to key stations.

2. *Availability.* Once notified of an Emergency Action Condition, amateur radio stations holding National Defense Emergency Authorizations (NDEA) and designated as Primary or Alternate facilities is approved emergency communications plans will immediately place in operating condition all approved emergency communications plans, systems, and procedures appropriate to the existing situation, and these will be kept in continuous operating readiness until receipt of the Emergency Action Condition Termination. Other amateur radio stations, when so directed, will leave the air and remain silent until receipt of the Emergency Action Condition Termination.

3. *Reliability.* The emergency communications systems developed for the Amateur Radio Service to fulfill stated and approved requirements must be so constituted with several levels of alternate or standby facilities as to be able to provide uninterrupted prevailing emergency situation despite heavy damage.

Representatives of the Amateur Radio Service will, in cooperation with the FCC, develop detailed procedures to implement and monitor the effectiveness of all emergency communications plans, procedures, and systems.

4. *Emergency Operations.* In an emergency, communications systems, licensees, and facilities of the Amateur Radio Service must be made available to fulfill approved requirements of:

a. Federal Government Departments and Agencies;

b. State Authorities;

c. Local Area Authorities;

d. National organizations responsible for the public well-being;

e. Approved critical industry operations, including public utilities, essential to the survival and recovery of the populace encompassed by the emergency situation.

5. *Claimancy.* Detailed requirements, plans and procedures will be developed by the Amateur Radio Service Subcommittee of the NIAC and recommended to the Federal Communications Commission, as claimant agency, to claim material, manpower, equipment, supplies, and services needed in support of designated Amateur Radio Service licensees holding valid National Defense Emergency Authorizations issued in accordance with APPROVED plans, systems, and procedures under the provisions of Executive Order 11092 and Executive Order 11007.

6. *Conservation, Salvage, and Rehabilitation.* Standby plans for the conservation and salvage of supplies and equipment and the rehabilitation, restoration, or replacement of key designated Amateur Radio Service emergency communications systems and facilities after an attack or disaster will be developed by the Amateur Radio Services Subcommittee of the NIAC and recommended to the Federal Communications Commission.

7. *Facilities Protection.* The Amateur Radio Services Subcommittee of the NIAC will develop and recommend to the Federal Communications Commission and the Department of Defense advice and guidance to achieve such protection of emergency communications facilities and personnel of the Amateur Radio Service as is necessary to maintain the integrity of the emergency communications facilities and services authorized for this purpose and promote a national program to stimulate disaster preparedness and damage control in accordance with such approved plans. The recommended plans shall include, but not be limited to, organizing and training communications facility personnel, shelter for emergency communications records protection, continuity of emergency communications operation, security of emergency communications facilities, emergency repair and recovery of emergency communications facilities, and deconcentration and dispersal of emergency communications facilities.

8. *Damage Assessment.* The Amateur Radio Services Subcommittee of the NIAC will develop and recommend to the Federal Communications Commission and the Department of Defense plans to maintain a capability to assess the effects of attack on emergency communications systems and facilities of the Amateur Radio Service which are essential in a national emergency and to provide data to the Department of Defense through channels and procedures approved by the Federal Communications Commission.

9. *Tasks.* The organized Amateur Radio Service, in cooperation with the Federal Communications Commission, is best qualified to determine the detailed technical arrangements and procedures necessary to the establishment of optimum emergency communications systems to fulfill stated and approved national, regional, state, and local area emergency communications requirements. Accordingly, the Federal Communications Commission will continue to oversee the development and approval of all plans and procedures relating to the emergency use of Amateur Radio Service facilities and licensees to fulfill stated and approved requirements. Channels have been established through the National Industry Advisory Committee, Amateur Radio Services Subcommittee, for the study and recommendation of all proposals.

a. *Interim Plan for the Amateur Radio Service.* A recommended Interim Plan will be developed and recommended by the Amateur Radio Services Subcommittee of the NIAC, based upon the Radio Amateur Civil Emergency Service, in order to maintain an emergency operational capability during this interim period, prior to an approved basic plan.

It is recognized that the present RACES capability will not completely fulfill expected requirements for emergency communications to be supplied by the Amateur Radio Service. Accordingly, studies will be made of the capability of other areas of organized amateur communication, such as the Amateur Radio Emergency Corps and The National Traffic System, with a view toward recommending appropriate use of these facilities in an eventual Basic Plan for the Amateur Radio Service.

b. *Basic Plan for the Amateur Radio Service.* A recommended Basic Plan will be developed for the Amateur Radio Service, including:

(1) All accepted stated and approved requirements for emergency use of organized Amateur Radio Service emergency communications systems, facilities, and personnel.

(2) Recommended detailed policy guidance for the development of detailed regional, State, and local area emergency communications operational plans and procedures to fulfill stated and approved detailed requirements.

c. *Detailed State Emergency Communications Operational Plans and Procedures.* Amateur Radio Services Subcommittees of State Industry Advisory Committees will develop and recommend detailed State emergency communications operational plans and procedures to fulfill stated and approved requirements including:

All accepted stated requirements received from cognizant Federal, National, State, and local area authorities and other acceptable requirements received from essential industries and public utilities.

Such recommended detailed State plans will be forwarded to appropriate Regional Industry Advisory Committees for consideration and regional coordination, thence to the Amateur Radio Services Subcommittee of the NIAC for review, thence to the NIAC, thence to the FCC for approval and concurrence by cognizant Federal authorities. Implementation of approved State plans will commence at the local operational area.

[F.R. Doc. 66-5981; Filed, May 31, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 735]

ACADEMY FORWARDING CORP.

Order To Show Cause

On May 13, 1966, the St. Paul Fire & Marine Insurance Co., notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Academy Forwarding Corp., 15 William Street, New York, N.Y., 10005, would be canceled effective 12:01 a.m., June 12, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That Academy Forwarding Corp., on or before June 3, 1966, either (1) submit a valid bond effective on or before, June 12, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on June 8, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 735, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-5973; Filed, May 31, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-365]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

MAY 24, 1966.

Take notice that on May 13, 1966, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Mo., 63124, filed in Docket No. CP66-365 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing June 1, 1966, and the operation of certain natural gas facilities to enable it to take into its pipeline system natural gas which it may purchase from independent producers and other similar sellers in the general area of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

The total cost of the facilities covered by the instant application will not exceed a maximum of $500,000, with no single project to exceed a cost of $125,000, which costs are proposed to be financed from funds on hand and funds generated from Applicant's operation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 22, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-5938; Filed, May 31, 1966; 8:46 a.m.]

[Docket No. CP66-372]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 24, 1966.

Take notice that on May 17, 1966, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-372 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 16,000 Mcf of natural gas to Iowa Illinois Gas & Electric Co. (Iowa Illinois) an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that, by letter dated March 4, 1966, Iowa Illinois requested an additional daily contract quantity of 16,000 Mcf of gas commencing December 1, 1966, to meet the firm requirements of the markets which it serves in Iowa and Illinois.

Applicant states that its existing service agreements with Iowa Illinois, on file with the Commission, are 206,900 Mcf under Rate Schedule CD-1 and 109,433 Mcf under Rate Schedule S-1 for a total peak day of 316,333 Mcf. Applicant further states that upon the grant of the authorization herein requested, together with the increased service of 7,416 Mcf under Rate Schedule S-1 proposed in the application filed in Docket No. CP66-169 on December 1, 1965 (30 F.R. 15383), the total peak day supply of Iowa Illinois commencing December 1, 1966, will be 339,749 Mcf.

The application states that no additional facilities will be required to make the proposed sale and delivery.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 22, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion belives that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-5939; Filed, May 31, 1966; 8:46 a.m.]

[Docket No. CP66-373]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 24, 1966.

Take notice that on May 17, 1966, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed an application in Docket No. CP-66-373 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of a firm daily quantity of up to 50,000 Mcf of natural gas for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to take up to 50,000 Mcf of natural gas per day from The Peoples Gas Light & Coke Co. (Peoples) from Peoples' Mahomet storage field located in Champaign County, Ill., and deliver the gas into the facilities of Chicago District Pipeline Co. (Chicago District) located in Will County, Ill. This arrangement is to continue during the interim period December 1, 1966, to March 31, 1967, pursuant to the temporary transportation agreement between Applicant and Peoples dated May 16, 1966.

Applicant states that Peoples has not yet resolved what permanent arrangement will be made for transporting its Mahomet storage gas.

Applicant further states that with the installation of facilities proposed to be constructed in 1966 in its application filed December 1, 1965, in Docket No.

CP66–169, it will have sufficient excess capacity in that portion of its system between Mahomet and the facilities of Chicago District during the interim period to transport the requested volumes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 22, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–5940; Filed, May 31, 1966; 8:46 a.m.]

[Docket No. CP66–374]

PEOPLES GAS LIGHT & COKE CO.

Notice of Application

MAY 24, 1966.

Take notice that on May 17, 1966, the Peoples Gas Light & Coke Co. (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66–374 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience authorizing the delivery of natural gas withdrawn from Applicant's Mahomet storage field located in Champaign County, Ill., to Natural Gas Pipeline Co. of America (Natural) for transportation for the account of, and redelivery to, Applicant during the period December 1, 1966, through midnight March 31, 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Authorization for the transportation of up to 50,000 Mcf of storage gas per day for Applicant is requested in Natural's filing of May 17, 1966, in Docket No. CP66–373. The gas is to be redelivered to Applicant in northern Illinois.

Applicant requests exemption from the monthly annual accounting and/or reporting requirements prescribed by the Commission's rules and regulations and the Natural Gas Act during the period December 1, 1966, through March 31, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 22, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–5941; Filed, May 31, 1966; 8:46 a.m.]

FEDERAL TRADE COMMISSION

VERTICAL INTEGRATION IN CEMENT INDUSTRY

Notice of Public Hearing

Notice is hereby given that the public hearing before the full Commission on vertical mergers in the cement industry, now set for June 6, has been rescheduled for Monday, July 11, 1966.

Reference is made to the "Notice of Public Hearing on Vertical Integration in the Cement Industry" issued April 22, 1966. As there announced the Commission is endeavoring to obtain information on pertinent matters such as the structure of the cement producing and principal cement-consuming industries and the nature of the relevant product and geographical markets. Of particular concern are the causes and business reasons underlying vertical acquisitions in these industries, and the probable effects of such acquisitions on competitive conditions of the markets and industries involved.

Numerous requests have been received from interested parties for additional time to prepare for the subject hearings and to study the staff report of the Division of Industry Analysis of the Commission's Bureau of Economics, entitled "Economic Report on Mergers and Integration in the Cement Industry." The Commission is desirous of obtaining maximum participation by industry members. To encourage the fullest participation possible the Commission has decided to reschedule the hearings until July 11. Although the Commission has not approved, disapproved, or passed upon the matters contained in the foregoing economic report, it is desirable that parties who wish to participate in the hearing direct their comments to matters contained in the report. Copies of the report may still be obtained from the Bureau of Economics, Federal Trade Commission, Washington, D.C., 20580.

Interested parties are hereby invited to submit any information or comments pertinent to these matters or other aspects of the general subject of vertical integration in the cement industry. Written data, views or arguments concerning the subject matter of the hearing may be filed with the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., 20580, not later than July 5, 1966. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit twelve copies.

The public hearing will be held at 10 a.m., e.d.t., on July 11, 1966, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. Any person desiring to present orally his views at the hearing should so advise the Secretary of the Commission not later than July 5, 1966, and estimate the time required. The Commission may impose reasonable limitations upon the length of time allotted to any person. Oral presentations should not constitute mere duplications of prior written submittals. Copies of oral presentations or summaries thereof may be submitted at the time of the oral hearing.

The data, views or arguments presented orally or in writing will be available for examination by interested persons at the Federal Trade Commission, Washington, D.C.

Issued: May 26, 1966.

By the Commission without the concurrence of Commissioner MacIntyre.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66–6019; Filed, May 31, 1966; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–1160]

APOLLO CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 24, 1966.

Notice is hereby given that Apollo Corp. ("Applicant"), 111 Monument Circle, Indianapolis, Ind., 46204, an Indiana corporation and a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has

ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Applicant was incorporated on February 28, 1955, as "American Travelers Underwriters, Inc.," for the purpose of acting as a management and insurance underwriting company for American Travelers Insurance Co., an Indiana corporation. The proceeds of the sale of Applicant's stock in 1955 were used to acquire 48 percent of the outstanding stock of the insurance company.

On August 28, 1959, Applicant changed its name to "American Equities Corp." Applicant subsequently sold its shares of American Travelers Insurance Co. for cash, and securities of another insurance company. It later sold such securities and used the proceeds to acquire other investment securities. Applicant registered as an investment company on March 21, 1962. Applicant changed its name to "Apollo Corp.", its present name.

At a meeting on August 10, 1965, Applicant's shareholders approved a change of Applicant's investment policy so that it would cease to be an investment company. Applicant subsequently acquired real estate located in Fort Worth, Tex., from West American Industries, Inc. ("West American"), in consideration of the cancellation of indebtedness of West American to Applicant of approximately $531,000.

The following table shows Applicant's assets as of November 30, 1965, exclusive of cash and cash items, with investment securities at market value and land and buildings at fair value determined by Applicant's Board of Directors.

Assets	Value	Percent of total
Investment securities	$193,946	28.3
Land and buildings	490,238	71.7
Other assets	189	----
	684,373	100.0

By letter, dated May 3, 1966, Mr. W. J. Holliday, Jr., president of Applicant submitted the following undertaking:

Upon issuance of the order pursuant to section 8(f) of the Investment Company Act of 1940 declaring that Apollo Corp. has ceased to be an investment company, and as long as Apollo Corp. remains not registered as an investment company under the Act, Apollo Corp. will continue to govern its investments and operations so that it will at no time own investment securities having a value exceeding 40 per centum of the value of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis, as these terms are defined in the Act and the rules and regulations thereunder.

Section 8(f) of the Act provides that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–5948; Filed, May 31, 1966; 8:47 a.m.]

[File No. 70–4384]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS OF OHIO, INC.

Notice of Proposed Acquisition of Assets

MAY 25, 1966.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y., 10017, a registered holding company, and its gas utility subsidiary company, Columbia Gas of Ohio, Inc. ("Subsidiary Company"), have filed a joint application-declaration with this Commission pursuant to sections 6(a), 6(b), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the transactions therein proposed.

Columbia and its Subsidiary Company have entered into a Reorganization Agreement and Plan, dated as of March 16, 1966, with The Delaware Gas Co. ("Delaware"), a nonassociate gas utility company, providing for the acquisition by the Subsidiary Company of all of the assets and properties of Delaware in exchange for (i) the delivery by the Subsidiary Company to Delaware of 55,000 shares of the common stock of Columbia (currently selling at about $26⅝ per share on the New York Stock Exchange) plus not more than 76 shares, if necessary, to be issued in lieu of fractional shares, and (ii) the assumption by the Subsidiary Company of substantially all liabilities of Delaware on the closing date. The application-declaration states that the terms of the acquisition of the Delaware properties were determined by arm's-length bargaining between the parties.

To enable the Subsidiary Company to make the proposed acquisition, Columbia will deliver the requisite number of shares of its common stock (par value $10 per share) to the Subsidiary Company. In exchange the Subsidiary Company will issue to Columbia common stock (par value $25 per share) in an aggregate par amount equal to the book value of the net assets of Delaware. The assets of Delaware, when acquired, will be reflected on the books of the Subsidiary Company at their recorded costs together with the related reserves.

At December 31, 1965, Delaware's liabilities, which are to be assumed by the Subsidiary Company, consisted principally of $197,745 of net current liabilities, including notes payable of $160,000. At the same date, Delaware's gross property, plant, and equipment, consisting principally of distribution properties, was recorded at original cost in the amount of $1,598,910, with a related reserve for depreciation of $433,880. Delaware's operating revenues for the calendar year 1965 amounted to $1,124,354 and net income amounted to $107,582.

Delaware purchases its entire gas supply from a wholly owned subsidiary company of Columbia with which it is interconnected by a 10-inch transmission line. Delaware serves the city of Delaware, Ohio, and its environs, and its service area is almost completely surrounded by the service area of the Subsidiary Company. The Subsidiary Company serves the city of Columbus, Ohio, and, the filing states, it is expected that ultimately the area between Columbus and Delaware will become a solid and continuous suburban and industrial area and thus a desirable market for the Subsidiary Company.

It is stated that the Public Utilities Commission of Ohio has jurisdiction over certain of the proposed transactions and the order of that commission will be supplied by amendment. It is also stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than June 13, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being

served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-5949; Filed, May 31, 1966; 8:47 a.m.]

[01-49]

SKAGIT VALLEY TELEPHONE CO.

Order Canceling Hearing

MAY 25, 1966.

On July 15, 1965 Skagit Valley Telephone Co. (applicant), Mt. Vernon, Wash., filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act) for exemption from the provisions of section 12(g) of the Exchange Act. On October 26, 1965, the Commission ordered an evidentiary hearing in this matter which was scheduled to commence on November 15, 1965. The hearing has been postponed repeatedly at the request of the applicant, and by order dated April 29, 1966, the hearing was postponed to June 1, 1966, "with the understanding that the hearing will commence that date, with no further continuances, unless good cause is shown on or before May 20, 1966, why the hearing should not commence on June 1, 1966."

By letter dated May 16, 1966, counsel for the applicant informed the Division of Corporation Finance (Division) that if, after a period of 75 days following publication of notice ordered by the court on April 8, 1966, with respect to the terms of an agreed settlement of an injunctive action instituted by the Commission against application, et al., in the U.S. District Court for the Western District of Washington, applicant has in excess of 300 shareholders of record, the pending application will be withdrawn and applicant will file a registration statement pursuant to section 12(g) of the Act. Applicant also has agreed that the court papers in the injunctive action will become part of the record in this Administrative Proceeding (File No. 3-345), and that it will send a letter to its shareholders informing them of recent developments in the affairs of applicant and of their rights under the settlement agreement.

Accordingly, good cause having been shown why the hearing should not commence on June 1, 1966, the hearing is hereby canceled, without prejudice.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-5950; Filed, May 31, 1966; 8:47 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

MAY 24, 1966.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 27, 1966, through May 30, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-5951; Filed, May 31, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 189]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 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 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 51146 (Sub-No. 47 TA), filed May 23, 1966. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis., 54303. Applicant's representative: Donald J. Schneider (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disposable diapers; materials, equipment, and supplies used in the manufacture and distribution of the above; and releated premiums and advertising materials when shipped with such products,* between Cheboygan, Mich., on the one hand, and, on the other, points in Michigan; points in Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells, Whiteley Counties, Ind.; points in Allen, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Henry, Huron, Lucas, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot Counties, Ohio, for 180 days. Supporting shipper: The Procter & Gambel Co., Post Office Box 599, Cincinnati, Ohio, 45201 (W. A. Groening, manager, Warehouse & Trucking Division). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 57750 (Sub-No. 3 TA), filed May 23, 1966. Applicant: DAKOTA TRANSFER CO., 706 Grain Exchange Building, Minneapolis, Minn., 55415. Applicant's representative: J. R. Scoggin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grain, flax seed, and soybeans,* from Leola, Wetonka, and Richmond, S. Dak., to Aberdeen and Conde, S. Dak., for 150 days. Supporting shippers: Independent Elevator Co., Leola, S. Dak.; Leo B. Volk, Richmond, S. Dak.; Wetonka Equity Exchange, Wetonka, S. Dak.; Leola Equity Exchange, Leola, S. Dak. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 87102 (Sub-No. 1 TA), filed May 23, 1966. Applicant: JAMES STANTON HIGNITE, doing business as STANTON HIGNITE, Post Office Box 611, Olive Hill, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fire clay,* from points in Carter, Boyd, Rowan, Lewis, Greenup, Elliott, and Morgan Counties, Ky., to points in Scioto, Jackson, and Lawrence Counties, Ohio, for 150 days. Supporting shipper: P. F. Burchett Clay Co., Box 270, Route 1, Olive Hill, Ky. Send pro-

tests to: R. W. Schneiter, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 207 Exchange Building, Lexington, Ky., 40507.

No. MC 111729 (Sub-No. 157 TA), filed May 24, 1966. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Checks, payroll records, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), between points in Essex County, N.J., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island; and Washington, D.C., for 180 days. Supporting shipper: Monroe Data Processing, Inc., 550 Central Avenue, Orange, N.J. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 113024 (Sub-No. 55 TA), filed May 24, 1966. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del., 19977. Applicant's representative: Samuel W. Earnshaw, Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, flour, gums, latex, latex compounds, napkins, plastics, resins, starches, and materials and supplies used in the production, sale, and distribution thereof (including packaging and empty containers therefor)*, except commodities in bulk, in tank vehicles, between points in New Jersey and New York within 50 miles of City Hall, New York, N.Y., and Charlotte, N.C., Atlanta, Ga., Chicago, Ill., Cleveland, Ohio, and St. Louis, Mo., for account of International Latex Corp., Dover, Del., for 180 days. Supporting shipper: International Latex Corp., Playtex Park, Dover, Del., 19901 (George V. Evans, corporate director, traffic and transportation). 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 116740 (Sub-No. 4 TA), filed May 23, 1966. Applicant: LEE N. HICKOX, Rural Route No. 3, Casey, Ill., 62420. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill., 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden heading and staves*, used in manufacture of barrels and drums, from Albion, Ill., to Louisville, Ky., for 180 days. Supporting shipper: Louisville Cooperage Co., Box 8275, Louisville, Ky., 40208. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

No. MC 127343 (Sub-No. 3 TA), filed May 23, 1966. Applicant: J. PAUL WILLIAMSON, doing business as OWENS VALLEY MILLING CO., 600 South Main Street, Bishop, Calif., 93514. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Featherock* (volcanic scoria), from Lee Vining, Calif., to Lone Pine, Calif., on shipments having subsequent movement beyond California, by rail, over U.S. Highway 395, for 90 days. Supporting shipper: Featherock, Inc., 6331 Hollywood Boulevard, Los Angeles, Calif. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev., 89701.

No. MC 128234 TA, filed May 23, 1966. Applicant: MICHAEL D. STERNS, doing business as BONESTEEL TRANSFER, Bonesteel, S. Dak., 57317. Applicant's representative: Don A. Bierle, Suite 4, Law Building, Yankton, S. Dak., 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, lumber, and building materials*, from Sioux City, Iowa, to Fairfax and Bonesteel, S. Dak., for 180 days. Supporting shippers: Bonesteel Produce, Bonesteel, S. Dak. (Herman Volsteadt, manager); Howe Lumber Co., Fairfax, S. Dak. (W. S. Koenig, owner); Bonesteel Grain Co., Bonesteel, S. Dak. (Ambrose Burke, manager). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak., 57501.

No. MC 128235 TA, filed May 23, 1966. Applicant: ALVIN JOHNSON, Hinckley, Minn. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn., 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in kegs and cases, from Minneapolis Brewing Co., Minneapolis, Minn., to Amery, Wis.; and *empty kegs and cases*, from Amery, Wis., on return, for 180 days. Supporting shipper: Thompson Beverage Co., 721 Water Avenue, Amery, Wis., 54001. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 128236 TA, filed May 23, 1966. Applicant: L & M TRUCKING COMPANY, INC., Box 271, Remington, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel castings, stampings, and metal forms*, unfinished, from the plants or warehouses of Remington Forge, Inc., at Remington, Ind., and points within 5 miles thereof, to points in Illinois, Wisconsin, Iowa, Michigan, and Ohio and to ports of entry on the international boundary for export in foreign commerce, for 180 days. Supporting shipper: Remington Forge, Inc., Remington, 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 128237 TA, filed May 23, 1966. Applicant: MERRITT MOVING & STORAGE, INC., 1111 Dunn Avenue, Cheyenne, Wyo., 82001. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, in specially designed containers, restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization between points in Wyoming for 180 days. Supporting shippers: Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., 10013; Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif., 90501; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y., 11378; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif., 94802. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S Building, 255 North Center Street, Casper, Wyo., 82601.

MOTOR CARRIERS OF PASSENGERS

No. MC 109148 (Sub-No. 21 TA), filed May 23, 1966. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 922 Stewart Street, Las Vegas, Nev., 89101. Applicant's representative: Richard R. Hanna, Plaza Building, Carson City, Nev., 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations consisting of sightseeing or pleasure tours, between Las Vegas, Nev., and points within 10 airline miles thereof, on the one hand, and, on the other, Grand Canyon, Ariz., for 150 days. Supporting shippers: Las Vegas Chamber of Commerce, Las Vegas, Nev., 89101; American Sightseeing Association Inc., 10 East 40th Street, New York, N.Y., 10016; United States Travel Bureau, 11478 Burbank Boulevard, North Hollywood, Calif.; Marlin Walker, Basic High School, Henderson, Nev., 89015; Willis-Cole Travel Service, Inc., Post Office Box 1479, Las Vegas, Nev. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev., 89701.

By the Commission.

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

[F.R. Doc. 66–5977; Filed, May 31, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 26, 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. 40507—*Substituted service—CRI&P for Trans-Cold Express, Inc.* Filed by Trans-Cold Express, Inc. (No. 1), for itself and on behalf of Chicago, Rock Island & Pacific Railroad Co. Rates on property loaded in trailers and transported on railroad flatcars, between Chicago, Ill., and Wichita, Kans., also between Dallas, Tex., on the one hand, and Wichita, Kans., and Houston, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

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

[F.R. Doc. 66-5978; Filed, May 31, 1966; 8:49 a.m.]

[Notice 1355]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 25, 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-68461. By amended order of May 20, 1966, the Transfer Board approved the transfer to James Marshall, Jr., doing business as Marshall's Moving Service, Hawthorne, N.J., of the operating rights in certificate No. MC-95117, issued October 14, 1958, to James Marshall, Jr., and David Marshall, a partnership doing business as Marshall's Moving Service, Hawthorne, N.J., authorizing the transportation, over irregular routes, of: Household goods as defined by the Commission, between points in Passaic County, N.J., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., those in Westchester County, N.Y., and those in Pennsylvania east of the Susquehanna River. Eugene R. Leach, 197 Garden Road, Pompton Lakes, N.J., 07442, representative for applicants.

No. MC-FC-68577. By order of May 20, 1966, the Transfer Board approved the transfer to Melvin Wilken and Merle Wilken, a partnership, doing business as M. Wilken & Son, Westside, Iowa, of the certificate in No. MC-2688, issued May 18, 1951, to Henry Wilken and Melvin Wilken, a partnership, doing business as H. Wilken & Son, Westside, Iowa, authorizing the transportation of: Building materials, farm machinery, hardware, pipe, agricultural commodities, paint, seed, feed, and lubricating oil and grease in containers, from Omaha, Nebr., to Westside, Iowa, and points within 15 miles thereof, and livestock in the reverse direction.

No. MC-FC-68661. By order of May 20, 1966, the Transfer Board approved the transfer to People's Moving & Storage, Inc., Utica, N.Y., of certificate in No. MC-42797, issued February 1, 1944, as amended, January 4, 1965, to show the name as Angelo Russo, doing business as People's Moving & Storage, Utica, N.Y., authorizing the transportation of: Household goods, between Utica, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Peter P. Paravati, 309 Court Street, Utica, N.Y., 13502, attorney for applicants.

No. MC-FC-68673. By order of May 20, 1966, the Transfer Board approved the transfer to Leslie L. Johnson, Colby, Kans., of the operating rights of Robert Wenzl, doing business as Wenzl Truck Line, Plainville, Kans., in certificates Nos. MC-2896 and MC-2896 (Sub-No. 2), issued April 13, 1964, and November 12, 1964, respectively, authorizing the transportation, over irregular routes, of hay, grain, and feed, agricultural implements and agricultural implement parts, livestock, household goods as defined by the Commission, mill feeds, farm machinery, hardware, and lumber, corn and feeds, coal, processed mill feeds, as restricted, from, to, and between specified points in Nebraska, Kansas, Colorado, and Missouri, varying with the commodities transported. John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603, attorney for applicants.

No. MC-FC-68708. By order of May 20, 1966, the Transfer Board approved the transfer to Mikim, Inc., Melrose Park, Ill., of the operating rights of Continental Contract Carrier Corp., Los Angeles, Calif., in permit No. MC-124796 (Sub-No. 5), issued November 12, 1964, authorizing the transportation, over irregular routes, of meats, packinghouse products, and commodities used by packinghouses, as described (except commodities in bulk, in tank vehicles), between the site of the Armour & Co. plant of Nampa, Idaho, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, and Washington, points in Montana, on and west of U.S. Highway 91, and those in Wasatch, Davis, Weber, Salt Lake, and Utah Counties, Utah. Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501, attorney for applicants.

No. MC-FC-68722. By order of May 20, 1966, the Transfer Board approved the transfer to Milan Trucking Co., Inc., Columbus, Ind., of the operating rights in permit No. MC-123316, issued April 20, 1962, to Edward Milan, doing business as Milan Trucking Co., Columbus, Ind., authorizing the transporting of: Meats, packinghouse products, and commodities used by packinghouses, as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except dairy products as described by the Commission), in shipper owned trailers, from Columbus, Ind., to points in Michigan, Ohio, and that part of Kentucky within the commercial zone of Cincinnati, Ohio. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204, attorney for applicants.

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

[F.R. Doc. 66-5979; Filed, May 31, 1966; 8:49 a.m.]

FEDERAL REGISTER

VOLUME 31 • NUMBER 105

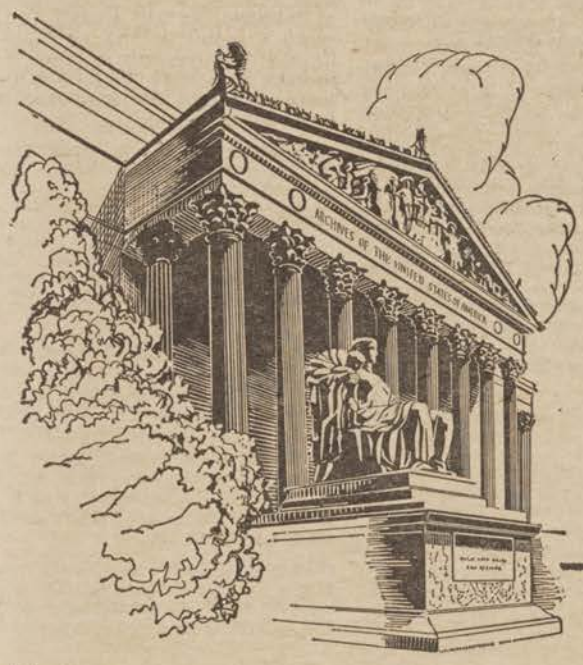
Wednesday, June 1, 1966 • Washington, D.C.

PART II

Department of the Interior
National Park Service

•

Establishment of Cape Cod National Seashore, Massachusetts



DEPARTMENT OF THE INTERIOR

National Park Service

CAPE COD NATIONAL SEASHORE, MASS.

Notice of Establishment

Whereas, more than 13,000 acres of upland and beach are now under the ownership or control of the United States within the boundaries of the Cape Cod National Seashore, as described in section 1(b) of the act of August 7, 1961 (75 Stat. 284), and the acreage so acquired, in my opinion, is efficiently administrable to carry out the purposes of such act:

Now, therefore, I, Stewart L. Udall, Secretary of the Interior, do hereby give notice of the establishment of the Cape Cod National Seashore, such establishment to become effective on May 30, 1966.

The boundaries of the seashore, which encompass an area as nearly as practicable identical to the area described in section 1 of the act of August 7, 1961, supra, are more particularly described as follows:

Beginning at a point in the Atlantic Ocean a quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Mass.; thence meandering generally southerly, easterly, and northerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor to a point due east of the intersection of a stone dike with the boundary of the Province Lands Reservation;

thence due west (True meridian) to the said point of intersection marked by a NPS disk stamped 6–1 set in a large boulder in the top of said stone dike (a NPS disk or seal as used in this description is a standard National Park Service round brass disk 2 inches in diameter stamped USDI NPS with a prick punch indentation at the point being defined, stamped with the number appearing at its representative location on the plan);

thence in a course N. 35°31'04" W.—8,270.19 feet along the boundary of the Province Lands Reservation from said point 6–1 to point 5–5, this course being witnessed as follows:

beginning at point 6–1 and running N. 35°31'04" W. a partial distance of 2,783.26 feet to a point marked by a NPS disk stamped 6–2 set in a stone bound, which bound has been previously referenced as Province Lands Bound "B", and continuing in the same direction 902.21 feet to a point marked by a NPS disk stamped 5–1 set in a stone bound, which bound has been previously referenced as Province Lands Bound "C", and continuing in the same direction 2,949.14 feet to a point marked by a NPS concrete monument stamped 5–2 (a NPS concrete monument as used in this description is a cast concrete reinforced bound 7 inches square at the top and 10 inches square at the bottom, 3 feet long, set about 32 inches in the ground in the top of which is cast a NPS disk), set in the median strip of U.S. Route 6, and continuing in the same direction 722.85 feet to a point marked by a NPS disk stamped 5–3 set in a stone bound, which bound has been previously referenced as Province Lands Bound "D", and continuing in the same direction 226.69 feet to a point marked by a MHB stamped 5–4 (a MHB as used in this description is a standard Massachusetts highway bound of quarried stone or of cast concrete 6 inches square, a minimum length of 5 feet, set in the ground, a drill hole is in the top, filled with lead and a brass pin placed in the lead at the point being defined, the number appearing on the plan being stamped in the lead plug), and continuing in the same direction 686.06 feet to a corner in Clapps Pond, so called, which corner has been previously referenced as Province Lands Bound Point "E", and shown on the aforementioned plan as point 5–5 with NPS concrete reference monument 5–5A located S. 69°26'32" W.—185.69 feet, and NPS reference monument 5–5B located N. 35°31'04" W.—1,042.67 feet from said point 5–5;

thence in a course N. 69°26'32" E.—6,010.15 feet along the boundary of the Province Lands Reservation from point 5–5 to point 5–9, this course being witnessed as follows:

beginning at point 5–5 and running N. 69°26'32" E. a partial distance of 3,000 feet to a point marked by a MHB stamped 5–6, and continuing in the same direction 887.59 feet to a point marked by a NPS disk stamped 5–7, set in a stone bound which has been previously referenced as Province Lands Bound "F", and continuing in the same direction 112.41 feet to a point marked by a MHB stamped 5–8, and continuing in the same direction 2,010.15 feet to the point marked by a NPS disk stamped 5–9 set in a stone bound which has been previously referenced as Province Lands Bound "G";

thence in a course N. 00°52'06" W.—2,023.39 feet along the boundary of the Province Lands Reservation from point 5–9 to point 5–12, this course being witnessed as follows:

beginning at point 5–9 and running N. 00°52'06" W. a partial distance of 537.81 feet to a point marked by a NPS concrete monument stamped 5–10, and continuing in the same direction 828.96 feet to a point marked by a NPS concrete monument stamped 5–11, and continuing in the same direction 656.62 feet to the point marked by a NPS disk stamped 5–12 set in a stone bound which has been previously referenced as Province Lands Bound "I";

thence in a course N. 89°06'35" E.—3,013.51 feet along the boundary of the Province Lands Reservation from point 5–12 to point 5–14, this course being witnessed as follows:

beginning at point 5–12 and running N. 89°06'35" E. a partial distance of 1,673.71 feet to a point marked by a NPS disk stamped 5–13 set in a stone bound which has been previously referenced as Province Lands Bound "J", and continuing in the same direction 604.40 feet to point 5–13A, and continuing in the same direction 735.40 feet to the point marked by a NPS disk stamped 5–14 set in a stone bound which has been previously referenced as Province Lands Bound "K";

thence in a course N. 25°59'00" W.—19.54 feet to a point marked by a MHB stamped 5–15;

thence in a course northeasterly an arc distance of 270.63 feet (with a radius of 6,250 feet) along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 5–16, this point lying N. 71°08'26" E.—270.61 feet from point 5–15; thence in a course N. 72°22'51" E.—759.52 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 4–1;

thence in a course N. 25°15'49" W.—689.11 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 4–2;

thence in a course N. 59°45'38" E.—412.07 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 4–3;

thence in a course S. 54°33'01" E.—967.05 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 4–4;

thence in a course N. 72°22'51" E.—1,384.36 feet along the right-of-way line of U.S. Route 6 from point 4–4 to point 8–2, this course being witnessed as follows:

beginning at point 4–4 and running N. 72°22'51" E. a partial distance of 675.72 feet to a point marked by a MHB stamped 8–1, and continuing in the same direction 708.64 feet to the point marked by a MHB stamped 8–2;

thence in a course northeasterly bending to the right from the last course a total arc distance of 2,065.44 feet (with a radius of 6,252.05 feet) along the right-of-way line of U.S. Route 6 from point 8–2 to point 8–4, point 8–4 lying N. 81°50'42" E.—2,056.07 feet from point 8–2, this course being witnessed as follows:

beginning at point 8–2 and running a partial arc distance of 1,011.13 feet (with a radius of 6,252.05 feet) to a point marked by a MHB stamped 8–3, this point lying N. 77°00'50.3" E. 1,010.03 feet from point 8–2, and continuing to the right with the same radius an arc distance of 1,054.31 feet to the point marked by a MHB stamped 8–4, this point lying N. 86°28'40.6" E.—1,053.07 feet from point 8–3;

thence in a course S. 88°41'27" E.—2,360.37 feet along the right-of-way line of U.S. Route 6 from point 8–4 to point 8–7, this course being witnessed as follows:

beginning at point 8–4 and running S. 88°41'27" E. a partial distance of 725.26 feet to point 8–5, and continuing in the same direction 723.68 feet to point 8–6, and continuing in the same direction 911.43 feet to the point 8–7 (which point lies N. 1°18'33" E.—150 feet from a MHB stamped 8–7A set on the Massachusetts Highway base line at their station 17+27.48);

thence in a course Southeasterly bending to the right an arc distance of 798.34 feet (with a radius of 3,749.37 feet) along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 8–8, this point lying S. 82°35'27" E.—796.83 feet from point 8–7;

thence in a course S. 27°07'55" E.—200.81 feet along the right-of-way line of U.S. Route 6 to point 8–9;

thence in a course southeasterly an arc distance of 457.41 feet (with a radius of 3,599.37 feet) along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 8–10, this point lying S. 70°46'03" E.—457.09 feet from point 8–9;

thence in a course northeasterly an arc distance of 151.90 feet (with a radius of 280 feet) along the right-of-way line of U.S. Route 6 to point 8–11, this point lying N. 52°52'35" E.—150.05 feet from point 8–10;

thence in a course S. 50°00'55" E.—350 feet along the right-of-way line of U.S. Route 6 to point 8–12 (this point lying N. 22°49'05" E.—151.01 feet from a point marked with a MHB stamped 8–12A);

thence in a course southeasterly an arc distance of 601.21 feet (with a radius of 3,649.37 feet) along the right-of-way line of U.S. Route 6 to a point marked by a MHB

stamped 8–13, this point lying S. 55°57'52" E.—600.53 feet from point 8–12;

thence in a course S. 51°14'42" E.—2,672.83 feet along the right-of-way line of U.S. Route 6 from point 8–13 to point 9–3, this course being witnessed as follows:

beginning at point 8–13 and running S. 51°14'42" E. a partial distance of 867.78 feet to a point marked by a MHB stamped 9–1, and continuing in the same direction 865.31 feet to a point marked by a MHB stamped 9–2, and continuing in the same direction 939.74 feet to the point marked by a MHB stamped 9–3;

thence in a course southeasterly bending to the left, an arc distance of 1,334.47 feet (with a radius of 5,850.00 feet) along the right-of-way line of U.S. Route 6 to point 9–4 (this point lying N. 25°41'06" E.—150 feet from a point marked by a railroad spike stamped 9–4A), and S. 57°46'48" E.—1,331.58 feet from point 9–3;

thence in a course S. 64°18'54" E.—4,934.07 feet along the right-of-way line of U.S. Route 6 from point 9–4 to point 11–6, this course being witnessed as follows:

beginning at point 9–4 and running S. 64°18'54" E. a partial distance of 1,726.26 feet to point 11–1, and continuing in the same direction 700 feet to point 11–2, and continuing in the same direction 756.62 feet to a point marked by a MHB stamped 11–3, and continuing in the same direction 616.78 feet to a point marked by MHB stamped 11–4, and continuing in the same direction 326.68 feet to a point marked by a MHB stamped 11–5, and continuing in the same direction 807.73 feet to the point marked by a MHB stamped 11–6;

thence in a course southeasterly bending to the left a total arc distance of 1,486.86 feet (with a radius of 5,850 feet) along the right-of-way line of U.S. Route 6 from point 11–6 to point 11–8, this point lying S. 71°35'47" E.—1,482.86 feet from point 11–6, this course being witnessed as follows:

beginning at point 11–6 and running a partial arc distance of 743.43 feet (with a radius of 5,850 feet) to a point marked by a MHB stamped 11–7, this point lying S. 67°57'20.3" E.—742.93 feet from point 11–6, and continuing to the left with the same radius, an arc distance of 743.43 feet to the point marked by a MHB stamped 11–8, this point lying S. 75°14'12.8" E.—742.93 feet from point 11–7;

thence in a course S. 78°52'39" E.—1,386.35 feet along the right-of-way line of U.S. Route 6 from point 11–8 to point 11–10, this course being witnessed as follows:

beginning at point 11–8 and running S. 78°52'39" E. a partial distance of 667.21 feet to a point marked by a MHB stamped 11–9, and continuing in the same direction 719.14 feet to the point marked by a MHB stamped 11–10;

thence in a course southeasterly, bending to the right, a total arc distance of 4,189.09 feet (with a radius of 8,150.07 feet) along the right-of-way line of U.S. Route 6 from point 11–10 to point 11–15, this point lying S. 64°09'10" E.—4,143.14 feet from point 11–10, this course being witnessed as follows:

beginning at point 11–10 and running a partial arc distance of 591.75 feet (with a radius of 8,150.07 feet) to a point marked by a MHB stamped 11–11, this point lying S. 76°47'51" E.—591.62 feet from point 11–10, and continuing to the right with the same radius an arc distance of 916.88 feet to a point marked by a MHB stamped 11–12, this point lying S. 71°29'40" E.—916.39 feet from point 11–11, and continuing to the right with the same radius an arc distance of 916.87 feet to a point marked by a MHB stamped 11–13, this point lying S. 65°02'56" E.—916.39 feet from point 11–12, and continuing to the right with the same radius an arc distance of 916.88 feet to a point, this point 11–14 lying S. 58°36'11" E.—916.39 feet from point 11–13, and continuing to the right with the same radius an arc distance of 846.71 feet to the point marked by a MHB stamped 11–15, this point lying S. 52°24'-17" E.—846.34 feet from point 11–14;

thence in a course S. 49°25'40" E.—3,708.87 feet along the right-of-way line of U.S. Route 6 from point 11–15 to point 12–2, this course being witnessed as follows:

beginning at point 11–15 and running S. 49°25'40" E. a partial distance of 868.87 feet to a point marked by a MHB stamped 11–16, and continuing in the same direction 800 feet to a point marked by a MHB stamped 11–17, and continuing in the same direction 1,050 feet to point 12–1, and continuing in the same direction 990 feet to the point marked by a MHB stamped 12–2;

thence in a course N. 72°26'38" E.—227.26 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–3;

thence in a course S. 58°18'54" E.—582.20 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–4;

thence in a course S. 13°53'05" E.—150 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–5;

thence in a course N. 61°31'53" E.—340.32 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–6;

thence in a course S. 28°18'05" E.—82.30 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–7;

thence in a course S. 3°41'18" W.—713.11 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–8;

thence in a course southeasterly an arc distance of 872.54 feet (with a radius of 4,150 feet) along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–9, this point lying S. 31°41'10" E.—870.94 feet from point 12–8;

thence in a course S. 1°58'50" E.—128.70 feet along the right-of-way line of U.S. Route 6 to a point marked by a MHB stamped 12–10;

thence in a course southeasterly an arc distance of 498.12 feet (with a radius of 4,100 feet) along the right-of-way line of U.S. Route 6 to a point marked by a NPS concrete monument stamped 12–11, this point lying S. 20°32'07" E.—497.81 feet from point 12–10;

thence continuing southerly along the easterly right-of-way line of the Massachusetts State Highway, U.S. Route 6, 65 feet, more or less, to a point located approximately 280 feet north of the northerly sideline of a town way known as South Hollow Road;

thence generally northeasterly and approximately parallel to South Hollow Road, 1,600 feet, more or less, to a corner located approximately 350 feet north of South Hollow Road;

thence generally southerly 350 feet, more or less, to a point on the northerly sideline of South Hollow Road;

thence generally southeasterly 1,075 feet, more or less, to a point on the westerly sideline of a town way known as South Highland Road;

thence generally northeasterly 330 feet, more or less;

thence in a sourse S. 11°33'31" E.—2,926.96 feet paralleling the general alinement of U.S. Route 6 and generally distant therefrom about five-tenths of a mile, from point 16–4 to point 13–1, this course being witnessed as follows:

beginning at a point N. 26°27'24" W. and 1,710 feet removed from point 16–3 and running S. 26°27'24" E. a partial distance of 1,710 feet to a point marked by a NPS concrete monument stamped 16–3, and continuing in the same direction 995.53 feet to a point marked by the NPS concrete monument stamped 16–4;

thence in a course S. 11°33'31" E.—2,926.96 feet paralleling the general alinement of U.S. Route 6 and generally distant therefrom about five-tenths of a mile, from point 16–4 to point 13–1, this course being witnessed as follows:

beginning at point 16–4 and running S. 11°33'31" E. a partial distance of 690 feet to a point marked by a NPS concrete monument stamped 16–5, and continuing in the same direction 2,236.96 feet to the point marked by a NPS concrete monument stamped 13–1;

thence in a course S. 46°04'35" E.—1,411.36 feet paralleling the general alinement of U.S. Route 6 and generally distant therefrom about five-tenths of a mile, from point 13–1 to point 13–3, this course being witnessed as follows:

beginning at point 13–1 and running S. 46°04'35" E. a partial distance of 790 feet to a point marked by a NPS concrete monument stamped 13–2, and continuing in the same direction 621.36 feet to the point marked by a NPS concrete monument stamped 13–3;

thence in a course S. 49°19'08" W.—1,678.86 feet along a ridge about 700 feet northwesterly of a town way known as Long Nook Road, from point 13–3 to point 13–5, this course being witnessed as follows:

beginning at point 13–3 and running S. 49°19'08" W. a partial distance of 625 feet to a point marked by a NPS concrete monument stamped 13–4, and continuing in the same direction 1,053.86 feet to the point marked by a NPS concrete monument stamped 13–5;

thence in a course S. 61°22'22" E.—1,800 feet paralleling the general alinement of U.S. Route 6 and generally distant therefrom about two-tenths of a mile, from point 13–5 to point 13–7, this course being witnessed as follows:

beginning at point 13–5 and running S. 61°22'22" E. a partial distance of 1,400 feet to a point marked by a NPS concrete monument stamped 13–6, and continuing in the same direction 400 feet to a point marked by the NPS concrete monument stamped 13–7;

thence in a course N. 78°14'52" E.—1,745.71 feet paralleling the general alinement of a town way known as Higgins Hollow Road and generally distant therefrom about 300 feet, from point 13–7 to point 13–10, this course being witnessed as follows:

beginning at point 13–7 and running N. 78°14'52" E. a partial distance of 260 feet to a point marked by a NPS concrete monument stamped 13–8, and continuing in the same direction 1,175.71 feet to a point marked by a NPS concrete monument stamped 13–9, and continuing in the same direction 310 feet to a point marked by the NPS concrete monument stamped 13–10;

thence in a course N. 60°03'30" E.—678.88 feet paralleling the general alinement of a town way known as Higgins Hollow Road and generally distant therefrom about 300 feet, from point 13–10 to point 17–3, this course being witnessed as follows:

beginning at point 13–10 and running N. 60°03'30" E. a partial distance of 65 feet to a point marked by a NPS concrete monument stamped 17–1, and continuing in the same direction 508.88 feet to a point marked by a NPS concrete monument stamped 17–2, and continuing in the same direction 105 feet to a point marked by the NPS concrete monument stamped 17–3;

thence in several courses generally southeasterly 3,840 feet, more or less, paralleling the general alinement of U.S. Route 6 and generally distant therefrom about five-tenths of a mile from point 17–3 to point 17–9, these courses being witnessed as follows:

beginning at point 17–3 and running S. 47°09'29" E. a partial distance of 479.61 feet to a point marked by a NPS concrete monument stamped 17–4 and continuing by several courses generally southeasterly approximately 3,290 feet to a point approximately 400 feet northwesterly from North Pamet Road along an old woods road; thence in a course S. 42°55'46" W. 70 feet, more or less, to a point marked by a NPS concrete monument stamped 17–9;

thence in a course S. 42°55'46" W.—1,185.64 feet paralleling the general alinement of a town way known as North Pamet Road and generally distant therefrom about 300 feet from point 17–9 to point 17–13, this course being witnessed as follows:

beginning at point 17–9 and running S. 42°55'46" W. a partial distance of 115 feet to a point marked by a NPS concrete monument stamped 17–10; and continuing in the same direction 110 feet to a point marked by a NPS concrete monument stamped 17–11, and continuing in the same direction 690 feet to a point marked by a NPS concrete monument stamped 17–12, and continuing in the same direction 270.64 feet to the point marked by a NPS concrete monument stamped 17–13;

thence in a course S. 61°11'21" W.—662.04 feet paralleling the general alinement of a town way known as North Pamet Road and generally distant therefrom about 300 feet, from point 17–13 to point 17–15, this course being witnessed as follows:

beginning at point 17–13 and running S. 61°11'21" W. a partial distance of 552.04 feet to a point marked by a NPS concrete monument stamped 17–14, and continuing in the same direction 110 feet to the point marked by a NPS concrete monument stamped 17–15;

thence in a course S. 6°28'22" W. 1,080 feet, more or less, to a point on the centerline of the Pamet River;

thence generally southwesterly and southerly 530 feet, more or less, following the centerline of said river;

thence generally southeasterly 1,350 feet, more or less;

thence generally southerly 800 feet, more or less, to a point approximately 950 feet east of the easterly sideline of U.S. Route 6;

thence southwesterly 2,290 feet, more or less, to a point approximately 1,210 feet southwest of the westerly sideline of U.S. Route 6;

thence northwesterly 345 feet, more or less;

thence in a course S. 75°38'02" W.—670 feet, more or less, to a NPS concrete monument stamped 14–5;

thence in a course S. 75°38'02" W.—3,735.03 feet from point 14–5 to point 14–8, this point lying opposite the intersection of a town way known as Mill Pond Road and a county way known as Old County Road, this course being witnessed as follows:

beginning at point 14–5 and running S. 75°38'20" W. a partial distance of 668.26 feet to a point marked by a NPS concrete monument stamped 14–6, and continuing in the same direction 2,385.17 feet to a point marked by a NPS concrete monument stamped 14–7, and continuing in the same direction 681.60 feet to a point marked by a NPS concrete monument stamped 14–8;

thence in a course southerly an arc distance of 221.72 feet (with a radius of 565 feet) along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–9, this point lying S. 29°12'11" W.—220.29 feet from point 14–8;

thence in a course S. 17°58'10" W.—775.05 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–10;

thence in a course southerly an arc distance of 528.72 feet (with a radius of 1,862.31 feet) along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–11, this point lying S. 9°50'10" W.—526.95 feet from point 14–10;

thence in a course S. 1°45'10" W.—334.35 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–12;

thence in a course southerly an arc distance of 277.61 feet (with a radius of 475.12 feet) along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–13, this point lying S. 15°02'20" E.—273.68 feet from point 14–12;

thence in a course S. 31°46'40" E.—376.17 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–14;

thence in a course southerly an arc distance of 199.36 feet (with a radius of 825 feet) along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–15, this point lying S. 24°51'18" E.—198.88 feet from point 14–14;

thence in a course southerly an arc distance of 511.77 feet (with a radius of 824.25 feet) along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–16, this point lying S. 0°08'43" E.—503.59 feet from point 14–15;

thence in a course S. 17°38'31" W.—659.44 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–17;

thence in a course S. 11°10'29" W.—341.34 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–18;

thence in a course S. 5°44'48' W.—626.47 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–19;

thence in a course S. 11°21'45" W.—245.72 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–20;

thence in a course S. 2°09'41" W.—159.68 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 14–21;

thence in a course S. 9°46'38" E.—263.19 feet along the easterly right-of-way line of Old County Road from point 14–21 to point 14–23, this course being witnessed as follows:

beginning at point 14–21 and running S. 9°46'38" E. a partial distance of 136.07 feet to a point marked by a NPS concrete monument stamped 14–22, and continuing in the same direction a distance of 127.12 feet to the point marked by NPS disk in a county road bound stamped 14–23;

thence in a course S. 17°19'02" E.—260.68 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS disk in a county road bound stamped 25–1;

thence in a course S. 34°39'34" E.—176.94 feet along the easterly right-of-way line of Old County Road to a point marked by a NPS concrete monument stamped 25–2, this point lying opposite the southerly right-of-way line of a town way known as Ryder Beach Road;

thence in a course N. 55°20'26" E.—300 feet to a point marked by a NPS concrete monument stamped 25–3;

thence in a course S. 34°39'34" E.—473.44 feet paralleling the general alinement of Old County Road and generally distant therefrom about 300 feet, from point 25–3 to point 25–5, this course being witnessed as follows:

beginning at point 25–3 and running S. 34°39'34" E. a partial distance of 66.09 feet to a point marked by a NPS concrete monument stamped 25–4, and continuing in the same direction 407.35 feet to the point marked by NPS concrete monument stamped 25–5;

thence in a course S. 24°46'09" E.—246.32 feet paralleling the general alinement of Old County Road and generally distant therefrom about 300 feet, to a point marked by a NPS concrete monument stamped 25–6;

thence in a course S. 15°43'01" E.—455.29 feet paralleling the general alinement of Old County Road and generally distant therefrom about 300 feet, to a point marked by a NPS concrete monument stamped 25–7;

thence in a course S. 37°23'49" E.—427.91 feet paralleling the general alinement of Old County Road and generally distant therefrom about 300 feet, to a point marked by a NPS concrete monument stamped 25–8, this point lying about 600 feet south of the southerly right-of-way line of a town way known as Prince Valley Road:

thence in a course S. 68°18'06" W.—3,374.12 feet from point 25–8 to point 25–10 (this point 25–10 lying on a line between Massachusetts Geodetic Survey Station 145–Y and Massachusetts Geodetic Survey Station 145–Z, which Station 145–Z lies N. 10°12'03" W.—593.17 feet from point 25–10), this course being witnessed as follows:

beginning at point 25–8 and running S. 68°18'06" W. a partial distance of 2,256.56 feet to a point marked by a NPS concrete monument stamped 25–9, and continuing in the same direction 1,117.56 feet to the point marked by NPS concrete monument stamped 25–10;

thence continuing in a course S. 68°18'06" W. about 375 feet to the mean high water line of Cape Cod Bay, at the southern extremity of a town landing known as Ryder Beach Landing, and continuing in the same course to a point ¼-mile offshore from the mean low water line of Cape Cod Bay;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay meandering in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and

parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one-quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the U.S. Geological Survey Wellfleet Quadrangle Sheet (1958);

thence due north (True meridian) to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence in a course S. 27°15'00" E. about 245 feet to a point on the 20-foot contour line at or near a NPS concrete monument stamped 26-1 set on the easterly right-of-way line of Chequesset Neck Road, the elevation of the disk in this monument being 20.564;

thence in a meandering line in a general easterly and northerly direction along the 20-foot contour a distance of 2,210 feet more or less from the point at or near NPS concrete monument stamped 26-1 to a point at or near NPS monument stamped 26-6 at the intersection of the 20-foot contour line with the hereinafter described line between monuments 26-6 and 26-7; this 20-foot contour boundary line is witnessed by NPS concrete monuments set at or near said 20-foot contour, as follows:

NPS concrete monument stamped 26-2, the elevation of the disk being 20.233 feet, lying N. 67°02'38" E.—299.75 feet from NPS concrete monument 26-1;
NPS concrete monument stamped 26-3, the elevation of the disk being 20.739 feet, lying N. 72°14'59" E.—469.71 feet from NPS concrete monument 26-2;
NPS concrete monument stamped 26-4, the elevation of the disk being 20.758 feet, lying N. 42°02'19" E.—553.38 feet from NPS concrete monument stamped 26-3;
NPS concrete monument stamped 26-5, the elevation of the disk being 20.570 feet, lying N. 80°06'44" E.—389.99 feet from NPS concrete monument 26-4; and said
NPS concrete monument stamped 26-6, the elevation of the disk being 20.520 feet, lying N. 59°09'49" E.—218.27 feet from NPS concrete monument 26-5;

thence in a course N. 21°34'37" E. 330 feet, more or less, to Mill Creek;

thence generally easterly along Mill Creek 350 feet, more or less;

thence approximately due north 1,060 feet, more or less, to a point on or near an old cartway;

thence generally northeasterly and northerly and generally paralleling said old cartway 2,920 feet, more or less, to a point on the southerly sideline of a town way known as High Toss Road approximately 1,030 feet east of the intersection of High Toss and Duck Harbor Roads;

thence generally easterly and northeasterly along the southerly sideline of said High Toss Road 3,080 feet, more or less, to its intersection with two access roads;

thence generally northerly 660 feet, more or less, along the westerly sideline of the westerly access road and a town way known as Pole Dike Road to the northeasterly sideline of the right-of-way of the New York, New Haven & Hartford Railroad;

thence northwesterly along the northeasterly sideline of said railroad right of way 1,660 feet, more or less;

thence northeasterly 220 feet, more or less, to a point on the 20-foot contour, being at or near a NPS concrete monument stamped 25-25;

thence in a course N. 28°14'52" W.—212.30 feet near the scar of an old roadway to a point marked by a NPS concrete monument stamped 25-26;

thence in a course N. 10°09'45" E.—70.51 feet, more or less, near the scar of an old roadway to a point on the 20-foot contour at or near a NPS concrete monument stamped 25-27, the elevation of the disk being 20.407 feet, and lying 70.51 feet from said NPS concrete monument 25-26;

thence in a meandering line in a generally easterly and northerly direction, south of the edge of the Herring River Marshes, so-called, 6,200 feet, more or less, along the 20-foot contour from the point at or near NPS concrete monument stamped 19-11; this 20-foot contour boundary line is witnessed by NPS concrete monuments set at or near said 20-foot contour, as follows:

NPS concrete monument stamped 25-28, the elevation of the disk being 20.520 feet, lying N. 57°56'25" E.—228.58 feet from NPS concrete monument 25-27;
NPS concrete monument stamped 25-29, the elevation of the disk being 20.329 feet, lying S. 64°39'00" E.—179.49 feet from NPS concrete monument 25-28;
NPS concrete monument stamped 25-30, the elevation of the disk being 20.402 feet, lying N. 11°44'38" E.—95.81 feet from NPS concrete monument 25-29;
NPS concrete monument stamped 25-31, the elevation of the disk being 20.529 feet, lying S. 77°14'32" E.—234.80 feet from NPS concrete monument 25-30;
NPS concrete monument stamped 25-32, the elevation of the disk being 20.301 feet, lying N. 8°51'24" E.—528.70 feet from NPS concrete monument 25-31;
NPS concrete monument stamped 25-33, the elevation of the disk being 20.447 feet, lying N. 58°14'29" E.—186.95 feet from NPS concrete monument 25-32;
NPS concrete monument stamped 25-34, the elevation of the disk being 20.318 feet, lying S. 65°49'58" E.—271.81 feet from NPS concrete monument 25-33;
NPS concrete monument stamped 25-35, the elevation of the disk being 20.391 feet, lying N. 12°30'26" E.—332.10 feet from NPS concrete monument 25-34;
NPS concrete monument stamped 25-36, the elevation of the disk being 20.047 feet, lying N. 53°21'59" E.—246.34 feet from NPS concrete monument 25-35;
NPS concrete monument stamped 25-37, the elevation of the disk being 20.067 feet, lying S. 84°01'14" E.—187 feet from NPS concrete monument 25-36;
NPS concrete monument stamped 25-38, the elevation of the disk being 20.270 feet, lying N. 58°50'00" E.—181.23 feet from NPS concrete monument 25-37;
NPS concrete monument stamped 25-39, the elevation of the disk being 20.379 feet, lying N. 7°22'35" W.—250.96 feet from NPS concrete monument 25-38;
NPS concrete monument stamped 25-40, the elevation of the disk being 20.518 feet, lying N. 37°07'19" E.—340.80 feet from NPS concrete monument 25-39;
NPS concrete monument stamped 25-41, the elevation of the disk being 20.829 feet, lying N. 75°28'15" E.—326.70 feet from NPS concrete monument 25-40;
NPS concrete monument stamped 25-42, the elevation of the disk being 20.637 feet, lying S. 88°49'00" E.—198.06 feet from NPS concrete monument 25-41;
NPS concrete monument stamped 19-1, the elevation of the disk being 20.937 feet, lying N. 64°39'58" E.—301.15 feet from NPS concrete monument 25-42;
NPS concrete monument stamped 19-2, the elevation of the disk being 20.446 feet, lying S 47°52'24" E.—164.75 feet from NPS concrete monument 19-2;
NPS concrete monument stamped 19-3, the elevation of the disk being 20.094 feet, lying N. 18°47'40" E.—260.67 feet from NPS concrete monument 19-2;
NPS concrete monument stamped 19-4, the elevation of the disk being 20.634 feet, lying N. 74°05'21" E.—446.56 feet from NPS concrete monument 19-3;
NPS concrete monument stamped 19-5, the elevation of the disk being 20.362 feet, lying S. 1°36'42" E.—106.30 feet from NPS concrete monument 19-4;
NPS concrete monument stamped 19-6, the elevation of the disk being 20.154 feet, lying S. 64°22'54" E.—194.35 feet from NPS concrete monument 19-5;
NPS concrete monument stamped 19-7, the elevation of the disk being 20.537 feet, lying N. 26°37'02" E.—196.51 feet from NPS concrete monument 19-6;
NPS concrete monument stamped 19-8, the elevation of the disk being 20.589 feet, lying N. 76°56'28" E.—214.69 feet from NPS concrete monument 19-7;
NPS concrete monument stamped 19-9, the elevation of the disk being 20.460 feet, lying S. 62°47'39" E.—154.77 feet from NPS concrete monument 19-8;
NPS concrete monument stamped 19-10, the elevation of the disk being 20.619 feet, lying N. 47°00'55" E.—137.14 feet from NPS concrete monument 19-9;
NPS concrete monument stamped 19-11, the elevation of the disk being 20.392 feet, lying S. 29°30'35" E.—214.85 feet from NPS concrete monument 19-10;

thence in a line generally easterly 175 feet, more or less, to a point on the 20-foot contour at or near NPS concrete monument stamped 19-15, the elevation of the disk being 20.565 feet;

thence following the 20-foot contour northeasterly to NPS monument 19-16, the elevation of the disk being 20.565 feet, lying N. 25°25'06" E.—322.25 feet from NPS concrete monument 19-15;

thence in a line northeasterly 420 feet, more or less, to a point on the 20-foot contour at or near NPS concrete monument stamped 19-20, the elevation of the disk being 20.885 feet;

thence in a line generally easterly 700 feet, more or less, to a point on the 20-foot contour on the westerly sideline of Massachusetts State Highway, U.S. Route 6 at or near NPS concrete monument stamped 19-25, the elevation of the disk being 20.575 feet;

thence in a course N. 89°00'48" E.—2,611.36 feet from point 19-25 to point 19-30, which point (19-30) is set on the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line, said point lying due east on the True meridian and N. 89°00'-48" E. on the Massachusetts (Mainland) Coordinate System meridian, this course being witnessed as follows:

beginning at point 19-25 and running N. 89°00'48" E. a partial distance of 25.82 feet to a point marked by a NPS concrete monument stamped 19-26 (which is set at the intersection of this boundary and a line between Massachusetts Geodetic Survey Station 145-AL and Massachusetts Geodetic Survey Station 145-AM, which point (145-AM) is N. 2°45'44.4" E.—10.31 feet from said NPS 19-26), and continuing in the same direction (N. 89°00'48" E.) a distance of 139.50 feet to a point marked by a NPS concrete monument stamped 19-27 set on the easterly side line of said U.S. Route 6, and continuing in the same direction 1,367.80 feet to a point marked by a NPS concrete monument stamped 19-28, and continuing in the same direc-

tion 350.80 feet to a point marked by a NPS concrete monument stamped 19–29, and continuing in the same direction 727.44 feet to the point marked by NPS concrete monument stamped 19–30;

thence in a course S. 7°57'27" E.—1,975.14 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line, from point 19–30 to point 19–33, this course being witnessed as follows:
beginning at point 19–30 and running S. 7°57'27" E. a partial distance of 877.97 feet to a point marked by a NPS concrete monument stamped 19–31, and continuing in the same direction 485.31 feet to a point marked by a NPS concrete monument stamped 19–32, and continuing in the same direction 611.86 feet to the point marked by NPS concrete monument stamped 19–33;

thence in a course S. 24°43'08" E.—4,146.32 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line, from point 19–33 to point 22–4, this course being witnessed as follows:
beginning at point 19–33 and running S. 24°43'02" E. a partial distance of 1,197.25 feet to a point marked by a NPS concrete monument stamped 19–34, and continuing in the same direction 704.84 feet to a point marked by a NPS concrete monument stamped 19–35, and continuing in the same direction 861.08 feet to a point marked by a NPS concrete monument stamped 22–1, and continuing in the same direction 814.58 feet to a point marked by a NPS concrete monument stamped 22–2, and continuing in the same direction 372.65 feet to a point marked by a NPS concrete monument stamped 22–3, and continuing in the same direction 195.92 feet to the point marked by NPS concrete monument stamped 22–4;

thence in a course S. 1°30'49" W.—832.91 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–5;

thence in a course S. 4°47'08" W.—1,733.82 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line from point 22–5 to point 22–7, this course being witnessed as follows:
beginning at point 22–5 and running S. 4°47'08" W. a partial distance of 249.92 feet to a point marked by a NPS concrete monument stamped 22–6, and continuing in the same direction 1,483.90 feet to the point marked by NPS concrete monument stamped 22–7;

thence in a course S. 1°30'03" W.—1,146.23 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line from point 22–7 to point 22–9, this course being witnessed as follows:
beginning at point 22–7 and running S. 1°30'03" W. a partial distance of 952.24 feet to a point marked by a NPS concrete monument stamped 22–8, and continuing in the same direction 193.99 feet to the point marked by NPS concrete monument stamped 22–9;

thence in a course S. 79°29'21" E.—2925.52 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line from point 22–9 to point 22–11, this course being witnessed as follows:
beginning at point 22–9 and running S. 79°29'21" E. a partial distance of 2,551.59 feet to a point marked by a NPS concrete monument stamped 22–10, and continuing in the same direction 373.93 feet to the point marked by NPS concrete monument stamped 22–11;

thence in a course S. 76°41'35" E.—318.35 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–12;

thence in a course S. 70°30'53" E.—316.25 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–13;

thence in a course S. 65°04'21" E.—320.64 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–14;

thence in a course S. 57°12'47" E.—324.02 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–15;

thence in a course S. 53°08'35" E.—307.54 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–16;

thence in a course S. 46°29'26" E.—317.24 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 22–17;

thence in a course S. 40°32'28" E.—320.87 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point marked by a NPS concrete monument stamped 21–1;

thence in a course S. 36°44'15" E.—3,555.34 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line from point 21–1 to point 23–2, this course being witnessed as follows:
beginning at point 21–1 and running S. 36°44'15" E. a partial distance of 867.12 feet to a point marked by a NPS concrete monument stamped 21–2, and continuing in the same direction 2,165.92 feet to a point marked by a NPS concrete monument stamped 23–1, and continuing in the same direction 522.30 feet to point marked by NPS concrete monument stamped 23–5;

thence in a course S. 65°44'52" E.—1,350.98 feet along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line from point 23–2 to point 23–5, this course being witnessed as follows:
beginning at point 23–2 and running S. 65°44'52" E. a partial distance of 303.77 feet to a point marked by a NPS concrete monument stamped 23–3, and continuing in the same direction 785.41 feet to a point marked by a NPS concrete monument stamped 23–4, and continuing in the same direction 261.80 feet to the point marked by NPS concrete monument stamped 23–5;

thence in a course S. 14°03'34" E.—1,360 feet, more or less, along the easterly right-of-way line of the Cape & Vineyard Electric Co. power transmission line to a point on the northwest boundary line of land known as Camp Wellfleet military Reservation marked by a NPS concrete monument stamped 23–9;

thence S. 36°07'10" W.—130.20 feet to a point marked by a NPS monument stamped 23–10;

thence S. 14°03'34" E.—415.90 feet to a point marked by a NPS monument stamped 23–11;

thence S. 02°32'01" E.—680 feet, more or less, to a point on the easterly sideline of the right-of-way of the New York, New Haven & Hartford Railroad Co.;

thence west 130 feet, more or less, to the westerly sideline of said railroad company right-of-way;

thence southerly along the westerly sideline of said railroad company right-of-way 1,400 feet, more or less;

thence west 240 feet, more or less, to a point on the easterly sideline of Massachusetts State Highway, U.S. Route 6;

thence southerly along the easterly sideline of U.S. Route 6, 2,300 feet, more or less;

thence easterly 100 feet, more or less, to the westerly sideline of said railroad company right-of-way;

thence southerly along the westerly sideline of the railroad company right-of-way 8,450 feet, more or less, to the Eastham-Wellfleet town line at Hatches Creek;

thence generally easterly 250 feet, more or less, along Hatches Creek (the town line) to a point on the easterly sideline of the Cape & Vineyard Electric Co. easement at a point marked by a NPS concrete monument stamped 30–3;

thence in a course S. 38°29'37" E.—5,200 feet from point 30–3 to point 31–5, said point 31–5 lying due north (True meridian) of the intersection of the easterly right-of-way line of a town way known as Nauset Road with the northerly right-of-way line of a town way known as Cable Road at point 31–9 hereinafter mentioned; this course being witnessed as follows:
beginning at point 30–3 and running S. 38°29'37" E. a partial distance of 229.36 feet to a point marked by a NPS concrete monument stamped 31–1, and continuing in the same direction 1,282.29 feet to a point marked by a NPS concrete monument stamped 31–2, and continuing in the same direction 986.90 feet to a point marked by a NPS concrete monument stamped 31–3, and continuing in the same direction 1,404 feet to a point marked by a NPS concrete monument stampd 31–4, and continuing in the same direction 1,297.45 feet to the point marked by NPS concrete monument stamped 31–5;

thence in several courses generally southerly 3,260 feet, more or less, from point 31–5 to point 31–9 lying at the northerly sideline intersection of the above-named roads, these courses being witnessed as follows:
beginning at a point 31–5 and running S. 1°01'37" E. a partial distance of 1,340 feet to a point marked by a NPS concrete monument stamped 31–6, and continuing generally southerly in several courses 1,390 feet, more or less, to a point marked by a NPS concrete monument stamped 31–7, and continuing in a course S. 1°01'37" E. 500 feet to a point marked by a NPS concrete monument stamped 31–8, and continuing in the same direction 29.10 feet to the point marked by a large spike stamped 31–9 (NOTE: point 31–5 lies due north, True meridian, of point 31–9);

thence in a coure S. 61°11'21" W.—662.04 feet along the easterly right-of-way line of said town way known as Nauset Road, from point 31–9 to point 31–11, this course being witnessed as follows:
beginning at point 31–9 and running S. 36°30'02" E. a partial distance of 93.18 feet to a point marked by a NPS disk stamped 31–10 in a town road bound, and continuing in the same direction 673.58 feet to the point marked by NPS disk stamped 31–11 in a town road bound;

thence in a course S. 33°47'42" E.—188.44 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 31–12 in a town road bound;

thence in a course S. 31°26'59" E.—338.47 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 31–13 in a town road bound;

thence in a course southeasterly an arc distance of 303.86 feet (with a radius of 690.30 feet) along the easterly right-of-way line of a town way known as Nauset Road to a point marked by a NPS disk stamped 33–1 in a town road bound, this point lying S. 19°41'22" E.—301.41 feet from point 31–13;

thence in a course S. 7°03'55" E.—256.06 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–2 in a town road bound;

thence in a course southeasterly an arc distance of 279.58 feet (with a radius of 588.22 feet) along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–3 in a town road bound, this point lying S. 20°42'18" E.—276.95 feet from point 33–2;

thence in a course S. 34°17'46" E.—151.53 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–4 in a town road bound;

thence in a course S. 25°24'40" E.—321.61 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–5 in a town road bound;

thence in a course southeasterly an arc distance of 290.18 feet (with a radius of 847.03 feet) along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–6 in a town road bound; this point lying S. 35°13'-36" E.—288.76 feet from point 33–5;

thence in a course S. 45°02'11" E.—182.19 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–7 in a town road bound;

thence in a course southeasterly an arc distance of 152.08 feet (with a radius of 1,342.49 feet) along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–8 in a town road bound, this point lying S. 41°47'-45" E.—152 feet from point 33–7;

thence in a course S. 38°33'12" E.—167.51 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–9 in a town road bound;

thence in a course southeasterly an arc distance of 164.71 feet (with a radius of 564.96 feet) along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–10 in a town road bound, this point lying S. 30°11'57" E.—164.12 feet from point 33–9;

thence in a course S. 21°51'08" E.—627.96 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–11 in a town road bound;

thence in a course S. 20°49'51" E.—441.42 feet along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–12 in a town road bound;

thence in a course southerly an arc distance of 402.85 feet (with a radius of 1,160.40 feet) along the easterly right-of-way line of said town way known as Nauset Road to a point marked by a NPS disk stamped 33–13 in a town road bound, this point lying S. 10°55'-21" E.—400.83 feet from point 33–12;

thence in a course S. 00°55'19" E. 100 feet, more or less, along the easterly sideline of said town way;

thence westerly 260 feet, more or less;

thence generally southeasterly in several courses 650 feet, more or less;

thence generally southerly in several courses 840 feet, more or less, paralleling the general alinement of Nauset Road and generally distant therefrom 500 feet, more or less, to a point marked by a NPS concrete monument stamped 33–19, and continuing generally southerly 310 feet, more or less;

thence by several courses generally westerly approximately 2,270 feet, paralleling the general alinement of Nauset Road and generally distant therefrom 500 feet, more or less, to a point on the easterly sideline of a town way known as Schoolhouse Road;

thence in a course S. 15°57'50" W. 30 feet, more or less, along the easterly sideline of Schoolhouse Road to a point marked by a NPS disk stamped 33–25 in a town road bound;

thence in a course S. 15°57'50" W. 142.28 feet along the easterly right-of-way line of said town way known as Schoolhouse Road, to a point marked by a NPS disk stamped 33–26 in a town road bound;

thence in a course S. 3°32'30" W. 267.18 feet to a point marked by a NPS disk stamped 33–27 in a town road bound;

thence continuing in the same direction 100 feet, more or less, to a point at or near the intersection of the northerly sideline of Nauset Road and the easterly sideline of Schoolhouse Road;

thence generally westerly along the northerly sideline of Nauset Road 520 feet, more or less, to a point on the easterly sideline of U.S. Route 6;

thence southeasterly along the easterly sideline of U.S. Route 6 across Nauset Road to a point near the southerly sideline of Nauset Road at a point marked by a NPS concrete monument stamped 33–30; this point lying on the sideline of the Massachusetts State Highway (U.S. Route 6);

thence in a course S. 39°42'18" E.—284.00 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–31;

thence in a course S. 60°58'14" E.—82.69 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–32;

thence in a course S. 34°55'39" E.—211.69 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–33;

thence in a course S. 18°05'44" E.—223.73 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–34;

thence in a course S. 11°42'32" E.—133.19 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–35;

thence in a course S. 4°44'29" E.—350 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–36;

thence in a course S. 10°26'43" W.—283.84 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–37;

thence in a course N. 83°06'34" W.—20 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–38;

thence in a course S. 11°49'36" W.—20 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–39;

thence in a course S. 1°47'12" W.—82.11 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a MHB stamped 33–40;

thence in a course southerly an arc distance of 374.79 feet (with a radius of 4,054.06 feet) along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6); to a point marked by a MHB stamped 33–41, this point lying S. 00°52'07" E.—374.68 feet from point 33–40;

thence in a course S. 3°30'37" E.—689.34 feet along the easterly right-of-way line of the Massachusetts State Highway (U.S. Route 6) to a point marked by a NPS disk stamped 33–42 set in a concrete bound at the northwesterly boundary of the Eastham Town Hall property;

thence in a course N. 75°24'19" E.—538.04 feet to a point marked by a NPS concrete monument stamped 33–43 set on the northerly boundary of said Eastham Town Hall property;

thence in a course S. 9°37'20" E.—904.03 feet paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, from point 33–43 to point 35–2, this course being witnessed as follows:

beginning at point 33–43 and running S. 9°37'20" E. a partial distance of 435.47 feet to a point marked by a NPS concrete monument stamped 35–1, and continuing in the same direction 468.56 feet to the point marked by NPS concrete monument stamped 35–2;

thence in a course S. 29°55'56" E.—893.23 feet paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, from point 35–2 to point 35–4, this course being witnessed as follows:

beginning at point 35–2 and running S. 29°55'56" E. a partial distance of 566.10 feet to a point marked by a NPS concrete monument stamped 35–3, and continuing in the same direction 327.13 feet to the point marked by NPS concrete monument stamped 35–4;

thence in a course S. 13°40'00" E.—987.45 feet paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, to a point marked by a NPS concrete monument stamped 35–5;

thence in a course S. 3°55'14" E.—645.75 feet paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, from point 35–5 to point 35–7, this course being witnessed as follows:

beginning at point 35–5 and running S. 3°55'14" E. a partial distance of 340.64 feet to a point marked by a NPS concrete monument stamped 35–6, and continuing in the same direction 305.11 feet to said point marked by a NPS concrete monument stamped 35–7;

thence in a course S. 31°89'09" E.—484.28 feet paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, from point 35–7 to point 35–9, this course being witnessed as follows:

beginning at point 35–7 and running S. 31°39'09" E. a partial distance of 411.46 feet to a point marked by a NPS concrete monument stamped 35–8, and continuing in the same direction 72.82 feet to said point marked by a NPS concrete monument stamped 35–9;

thence in a course S. 17°85'40" E.—1500.50 feet more or less, paralleling the general alinement of the Massachusetts State High-

way (U.S. Route 6) and generally distant therefrom about one-tenth of a mile, from point 35–9 to a point in a small stream, this course being witnessed as follows:

beginning at point 35–9 and running S. 17°35'40" E. a partial distance of 949.50 feet to a point marked by a NPS concrete monument stamped 35–10, and continuing in the same direction 350 feet, more or less, to a point on the easterly sideline of a town way known as Governor Prence Road;

thence southwesterly along the easterly sideline of Governor Prence Road 175 feet, more or less, to a point in a small stream;

NOTE: The boundary from point 33–43 to the point in the stream runs southerly paralleling the general alinement of the Massachusetts State Highway (U.S. Route 6) and is generally distant therefrom about one-tenth of a mile.

thence meandering in a course southeasterly along said stream to the tidewaters of Town Cove, so-called, and continuing to the Eastham-Orleans town line;

thence meandering in a course generally northeasterly and southeasterly along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence meandering in a course generally southeasterly in the Town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on U.S. Geological Survey Orleans Quadrangle Sheet (1946);

thence in a course due south (true meridian) to a point on the 20-foot contour in Nauset Heights as delineated on the said Orleans Quadrangle Sheet at or near a NPS disk stamped 37–1 in an iron pipe, the elevation of the disk being 19.927 (said disk lying N. 11°54'10" E.—170.18 feet from a U.S. Coast and Geodetic Survey monument, being Triangulation Station "Warner");

thence in a meandering line in a general southeasterly and southerly direction a distance of 3,000 feet, more or less, along the line of the original 20-foot contour (as compiled and existing) from the point at or near said NPS disk stamped 37–1 set in an iron pipe, to a point at or near a NPS concrete monument stamped 37–9, said point 37–9 lying 150 feet north of the northerly end of a town way known as Beach Road; this 20-foot contour boundary is witnessed by NPS disks or NPS concrete monuments at or near said 20-foot contour, as follows:

NPS disk stamped 37–2 in an iron pipe, the elevation of the disk being 20.528 feet, lying S. 87°06'01" E. 226.93 feet from NPS disk 37–1;

NPS disk stamped 37–3 in an iron pipe, the elevation of the disk being 20.206 feet, lying S. 67°09'10" E. 162.69 feet from NPS disk 37–2;

NPS disk 37–4 in an iron pipe, the elevation of the disk being 21.076 feet, lying S. 50°13'19" E. 170.92 feet from NPS disk 37–3;

NPS disk stamped 37–5 in an iron pipe, the elevation of the disk being 20.347 feet, lying S. 41°30'41" E. 427.98 feet from NPS disk 37–4;

NPS concrete monument stamped 37–6, the elevation of the disk being 20.256 feet, lying S. 48°19'04" E. 437.29 feet from NPS disk 37–5;

NPS concrete monument stamped 37–7, the elevation of the disk being 20.486 feet, lying S. 36°26'55" E. 279.04 feet from NPS concrete monument 37–6;

NPS concrete monument stamped 37–8, the elevation of the disk being 20.123 feet, lying S. 25°37'19" E. 519.53 feet from NPS concrete monument 37–7;

NPS concrete monument stamped 37–9, the elevation of the disk being 20.835 feet, lying S. 8°57'16" E. 624.48 feet from NPS concrete monument 37–8;

thence continuing southerly 150 feet, more or less, along the 20-foot contour to the northerly end of a town way known as Beach Road at the southerly end of Cliff Road;

thence westerly 260 feet, more or less, to the easterly edge of a swamp;

thence northerly, westerly, southerly, and easterly following the edge of the swamp to a point approximately 50 feet north of NPS concrete monument stamped 37–15;

thence southerly 50 feet, more or less, to NPS monument stamped 37–15;

thence S. 4°50'44" E. 300.10 feet to NPS concrete monument stamped 37–16, the elevation of the disk being 20.211;

thence generally southerly following the 20-foot contour line 320 feet, more or less;

thence easterly 10 feet, more or less;

thence southerly 150 feet, more or less, to the northerly sideline of Aspinet Road;

thence westerly along the northerly sideline of Aspinet Road 45 feet, more or less;

thence southerly 175 feet, more or less, to the northerly sideline of a way;

thence westerly along the northerly sideline of the way 100 feet, more or less;

thence southerly 190 feet, more or less, to the northwesterly sideline of another way;

thence easterly and northeasterly crossing and following the southeasterly sideline of the way approximately 200 feet to the northeasterly sideline of a way running southeasterly;

thence generally northerly and easterly 200 feet, more or less, following the easterly and southerly sidelines of ways to a point 8 feet, more or less, north of NPS monument stamped 37–20;

thence southerly 8 feet, more or less, to NPS monument stamped 37–20, the elevation of the disk being 19.648;

thence generally southeasterly following the 20-foot contour line 170 feet, more or less, to NPS monument stamped 37–21, the elevation of the disk being 20.536;

thence southerly 20 feet, more or less, to a point approximately 70 feet east of the easterly sideline of a way;

thence 110 feet, more or less, westerly to the southwest sideline of a way running southeasterly;

thence generally southeasterly 300 feet, more or less, along the southwesterly sideline of said way;

thence in several courses westerly, southwesterly, and southerly 550 feet, more or less, to a point on the southerly sideline of Beach Road;

thence in several courses generally southeasterly 640 feet, more or less;

thence southwesterly 210 feet, more or less, to the easterly sideline of a way;

thence southeasterly along the easterly sideline of said way 150 feet, more or less;

thence generally southwesterly 660 feet, more or less, to the head of a tributary of Little Pleasant Bay;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the center line of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and to the outer Cape to the point of beginning.

This description encompasses an area of—

about 27,700 acres of inland and about 16,900 acres of tideland, totaling about 44,600 acres; comprising

about 5,050 acres of inland and about 2,900 acres of tideland, totaling about 7,950 acres in Provincetown;

about 9,400 acres of inland and about 2,400 acres of tideland, totaling about 11,800 acres in Truro;

about 8,000 acres of inland and about 4,300 acres of tideland, totaling about 12,300 acres in Wellfleet;

about 3,000 acres of inland and about 1,800 acres of tideland, totaling about 4,800 acres in Eastham;

about 1,500 acres of inland and about 2,600 acres of tideland, totaling about 4,100 acres in Orleans;

about 750 acres of inland and about 2,900 acres of tideland, totaling about 3,650 acres in Chatham.

A map depicting the area herein described and identified as Drawing No. NS–CC–7002, dated May 1965, will be kept in the Office of the Superintendent of the Cape Cod National Seashore for public inspection.

It is understood that the boundary description contained herein will be subject to such further minor adjustments as I deem practicable and necessary by virtue of the acquisition of additional acreage for said seashore.

The Cape Cod National Seashore, except as provided otherwise in the act of August 7, 1961, supra, shall be administered subject to the provisions of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C., secs. 1–4), as amended and supplemented, and in accordance with laws of general application relating to the National Park System as defined by the act of August 8, 1953 (67 Stat. 495); except that authority otherwise available to this Department for the conservation and management of natural resources may be utilized to the extent I find such authority will further the purposes of the aforesaid act of August 7, 1961.

STEWART L. UDALL,
Secretary of the Interior.

MAY 13, 1966.

[F.R. Doc. 66–5860; Filed, May 31, 1966; 8:45 a.m.]