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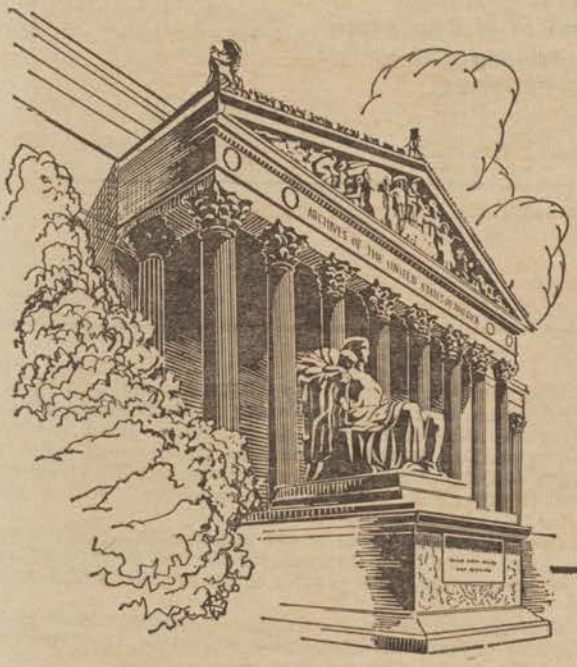

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Title 3—THE PRESIDENT

Proclamation 3739

INTERNATIONAL LITERACY DAY

By the President of the United States of America

A Proclamation

It is not difficult to test a man for literacy.
Ask him to write a simple message.
Or to read one.

Millions upon untold millions of persons cannot pass that test. Their communication with their fellow man is severely limited. Their intelligence is unformed by contact with the written word. They live out their lives in the darkness of ignorance.

Illiteracy is the greatest single barrier to economic and social progress in many of the countries of the world.

The people of Angola are 97 percent illiterate.
Rhodesia is 93 percent illiterate.
Haiti has the highest illiteracy rate in the Western Hemisphere—nearly 90 percent.

In Iraq, in Iran, in Bolivia and in many more countries the majority of men and women cannot read and write. Even in our own country where education is accorded its proper importance, there are three million illiterate adults.

September 8, 1966 is the first anniversary of an event which I believe was the turning point in the battle against illiteracy. On that date one year ago the World Congress of Ministers of Education convened in Tehran, Iran to consider the problem.

That Congress, made up in part by a delegation of distinguished statesmen and scholars sent by the United States Government, established the principles which now guide the highly commendable efforts of the United Nations Educational, Scientific, and Cultural Organization. Through experimental projects UNESCO is creating methods, techniques, and materials for full-scale literacy programs.

Here at home education is receiving concentrated attention. A partnership of Federal, State, and local authorities is working to provide America with an educational system commensurate with our position of world leadership. More than a dozen major pieces of education legislation enacted in the past three years have added greatly to the effectiveness of the partnership.

Our efforts for education of quality and equality extend to those adult citizens who have received little or no formal schooling. They are not discards of our society. They must share in its economic, social, and cultural benefits. New adult education programs will equip them to participate as fully as possible.

The work of the United States of America to eradicate ignorance does not stop at our shores. Nowhere in the world is the universal desire to eliminate illiteracy held more passionately than in this Nation which was founded on belief in the dignity, worth, and perfectibility of the individual. Our worldwide endeavors—individual, private, and governmental—are unsurpassed.

In recognition of the foregoing, the Congress has, by a joint resolution of August 27, 1966, authorized and requested the President to proclaim the 8th day of September 1966 as International Literacy Day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim September 8, 1966, as International Literacy Day, and call upon the people of the United States to commemorate that day in ways most appropriate to the occasion and to reaffirm our strong desire to cooperate with national and international organizations, private groups, and individuals dedicated to the goal of eliminating the scourge of illiteracy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of August in the year of our Lord nineteen hundred and sixty-six, and of [SEAL] the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9744; Filed, Sept. 1, 1966; 2:13 p.m.]

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Louisiana Capital Construction and Improvement Commission Public Improvement Bonds

§ 1.174 Louisiana Capital Construction and Improvement Commission Public Improvement Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $15 million Public Improvement Bonds issued by the Capital Construction and Improvement Commission of the State of Louisiana are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Capital Construction and Improvement Commission is a body politic and corporate created by an act of the Louisiana State Legislature. The Commission is authorized and empowered, inter alia, to borrow money for the purpose of obtaining funds for the construction and improvement of the State highway system and to issue bonds not in excess of $140 million to evidence such borrowing.

(2) The bonds will be payable solely from revenue derived from the Louisiana sales tax which has been irrevocably and irrepealably pledged and dedicated (subject to 7 percent of such revenues pledged to certain obligations of the Louisiana Fiscal Authority) to the payment of the bonds and which will be levied and collected so long as any of the Commission's obligations are outstanding. On the basis of current revenue levels, as well as the Commission's projections, sales tax revenues will be sufficient to exceed by 10 times the maximum annual bond interest and principal payments of the Commission, assuming the maximum permissible amount of bonds are issued, and of the Louisiana Fiscal Authority.

(3) The State of Louisiana has made adequate provision and is obligated for payments of amounts which will be sufficient to provide for all required payments in connection with the bonds. These bonds are thus general obligations of a state or political subdivision thereof within the meaning of § 1.3 (d) and (e) of the Investment Securities Regulation (12 CFR 1.3 (d) and (e)).

(c) *Ruling.* It is, therefore, our conclusion that the $15 million Public Improvement Bonds issued by the Capital Construction and Improvement Commission of the State of Louisiana are public securities as defined in § 1.3 (c), (d), and (e) of the Investment Securities Regulation (12 CFR 1.3 (c), (d), and (e)) issued pursuant to paragraph Seventh of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

Dated: September 1, 1966.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 66-9742; Filed, Sept. 2, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter 1—Federal Aviation Agency

[Docket No. 7582; Amdt. 39-281]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH.125-1A Airplanes

There has been a takeoff attempted by a Hawker Siddeley Model DH.125-1A airplane with the gust lock engaged. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require installation of a gust lock on Hawker Siddeley Model DH.125-1A airplanes that, when installed, braces the control column against the front end of the pilot's seat rails, effectively preventing occupancy of the seat.

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

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

HAWKER SIDDELEY. Applies to Model DH. 125-1A airplanes equipped with aileron and elevator system gust lock, P/N 25CF-1793AB.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent operation with the elevator and aileron gust lock engaged, accomplish the following:

(a) Remove gust lock assembly, P/N 25CF-1793AB, located on left side of cockpit.

(b) Modify pilot's control wheel and seat rail, and install gust lock stowage box assembly, P/N 25.MM. 333, in accordance with Hawker Siddeley Aviation, Ltd. Service Bulletin No. 27-34-(1716), dated May 18, 1966, or later ARB-approved issue.

(c) Equip airplane with aileron and elevator gust lock assembly, P/N 25.MM. 2583.

This amendment becomes effective September 3, 1966.

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

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

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

[F.R. Doc. 66-9695; Filed, Sept. 2, 1966; 8:48 a.m.]

[Reg. Docket No. 7539; Amdt. 91-32]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Positive Control Areas and Route Segments; Correction

On August 5, 1966, an amendment to § 91.97 of the Federal Aviation Regulations was published as F.R. Doc. 66-8527 (31 F.R. 10517) which altered the regulation governing the operation of aircraft within the positive control area.

Since the publication of this document, it was noted that the arrangement of § 91.97(a)(4) may result in a possible misinterpretation of the paragraph. Corrective action is therefore taken herein.

Since this action is editorial in nature, involving a rearrangement without substantive change, and is in conformity with the intent of the amendment, the Administrator has determined that notice and public procedure hereon are unnecessary, and the effective date of the amendment as initially adopted may be retained.

In consideration of the foregoing, F.R. Doc. 66-8527 (31 F.R. 10517) is amended, effective immediately, as hereinafter set forth.

Section 91.97(a) is amended to read as follows:

§ 91.97 Positive control areas and route segments.

(a) * * *

(4) Equipped, when in a positive control area, with—

(i) A coded radar beacon transponder, having at least a Mode A (Military Mode 3) 64 code capability, replying to Mode A/3 interrogation with the code specified by ATC; and

(ii) A radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned.

* * * * *

(Secs. 307, 313, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on August 29, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-9696; Filed, Sept. 2, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 579—STANDARDS OF CONDUCT FOR DEPARTMENT OF THE ARMY PERSONNEL

A new Part 579 is added to this subchapter, as follows:

GENERAL

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

CONFLICT OF INTEREST LAWS

AUTHORITY: The provisions of this Part 579 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 201–209, 18 U.S.C.; E.O. 11222, May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; Part 40, Ch. I, 32 CFR; and 5 CFR 735.104.

GENERAL

§ 579.1 Purpose and objectives.

(a) This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Department of Defense personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. Violations of this part may be cause for appropriate disciplinary action which may be in addition to any penalty provided by law. All military personnel and civilian employees will familiarize themselves thoroughly with the provisions of this part.

(b) This part is in implementation of (1) Executive Order 11222 of May 8, 1965 (30 F.R. 6469), prescribing standards of ethical conduct for Government officers and employees, (2) Department of Defense Directive 5500.7, March 22, 1966 (31 F.R. 4989), and (3) the Civil Service Commission Regulation of October 1, 1965 (Part 735, Chap. I, 5 C.F.R.). It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress (72 Stat. 1312), which applies to all Government personnel.

(c) This part includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (Public Law 87–777 and Public Law 87–849) (76 Stat. 777, 1119).

§ 579.2 Explanation of terms.

(a) "DOD personnel" as used in this part, unless the context indicates otherwise, means all civilian officers and employees, including special Government employees, of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all active duty officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) The term "DA personnel" as used in this part, unless the context indicates otherwise, means all civilian officers and employees, including special Government employees, of the Department of the Army (including nonappropriated fund activities) and all active duty officers and enlisted members of the Army.

(c) The term "military personnel" as used in this part, unless the context indicates otherwise, means all officers, warpart, includes commissioned and warrant the Army on active duty.

(d) The term "officer" as used in this part includes commissioned and warrant officers.

§ 579.3 Ethical standards of conduct.

(a) *General.* DA personnel are bound to refrain from any private business or professional activity or from having any direct or indirect financial interest which would place them in a position where there is a conflict between their private interests and the public interests of the United States, particularly those related to their duties and responsibilities as DA personnel. Even though a technical conflict, as set forth in the statutes cited in this part, may not exist, DA personnel must avoid the appearance of such a conflict, from a public confidence point of view. DA personnel will not engage in any private business or professional activity or enter into any financial transaction which involves the direct or indirect use, or the appearance of use, of inside information gained through a DA position to further a private interest or for private gain for themselves or another person or entity, particularly one with whom they have family, business, or financial ties. DA personnel must not use their DA positions in any way to induce or coerce, or give the appearance of inducing or coercing, any person (including subordinates) or entity to provide any financial benefit to themselves or another person or entity, particularly one with whom they have family, business, or financial ties. For the purpose of this section "inside information" means information obtained under Government authority which has not become part of the body of public information. This section does not preclude DA personnel from teaching, lecturing, and writing as authorized by § 579.12, nor does it preclude DA personnel from having financial interests or engaging in financial transactions to the same extent as private citizens not employed by the Government so long as they are not prohibited by law or regulations.

(b) *Dealing with present and former military and civilian personnel.* DA personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this part.

(c) *Membership in associations.* All DA personnel who are members or officers of nongovernmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions.

(d) *Solicitation—(1) Military personnel.* Military personnel on active duty are prohibited from personal commercial solicitation and sale to military personnel who are junior in grade or rank. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes but is not limited to the personal solicitation and sale of life and automobile insurance, stock, mutual funds, real estate, or any other commodities, goods, or services. As used herein, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary, and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he is offering for sale. This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned

dwelling. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances where it would appear that coercion, intimidation, or pressure was used based on rank, grade, or position. See also § 552.18(j).

(2) *Civilian employees.* Civilian employees are not permitted to engage in canvassing, soliciting, or peddling on Department of the Army premises.

(i) This prohibition includes, but is not limited to the following activities:

(*a*) Canvassing, soliciting, or selling for personal monetary gain.

(*b*) Promoting group buying when such action could reasonably be interpreted as involving the improper use of Federal facilities and manpower.

(*c*) Canvassing or soliciting membership, except as authorized in Federal Personnel Manual, Chapter 711, and Civilian Personnel Regulation 700, Chapter 711, in connection with organized employee groups.

(ii) This prohibition is not applicable to the following activities:

(*a*) Those activities which have been specifically authorized by the activity commander § 552.18(j).

(*b*) Soliciting contributions for charitable, health, welfare, and similar organizations as authorized in AR 600–29 (DA regulations regarding fund raising within the Department of the Army).

(*c*) Accepting voluntary contributions from other employees in case of death, illness, marriage, retirement, or similar occurrence involving a fellow employee.

(*d*) Collecting contributions for group immunization programs conducted for the bentfit of employees.

(*e*) Those activities of voluntary organizations of Federal employees which are of the type commonly accepted as normal functions of employee organizations sponsored or permitted by private employers.

(e) *Assignment of reserves for training.* DA personnel who are responsible for assigning Reserves for training should make every effort to assign them when they are on active duty for training to duties in which they will not obtain information that could be used by them or their employers to give them an unfair advantage over their civilian competitors.

(f) *Conduct prejudicial to the Government.* DA personnel shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the Government. Moreover, DA personnel shall avoid any action whether or not specifically prohibited by this part, which might result in, or create the appearance of—

(1) Using public office for private gain.

(2) Giving preferential treatment to any person.

(3) Impeding Government efficiency or economy.

(4) Losing complete independence or impartiality.

(5) Making a Government decision outside official channels.

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

§ 579.4 Bribery and graft.

In general, DA personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for performing or refraining from performing an official act. See 18 U.S.C. 201.

§ 579.5 Unauthorized release of procurement information.

It is the individual responsibility of all personnel, both military and civilian, of the Department of the Army to refrain from releasing to any individual or any individual business concern or its representatives any knowledge such personnel may possess or have acquired in any way concerning proposed procurements or purchases of supplies by any procuring activity of the Department of the Army. Such information will be released to all potential contractors as nearly simultaneously as possible and only through duly designated agencies, so that one potential source of supply may not be given an advantage over another. All dissemination of such information will be in accordance with existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

§ 579.6 Selection and instruction of personnel assigned to procurement and related activities.

(a) The importance of the procurement function to the Department of the Army makes selection and instruction of procurement personnel a matter of major importance to appointing officials. Selected personnel are not only responsible for protecting the Government's interest but also for maintaining the reputation of the Department of the Army for honesty, courtesy, and fair dealings in all relations with contractors. All procurement and related activities personnel, military or civilian, must comply with the provisions of Title 10, United States Code, Chapter 137, the Armed Services Procurement Regulations (Subchapter A, Chap. I of this title), the Army Procurement Procedures (Subchapter G of this chapter), and the Department of the Army circulars, directives, and other publications pertinent thereto. Every person engaged in procurement and related activities must at all times protect the interests of the Government.

(b) A copy of this part will be furnished to individuals assigned to procurement and related activities in accordance with the distribution prescribed for the Army Procurement Procedures.

§ 579.7 Unauthorized statements or commitments with respect to award of contracts.

Only contracting officers and their duly authorized representatives acting within their authority are authorized to commit the Government with respect to award of contracts. Unauthorized discussion and commitments may place the Department of the Army in the position of not acting in good faith. Unauthorized personnel will refrain from making any commitment or promise relating to award of contracts and will make no representation which would be construed as such a commitment. Army personnel will not under any circumstances advise a business representative that an attempt will be made to influence another person or agency to give preferential treatment to his concern in the award of future contracts. Any person requesting preferential treatment will be informed by official letter that Department of Army contracts are awarded only in accordance with established contracting procedures.

§ 579.8 Gratuities.

(a) Except as provided in paragraph (b) of this section, DA personnel will not solicit or accept any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value either directly or indirectly from any person, firm, corporation, or other entity which—

(1) Is engaged or is endeavoring to engage in procurement activities or business or financial transactions of any sort with any agency of the Department of Defense;

(2) Conducts operations or activities that are regulated by any agency of the Department of Defense; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the Department of Defense personnel concerned.

Gifts, gratuities, favors, entertainment, etc., bestowed upon members of the immediate families of DA personnel are viewed in the same light as those bestowed upon DA personnel. Acceptance of gifts, gratuities, favors, entertainment, etc., no matter how innocently tendered and received, from those who have or seek business with the Department of Defense may be a source of embarrassment to the department and the personnel involved, may affect the objective judgment of the recipient, and may impair public confidence in the integrity of the business relations between the department and industry.

(b) For the purpose of this section, a gift, gratuity, favor, entertainment, etc., includes any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations or hospitality given or extended to or on behalf of the recipient. However, the restrictions in paragraph (a) of this section do not apply to the following:

(1) Instances in which the interests of the Government are served by participation of DA personnel in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by DA personnel is appropriate when the host is the association and not an individual contractor. Acceptance of gratuities, or hospitality from private companies in connection with such association's activities is prohibited.

(2) Situations in which the interests of the Government are served by participation of DA personnel in activities at the expense of individual defense contractors when the invitation is addressed to and approved by the employing agency of DOD. These activities include public ceremonies of mutual interest to industry, local communities, and the Department of Defense, such as the launching of ships or the unveiling of new weapons systems; industrial activities which are sponsored by or encouraged by the Government as a matter of U.S. defense or economic policy, such as sales meetings to promote offshore sales involving foreign industrial groups or governments.

(3) Luncheons or dinners at a contractor's plant on an infrequent basis, when the conduct of official business within the plant will be facilitated and when no provision can be made for individual payment.

(4) Situations in which, in the judgment of the individual concerned, the Government's interest will be served by participation by DA personnel in activities at the expense of a defense contractor. In any such case in which DA personnel accepts any gratuity, favor, entertainment, etc., either directly or indirectly from any person, firm, corporation, or any other entity which is engaged in or is endeavoring to engage in business transactions of any sort with the Department of Defense, a written report of the circumstances will be prepared and forwarded within 48 hours. This report will be transmitted through the chain of command to the first command position occupied by an Army general officer superior to the person making the report. It will identify the favor, gratuity, or entertainment; when, where, and from whom received; and state the justification for acceptance. Personnel of the Office of the Secretary of the Army will forward such reports to the General Counsel, Department of the Army.

(5) Specialty advertising items of trivial intrinsic value.

(6) Customary exchange of social amenities between personal friends and relatives when motivated by such relationship and extended on a personal basis.

(7) Things available impersonally to the general public or classes of the general public such as a free exhibition by a defense contractor at a world's fair.

(8) Trophies, entertainment, rewards, or prizes given to competitors in contests which are open to the public generally or which are officially approved for participation in by DOD personnel.

(9) Transactions between and among relatives which are personal and consistent with the relationship.

(10) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans.

(11) Social activities engaged in by officials of the Department of Defense and officers in command or their representatives with civilian leaders as part of community relations programs.

(12) Contractor-provided local transportation while on official business and when alternative arrangements are clearly impracticable.

(13) Participation in civic and community activities by DA personnel when the relationship with the defense contractor can reasonably be characterized as remote; for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by a concern doing business with a defense activity.

(14) Receipt of bona fide reimbursement, not prohibited by law, from other than defense contractors for actual expenses for travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(c) Except as provided in paragraph (b)(12) of this section, personnel on official business may not accept contractor-provided transportation, meals, or overnight accommodations in connection with such official business so long as Government or commercial transportation or quarters are reasonably available. However, where the overall Government interest would be served by acceptance by DA personnel of such transportation or accommodations in specific cases, authorization therefor may be granted by order issuing authorities.

(d) The principles in subparagraphs (1) through (5) of this paragraph will serve as appropriate guidelines when Government contractors provide training, orientation, and refresher courses to Government personnel. These training courses range from executive orientation courses in which all expenses are borne by the contractor to annual seminars devoted to technical developments in which the only "gratuity" may be the giving of lectures free of charge.

(1) When a course is given pursuant to a contractual undertaking with the Government, the course itself is not a gratuity. The furnishing of meals, lodging, and transportation to the extent required by the contract is likewise not a gratuity. However, the furnishing of same, or of entertainment and the like if not required by the contract, does constitute a gratuity if appropriate charge therefor is not made to the individual. If lodging, meals, transportation, and the like are furnished as a part of a contract, travel and other expenses otherwise chargeable to the Government will be appropriately reduced in accordance with applicable regulations.

(2) Attendance at tuition-free nonacademic training or refresher courses, seminars, and the like offered by contractors (although not required to do so by the contract) may be authorized when attendance is clearly in the interest of the Government. Under such circumstances the training or instruction itself will not be regarded as a reportable gratuity as required in paragraph (b)(4) of this section.

(3) Selection of personnel to attend such courses will be made by the Government and not by the contractor. Invitations to individuals to attend courses at the expense of the contractor may not be accepted.

(4) Authorized attendance at such courses will be considered official business, with payment of applicable transportation and per diem as well as reimbursement for any tuition or other training expenses paid. Attendance will not be authorized if there is any doubt of the contractor's intention to impose appropriate charges for such meals, lodging, and entertainment as may be furnished in connection with the course.

(5) The foregoing principles are in amplification of paragraphs (a) through (c) of this section, and the provisions thereof remain fully applicable to the conduct of those attending courses of any kind.

(e) Procedures with respect to gifts from foreign governments are set forth in AR 672–5–1, DA regulations pertaining to awards.

(f) Procedures with respect to ROTC staff members of payments or other benefits offered by educational institutions are set forth in paragraph 27, AR 145–5, DA regulations pertaining to the ROTC.

§ 579.9 Prohibitions of contributions or presents to superiors.

No officer or employee in the United States Government employ shall at any time solicit contributions from other officers or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a salary in an amount smaller than their own; nor shall any officer or employee make any donation as a gift or present to any official superior. Every person who violates this provision shall be discharged from the Government employ (R.S. 1784; 5 U.S.C. 113).

§ 579.10 Use of Government facilities, property, and manpower.

(a) *General.* DA personnel will not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. Government facilities, property, and manpower, such as stenographic and typing assistance and mimeograph and chauffeur services, may be used only for official Government business. DA personnel have a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted to them. This restriction is not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with military missions.

(b) *Special mission aircraft.* Special mission aircraft will be used only for official purposes in the implementation of projects or missions involving their use, approved by the Secretary of the Army or the Chief of Staff. See AR 96–20, DA regulations pertaining to transportation by aircraft.

(c) *Use of motor vehicles.* (1) Full-time assignment of official vehicles to officials of the Department of the Army at the seat of Government will be subject to the approval of the Secretary of Defense or the Deputy Secretary of Defense. Full-time assignments at Department of the Army field installations will be subject to the approval of the Secretary of the Army.

(2) DA personnel authorized full-time use of official vehicles will not use such vehicles for other than the actual performance of official duties.

§ 579.11 Use of civilian and military titles in connection with commercial enterprise.

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military title or positions in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as authors by reference to their military or civilian title or position, provided that publication of such material has been cleared under existing DOD procedures. See part 504 of this chapter.

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the military services or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the Department of the Army or the Department of Defense. The Department of the Army may restrict retired personnel and members of Reserve components, not on active duty, from using their military titles in connection with public appearances in oversea areas.

§ 579.12 Outside employment of DA personnel.

(a) DA personnel shall not engage in outside employment or other outside activity, with or without compensation, which—

(1) Interferes with, or is not compatible with, the performance of their Government duties.

(2) May reasonably be expected to bring discredit upon the Government or the Department of the Army.

(3) Is inconsistent with § 579.3(a), including such inconsistent acts as the acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which that acceptance may result in or create the appearance of, conflicts of interest.

(b) No enlisted member of the Armed Forces on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession.

(c) Active duty military personnel who are engaged in outside employment as agents for the sale of any commodity are governed by the provisions of § 552.18(j), and § 579.3(d).

(d) No officer or enlisted person on the active list of the Army, or civilian employee of the Department of the Army, will act as a consultant for a private commercial enterprise with regard to any matter in which the Government is interested with the following exceptions:

(1) Literary activities as provided in Part 504 of this chapter.

(2) Service without remuneration in an advisory capacity (member of a board of directors, officer of an association, etc.) to a publication which is or may be issued by or for any branch or organization of the Army or military association. Other service on the staff of such a publication which accepts paid advertising is prohibited.

(e) Installation commanders will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives which operate in competition with civilian enterprises. This provision does not preclude the use of personnel where authorized for those nonappropriated funds and activities prescribed by AR 230–5 DA regulations pertaining to nonappropriated funds. The provisions of this section are not applicable to members of the Reserve components who are not on active duty and who are not employees of the Army.

(f) DA personnel are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment except when that information has been published or is available to the general public or will be made available on request, or when the Secretary of the Army gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department of the Army or which draws substantially on official data or ideas which have not become part of the body of public information.

(g) No civilian employee may engage in outside employment under a State or local government except in accordance with Part 734 of the Civil Service regulations (5 CFR Part 734).

(h) The standards prescribed in paragraph (a) of this section, apply also to foreign employment and interests. In addition, Executive Order 5221, November 11, 1929, prohibits Federal employees from accepting employment with any foreign government or foreign corporation, partnership, or individual that is in competition with American industry.

(i) This section does not preclude DA personnel from—

(1) Participation in the activities of national or State political parties not proscribed by law or regulation.

(2) Participation in the affairs or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, nonprofit recreational, public service, or civic organization.

§ 579.13 Political activities.

(a) For political activities of civilian personnel, see Chapter 733, Federal Personnel Manual.

(b) For political activities of military personnel, see paragraph 42, AR 600–20, DA regulations pertaining to personnel.

§ 579.14 Letters and petitions to Congress.

The right of civilian employees, either individually or collectively, to petition Congress, or any member thereof, or to furnish information to any committee or Member of Congress, is provided by law (5 U.S.C. 652d). Letters to Congress, as well as petitions and other communications, are covered by this provision. While the Department of the Army desires that employees seek to resolve any problem or grievance locally, any employee exercising his right to correspond with a Congressman shall be free from restraint or coercion. However, the use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 U.S.C. 1913). Accordingly, employees may not use duty time or Department of the Army materials or equipment to make their desires known to Congress. For information relating to Congressional activities of military personnel, see paragraph 41, AR 600–20.

§ 579.15 Defamatory or irresponsible statements.

Civilian employees are free to utilize the grievance procedure to express dissatisfaction with working conditions and relationships (CPR E2. 1–1); to petition Congress; and to present full and complete information as a defense against a proposed adverse personnel action (CPR S1. 2–2 and 2–4). While these policies encourage freedom of expression, employees are accountable for the statements they make or the views they express. Specifically, employees are not permitted to make irresponsible, false, or defamatory statements for the express purpose of injuring others or which attack, without foundation, the integrity of an organization or that of other individuals. The Supreme Court has ruled that officers of the Federal Government have an "absolute privilege" for defamatory statements issued in the course of their official duties. Although this privilege is referred to as an "absolute privilege," it applies only to statements made in the course of performance of official duties and is to be exercised with care and restraint. This privilege does not apply to defamatory statements unrelated to official duties.

§ 579.16 Borrowing and lending money.

Civilian employees may not borrow money from either their subordinates or their supervisors or have such persons act as indorser or comaker of a note given as security for a personal loan. Neither may an employee loan money to fellow employees for the purpose of monetary profit or other gain. Anyone failing to observe these rules of conduct will be subject to disciplinary action. These prohibitions do not apply to the operations of recognized credit unions or to employee welfare plans.

§ 579.17 Gambling, betting, and lotteries.

DA personnel shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities—

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 (26 F.R. 2383, March 22, 1961) and similar activities approved by Headquarters, DA. See paragraph 10, AR 28–125, DA regulations pertaining to service clubs.

§ 579.18 Indebtedness.

DA personnel shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between DA personnel and alleged creditors, this paragraph does not require the Department of the Army to determine the validity or amount of the disputed debt (par. 36, AR 600–20, and CPR 700, Ch. 735).

§ 579.19 Information to personnel.

(a) Appropriate action will be taken to insure that new DA personnel are informed of the standards of conduct specified in this part upon employment or entry on duty. Appropriate action also will be taken to bring these standards of conduct to the attention of all personnel at least semiannually.

(b) The attention of DA personnel is directed to each statute relating to ethical and other conduct that is referred to in this part and in appendix B to Part 40, chap. I of this title (31 F.R. 4995, March 26, 1966). DA personnel will be advised how to obtain additional clarification of the standards of conduct set forth in this part and in related statutes, rules, and regulations. For this purpose, heads of DA agencies and major commanders will provide for the designation in each DA agency, command, or installation of one or more legal officers as deputy counselors who shall be responsible for providing advice and assistance on all matters relating to conduct and conflicts of interest and for reviewing statements of employment and financial interests covered by this part.

(c) Questions which cannot be resolved by a legal office will be referred, with recommendations, through channels to higher authority. The General Counsel, Office of the Secretary of the Army, is designated as the counselor for the Department of the Army and is responsible for proper coordination and final disposition of all problems relating to conflicts of interest and statements of employment and financial interests in accordance with this part.

(d) Procedures established governing the review of statements of employment and financial interests shall provide that—

(1) Whenever such review discloses a conflict or apparent conflict of interests, the individual concerned is entitled to an opportunity to explain the conflict or appearance of conflict.

(2) If the conflict or appearance of conflict is not resolved on review by the explanation made by the individual concerned, the information pertaining to the matter will be submitted through channels to the Under Secretary of the Army, as the designee of the Secretary of the Army, after review by the General Counsel, Office of the Secretary of the Army.

(3) The resolution of a conflict or apparent conflict of interest either on review or after referral to the Under Secretary of the Army will be effected promptly so that the conflict or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of the conflicting interest, disqualification for a particular assignment, or disciplinary action. The resolution, whether by disciplinary action or otherwise, will be effected in accordance with applicable laws, Executive Orders, and regulations.

§ 579.20 Reporting suspected violations.

DA personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this part will promptly report such incidents to their immediate superiors. If the superior believes there has been a violation, he will report the matter for further action in accordance with existing procedures. Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 579.21 Statements of employment and financial interests.

The following DA personnel are required to submit statements of employment and financial interests:

(a) DA personnel paid at a level of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, as amended (Secretary of the Army, Under Secretary of the Army, Assistant Secretaries of the Army, Director of Civil Defense, and General Counsel).

(b) DA personnel in Grade GS–16 or above, of the General Schedule established by the Classification Act of 1949, as amended, or in comparable or higher positions not subject to that Act including Public Law 313 (61 Stat. 715) and commissioned officers in the pay grade of 07 or above.

(c) DA personnel in Grades GS–13 through GS–15 or commissioned officers in the rank of Lieutenant Colonel and Colonel whose basic duties and responsibilities require the incumbent to exercise judgment in making or recommending a Government decision or in taking or recommending Government action in regard to—

(1) *Contracting or procurement.* For the purpose of this part "contracting or procurement" includes all functions that pertain to the authorization, award, and administration of contracts or grants with nongovernmental entities. This includes agreements, supplemental agreements, subcontracts, leases, service orders, task orders, purchase orders, delivery orders, change orders, property disposal contracts, communication service authorizations, and other instruments or agreements which obligate the United States. It includes pre-award surveys; the evaluation, appraisal, selection, or approval of contractors and subcontractors, contractor and subcontractor facilities, and the location, transfer, or closing of, work sites. It also includes purchasing, renting, leasing, or otherwise obtaining supplies or services from, and disposing or selling supplies to nongovernmental entities and all functions that relate to obtaining or disposing of sup-

plies and services, description and determination of requirements, preparation of specifications including the determination of technical requirements, selection and solicitation of sources, preparation and award of contracts or grants, and all phases of contract and grant administration and monitoring, including all aspects of quality control and quality assurance, inspection, and acceptance.

(2) *Auditing.* Auditing private or other non-Federal enterprise including the supervision of auditors engaged in audit activities or the participation in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(3) *Other.* Activities in which the decision or action has an economic impact on the interests of any non-Federal enterprise.

§ 579.22 Review of positions.

(a) All positions in the category indicated in § 579.21(c), both military and civilian, will be reviewed and a statement as to whether the incumbent of the position must file a statement of employment and financial interest as required by this regulation will be included in each military and civilian position description or similar document describing the duties and responsibilities of the position. This determination will be reviewed at least annually. The review may be accomplished at the time performance, efficiency, or effectiveness ratings are given, or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in § 579.21(c) will be required to comply with the filing requirements of this part.

(b) Positions in the above categories may be excluded when it is determined by the Secretary of the Army, or his designee, that the duties are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review of the incumbent and the remote and inconsequential effect on the integrity of the Government.

(c) The Secretary of the Army, or his designee, may relieve personnel serving in an area designated as a hostile fire area from the requirement for the submission of statements of employment and financial interests.

(d) The statements of employment and financial interests will be submitted on DD forms as indicated below. DD Form 1555[1] (Confidential Statement of Employment and Financial Interests—DOD Personnel), is for use by all DA personnel except special Government employees. DD Form 1555–1[1] (Confidential Statement of Employment and Financial Interests) is for use by special Government employees. Information pertaining to deposits in savings accounts such as banks, credit unions, etc., will not be included as financial interests on these forms.

§ 579.23 Manner of submission—statements of employment.

(a) The Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, the Director of Civil Defense, the Deputy Under Secretary of the Army (Manpower), the Administrative Assistant to the Secretary of the Army, and the General Counsel, OSA, will submit statements of employment and financial interests to the General Counsel of the Department of Defense.

(b) General officers will submit statements of employment and financial interests as prescribed in appendix II.

(c) Personnel in Grade GS–16 or above of the General Schedule established by the Classification Act of 1949, or in comparable or higher positions not subject to that Act, and not included in paragraph (a) of this section, will submit statements of employment and financial interests as prescribed in appendix III.

(d) DA personnel not included in paragraphs (a) through (c) of this section will submit statements of employment and financial interests to the officer designated under § 579.19(b), except that personnel of the Office of the Secretary of the Army will submit such statements to the General Counsel, OSA.

(e) Statements of employment and financial interests shall be submitted by each officer or employee required by this part to file a statement, not later than August 15, 1966 (as of a date no earlier than June 30, 1966) and periodically thereafter as prescribed in § 579.27. Employees who enter Government service after June 30, 1966, who are required to file a statement of employment and financial interests, shall file such statements within 30 days from the date of commencement of such service.

§ 579.24 Excusable delay.

If by reason of his duty assignment it is impracticable for an individual to submit a statement within the period required by this regulation, his immediate superior may grant an extension of time therefor. Any extension in excess of 30 days requires the concurrence of the Secretary of the Army. Statements submitted pursuant to an extension of time granted will include appropriate notation to that effect.

§ 579.25 Special Government employees—statement of employment and financial interests.

(a) For the purpose of this section, "special Government employee" has the meaning given that term by § 579.34.

(b) Each special Government employee who is an adviser or consultant shall, prior to appointment, file with the officer designated under § 579.19(b) a statement (DD Form 1555–1) setting forth his Government employment, his private employment, and his financial interests; except individuals assigned to the Office of the Secretary of the Army, such statements will be filed with the General Counsel, OSA. An appointee must list all of his investments and other financial interests such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

(c) The following categories of special Government employees are not considered advisers or consultants within the meaning of this section when performing the specific services listed below and are not required to file the statement of employment and financial interests:

(1) Physicians, dentists, and allied medical specialists performing care and service to patients.

(2) Veterinarians providing veterinary service to animals.

(3) Lectures participating in educational activities.

(4) Chaplains performing religious services.

(5) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the Department of Defense.

(6) A special Government employee who is not a "consultant" or "expert" as those terms are defined in Chapter 304 of the Federal Personnel Manual.

§ 579.26 Exceptions to specific appointees.

The Secretary of the Army may grant an exception to a specific appointee from completing that part of the statement of employment and financial interests relating to his investments and other financial interests referred to in § 579.25(b), upon the making of a determination that this information is not relevant in the light of the duties the appointee is to perform.

§ 579.27 Supplementary statements.

Changes in or additions to the information contained in an employee's statement shall be reported in a supplementary statement in the month following the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement (as of June 30), negative or otherwise, is required by July 31 of each year.

§ 579.28 Interests of employee's relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this part, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 579.29 Information not known by employees.

If any information required to be included on a statement of employment

[1] Filed as part of the original document. Copies may be obtained through publication supply channels.

and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

§ 579.30 Information not required to be submitted.

An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this part, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 579.31 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, will be held in confidence. The Department of the Army may not disclose information from a statement except as the Secretary of the Army or the Civil Service Commission may determine for good cause shown.

§ 579.32 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

CONFLICT OF INTEREST LAWS

§ 579.33 Full-time officers and employees.

(a) *Full-time officer or employee.* The term "full-time officer or employee" includes all civilian officers and employees and all military officers on active duty, except those who are "special Government employees" (§ 579.34). It does not include enlisted personnel.

(b) *Prohibitions.* Appendix B(A) to Part 40, Chapter I of this title (31 F.R. 4995, March 26, 1966), contains a discussion of criminal laws relating to conflict of interest and exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203, 205).

(2) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(3) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (d) of this section, except as provided in paragraph (c) of this section.

(c) *Nondisqualifying financial interest.* A full-time officer or employee need not disqualify himself under paragraph (b)(3) of this section, if his financial holdings are in shares of a widely held diversified mutual fund or regulated investment company.

NOTE. The indirect interests in business entities which the holder of shares in a widely held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities has been exempted from the provisions of 18 U.S.C. 208a, in accordance with the provisions of 18 U.S.C. 208b(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(d) *Disqualification procedure.* (1) In any case where a full-time officer or employee must disqualify himself under paragraph (b)(3) of this section, he will promptly notify his immediate superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him of his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or employee. The original copy of such written determination will be made a matter of permanent record and will become a part of the Official Civilian Personnel Folder or the military officer's Personnel Records Jacket.

(2) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for the purpose of this section, be his superior or such other person as the installation commander may designate, who is a full-time officer or employee serving in the grade of major or GS–12 or higher. The designation, authorized to be made by installation commanders as stated above, may be made by directors or heads of comparable offices in the Office of the Secretary of the Army and in Headquarters, Department of the Army, for personnel assigned to their respective offices.

(3) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(4) In cases of disqualification under this section, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

§ 579.34 Special Government employees.

(a) The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(b) Appendix B to Part 40, Chapter I of this title (31 F.R. 4995, March 26, 1966) contains a detailed discussion of criminal laws relating to conflict of interest. In general, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else—

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

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

NOTE. The restrictions described in subdivisions (i) and (ii) of this subparagraph apply to both paid and unpaid representation of another.

(2) He may not participate in his Government capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with § 579.33(d), except as provided in § 579.33(c).

(3) After his Government employment has ended, he is subject to the prohibitions in § 579.35(b) as a "former employee" (18 U.S.C. 207).

§ 579.35 Former officers or employees.

(a) The term "former officer or employee" includes those full-time civilian officers or employees who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(b) Appendix B (B) of Part 40 of chapter I of this title contains a more

detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

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

(2) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 202(b), 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subparagraph (1) of this paragraph if the matter is one in which he participated personally and substantially.

§ 579.36 Retired Regular officers.

(a) *Prohibitions.* Appendix B(C) of Part 40 of chapter I of this title contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Army officer is subject to the following major prohibitions:

(1) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in § 579.35 (18 U.S.C. 207).

(2) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (18 U.S.C. 283).

(3) He may not, within 2 years after his retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (18 U.S.C. 283).

(4) He may not, at any time, sell anything to the Department in whose service he holds a retired status (18 U.S.C. 281).

(5) He may not, within 3 years after retirement, sell supplies or war materials to any agency of the DOD, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. See 37 U.S.C. 801(c), as amended 9 October 1962; Public Law 87-777, formerly 5 U.S.C. 59(c). See also definition of "selling," in appendix referred to at the beginning of this section.

(b) *Required statement of employment.* Each retired Regular Army officer will file a Statement of Employment (DD Form 1357). Each Regular officer retiring hereafter will file this Statement within 30 days after retirement. When the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357. Statements of Employment (DD Form 1357) or inquiries relative thereto should be forwarded to The Adjutant General, Attention: AGPO-AA, Department of the Army, Washington, D.C. 20310. These Statements will be reviewed to assure compliance with applicable statutes and regulations.

§ 579.37 Officers of the Reserve components.

(a) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer and § 579.33 applies to him.

EXCEPTION. Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (10 U.S.C. 1033).

(b) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and § 579.34 applies to him.

(c) A Reserve officer (unless otherwise a full-time officer or employee of the United States) who is on active duty solely for training for any length of time is a "special Government employee," and § 579.34 applies to him.

(d) When he is released from active duty, a Reserve officer described in paragraphs (a), (b), or (c) of this section, is a "former officer" and § 579.35 applies to him.

(e) Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (5 U.S.C. 30r(c), (d)).

(f) An officer of a Reserve component, whether in a Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in §§ 579.33, 579.34, or 579.35 (5 U.S.C. 30r(c), (d)).

(g) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in §§ 579.33, 579.34, or 579.35. Section 579.36 does not apply to a Retired Reserve.

§ 579.38 Other related laws applicable to all DOD personnel.

In addition to activities listed in Appendix B(D) of Part 40, Chapter I of this title, the following laws are applicable:

(a) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

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

(c) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 118i), and 18 U.S.C. 602, 603, 607, and 608. (Civilian employees).

APPENDIX I

EXTRACT FROM APPENDIX C OF CIVIL SERVICE FEDERAL PERSONNEL MANUAL SYSTEM ON SPECIAL GOVERNMENT EMPLOYEES (INCLUDING GUIDELINES FOR OBTAINING AND UTILIZING THE SERVICES OF SPECIAL GOVERNMENT EMPLOYEES)

Each department and agency should observe the following rules in obtaining and utilizing the services of a consultant, adviser, or other temporary or intermittent employee:

(a) At the time of his original appointment and the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 days on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday, or holiday on which duty is to be performed should be counted equally with a regular work day.

(b) Unless otherwise provided by law, an appointment should not extend for more than 365 days. When an appointment extends beyond that period, an estimate as required by paragraph (a) should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(c) If a department or agency estimates, pursuant to paragraph (a) or (b), that an appointee will serve more than 130 days during the ensuing 365 days, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct him that he is regarded as subject to the prohibitions of 18 U.S.C. 203 and 205 to the same extent as if he were to serve as a full-time employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and instructed that he is regarded as subject only to the restrictions of 18 U.S.C. 203 and 205. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate on an appointee, that he has not been accurately classified, he should nevertheless continue to be considered a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(d) An employee who undertakes service with two departments or agencies shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under paragraph (a) or (b) shall be considered determinative of his classification by each. Notwithstanding anything to the contrary in paragraphs (a), (b), or (c), if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be considered determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph for two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(e) When a person is serving as a member of an advisory committee, board or other group, and is by virtue of his membership thereon an officer or employee of the United States, the requirements of paragraphs (a), (b), (c), and (d) should be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(f) The 60-day standard affecting a special Government employee's private activities before his department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. A special Government employee is barred from representing another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365 days. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of nonservice. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(g) A part of a day should be counted as a full day in connection with the 60-day standard discussed in paragraph (f), above, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

To a considerable extent the prohibitions of 18 U.S.C. 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by 18 U.S.C. 203 and 205, should make every effort in his private work to avoid any personal contact in negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. It is recognized that this will not always be possible to achieve; for example, in a situation in which a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. When this situation occurs, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

Section 205 of title 18 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he otherwise would be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served for more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either 18 U.S.C. 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

It is necessary occasionally to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including, on occasion, the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government department or agency to present the views of a nongovernmental organization or group which he represents, or for which he is in a position to speak, does not act as a servant of the Government and is not its officer or employee. He is therefore not subject to the conflict of interest laws and is not within the scope of this chapter.

The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity:

(1) A person who receives compensation from the Government for his services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a per diem allowance, however, does not by itself make the recipient an employee.

(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of nongovernmental groups or organizations.

(3) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

(4) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for nongovernmental groups or organizations and not whether they can formally commit them.

(5) When an adviser or consultant is in a position to act as a spokesman for the United States or a Government agency—as, for example, in an international conference—he is obviously acting as an officer or employee of the Government.

While it would be highly desirable, in order to minimize the occurrence of conflicts of interest, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

APPENDIX II—DISPOSITION OF DD FORM 1555 COMPLETED BY GENERAL OFFICERS

Officer	*Submitted to*
1. Chief of Staff, U.S. Army.	Secretary of the Army.
2. Vice Chief of Staff, U.S. Army.	Do.
3. General Officers in Office, Secretary of the Army.	General Counsel, OSA.
4. General Officers assigned to Army Staff agencies.	DCSPER — Attn.: GOB.*
5. Commanding Generals or Commanders and Deputies of Major Army Field Commands specified in section III of AR 10–5.	Do.*
6. General Officers (other than those in item 5 above) assigned to Major Army Field Commands.	Commanding general or Commander of the Major Army Field Command as appropriate.*
7. General Officers assigned to installations and activities under Army Staff agencies.	Head of Army Staff Agency concerned.*
8. General Officers assigned to DOD and Joint Activities.	DCSPER — Attn.: GOB.*
9. General Officers not specified above.	Do.*

*For attention of person designated as deputy counselor to review statements of employment and financial interests.

APPENDIX III—DISPOSITION OF DD FORM 1555 COMPLETED BY CIVILIAN PERSONNEL REFERRED TO IN § 579.23(c)

Employing Agency	*Submitted to*
1. OSA	General Counsel, DA.
2. Army Staff	Head of Army Staff agency concerned.*
3. Installations and Activities under Army Staff agencies.	Do.*
4. Major Army Field Commands specified in Section III of AR 10–5.	Commander of major command.*
5. Others	General Counsel, DA.

* For attention of person designated as deputy counselor to review statements of employment and financial interests.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-9699; Filed, Sept. 2, 1966; 8:48 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "July 1, 1966" and inserting in lieu thereof "July 1, 1967".

2. Paragraph (b) is further amended by deleting "July 1, 1966" and inserting in lieu thereof "July 1, 1967".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 31, 1966.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 66-9691; Filed, Sept. 2, 1966; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 47 (AGE-4, Amdt. 12)]

AGE-4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS, AND BERTH AGENTS

Miscellaneous Amendments

Effective September 1, 1966, AGE-4 is hereby amended as set forth below:

1. Amend section 2 by (1) changing the existing text of paragraphs (a) (1) and (e) thereof and (2) adding two new paragraphs designated (f) and (g) thereto to read as follows:

Sec. 2. Compensation of General Agents for husbanding services, etc.

(a) * * *

(1) *Dry cargo vessels.* $125.00 per day per vessel for each dry-cargo vessel.

* * * * *

(e) *Compensation of General Agents for predelivery services.* When the General Agent is required by the Director, National Shipping Authority, to inspect, survey and prepare specifications for the reactivation of a vessel in the reserve fleet prior to delivery of such vessel to a General Agent for repair or operation, the General Agent shall be paid at the rate of $125.00 per day per vessel for each day such services are rendered by the General Agent.

(f) *Compensation for reactivation services.* In addition to the compensation otherwise provided in this section, each General Agent shall be paid for reactivation services: $1500 per vessel for each vessel delivered to the General Agent and reactivated after September 1, 1966, and $25 per day per vessel for each day, not in excess of 60 days, required after September 1, 1966, for the General Agent to complete reactivation of a vessel delivered to the General Agent prior to September 1, 1966.

(g) *Compensation for deactivation services.* In addition to the compensation otherwise provided in this section, each General Agent shall be paid, for deactivation services, $750 per vessel for each vessel deactivated by the General Agent after September 1, 1966.

2. Amend sec. 3 *Compensation for conducting the business of the vessels* by deleting paragraph (c) thereof, the text of which reads as follows:

Sec. 3. Compensation for conducting business of the vessels.

* * * * *

(c) *Employment exclusively in service of Military Sea Transportation Service.* $25.00 per day per cargo vessel for the period of employment in the service of MSTS.

* * * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Approved: September 1, 1966.

J. W. GULICK,
Director,
National Shipping Authority.

[F.R. Doc. 66-9755; Filed, Sept. 2, 1966; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 6, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of a Small Business Manufacturer Primarily Engaged in Men's Dress Shirts and Nightwear Industry

On June 28, 1966, there was published in the FEDERAL REGISTER (31 F.R. 8926) a notice of proposal to amend the definition of a small business for SIC Industry 2321, Men's dress shirts and nightwear, for the purpose of receiving financial assistance, by increasing the present size standard from 250 employees or less to 500 employees or less.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Office of Economic Analysis, within 15 days after publication in the FEDERAL REGISTER.

After consideration of all relevant matters regarding the proposal the amendment set forth below is hereby adopted:

The Small Business Size Standards Regulation (Revision 6), 31 F.R. 9721, as amended (31 F.R. 10114), is hereby further amended by adding to Schedule A of § 121.3-10 the following industry size standard:

Census classification code	Industry or class of product	Employment standard (number of employees)
2321	Men's dress shirts and nightwear	500

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

Dated: August 30, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-9684; Filed, Sept. 2, 1966; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to show that under specified conditions scientific and technical positions are excepted under Schedule A when filled by aliens in the absence of qualified citizens. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 213.3112 as set out below.

§ 213.3112 Department of the Interior.

(a) *General.* * * *

(11) Scientific and technical positions when filled by aliens in the absence of qualified citizens. Approval of the Office of the Secretary is required in each case. No more than 25 appointments may be made under this authority in any year.

(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. 66-9713; Filed, Sept. 2, 1966; 8:50 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Correction

In F.R. Doc. 66-9511, appearing at page 11545, of the issue of Thursday, September 1, 1966, the entry "L-40" appearing in § 534.202(b) should be corrected to read "L-4".

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 4; Amdt. 9; Docket No. 66-2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart B—Duties and Obligations

OCEANGOING COMMON CARRIERS AND PERSONS SHIPPING FOR OWN ACCOUNT

On January 20, 1966, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (31 F.R. 764), setting forth a proposed amendment of paragraph (a) of § 510.22 of the Commission's General Order No. 4 (46 CFR § 510.22(a)).

Section 510.22(a) pertains to the licensing of ocean carriers and their agents as independent freight forwarders and presently provides, inter alia, that:

> No licensee may charge or collect compensation in the event he requests the carrier or its agent to perform any of the forwarding services * * * unless no other licensee is willing and able to perform such services.

The Commission originally adopted this portion of the rule "to prevent forwarders in principal ports who may control cargo moving through outports from bypassing forwarders in the outports," thereby causing the erosion of the licensed forwarding industry in such ports.[1] In practice, however, the present rule created problems and caused hardship especially in the smaller outports where the only licensees available for forwarding services are also steamship agents. By the operation of the present rule, the originating carrier is required, in such a situation, to refer the forwarding services to a licensee/agent who is frequently employed by a competing carrier.

The purpose of the present amendment is to attempt to cure the ills of the existing rule by prescribing a procedure whereby port-wide exemptions from the operation of § 510.22(a) would be granted to common carriers or their agents, who also operate as licensed independent ocean freight forwarders. Therefore, the rule, as amended, allows compensation to be paid to the carrier when the outport forwarding services are performed by a licensee/agent if (1) "no other licensee is willing and able to perform such services" or if (2) "the Commission has granted a port-wide exemption from this rule (§ 510.22(a)) to [the] licensee/agent[s]" in the outport.

Written comments on the proposed rule were received from various persons, firms, and organizations and the Commission heard oral argument. The Commission has carefully considered all comments and arguments submitted on the proposed rule and in light thereof herewith adopts and promulgates its final rule. Comments and arguments not discussed nor reflected herein have been considered by the Commission and found not justified or not material.[2]

One association believes that the proposed rule modification would be detrimental to the forwarding industry and to commerce as well. This association refers to the phraseology "unless no other licensee is willing and able to perform such services" and argues that the willingness or ability to perform could be based on the inability of the originating forwarder and the outport forwarder to come to an understanding. We assume that this situation would arise where the originating forwarder was not agreeable to provide a reasonable fee to the outport forwarder, or that the outport forwarder was holding out for a larger fee than the originating carrier was willing to pay. This, of course, would be a matter which could be brought to the Commission's attention by the nonagent/forwarder whenever a licensee/agent applies for a port-wide exemption from the rule.

Some parties would give "grandfather rights" to bona fide licensees who were engaged both in the forwarding and in the agency business on the date the licensing Act was passed, and allow them to continue to handle shipments for originating forwarders without jeopardizing payment of compensation to such forwarder. We are of the opinion that this proposal, if adopted, would be unfair and restrictive to the development of new forwarders in the outports. The forwarder/agents who did not happen to be in business on the controlling date would be virtually precluded from accepting shipments from originating forwarders and, therefore, be at a competitive disadvantage with grandfather forwarder agents. Moreover, it would be all but impossible for new forwarders, free of agency connections, to enter the field because they could not compete with the grandfather forwarder agents.

It also has been urged that the Commission delete from the proposed rule the so-called "adequacy test," contained in Clause (3), which conditions the granting of an exemption upon whether inter alia, there is "an adequate supply of forwarding services * * * being held out by nonagent licensees domiciled at the port of loading * * *." Some parties characterize this clause as "discriminatory and highly objectionable." As an alternative, it is suggested that the Commission adopt a test which would condition the granting of an exemption upon a finding that no improper cargo control by the originating forwarder exists which could endanger the forwarding industry at the outport. This rulemaking proceeding was instituted for the purpose of attempting to resolve the problem of how to foster the outport forwarding industry while at the same time relieve the problem existing at those small ports, where, due to unique circumstances, the Commission's Rule 510.22(a) is actually working a hardship on a few agent/licensees. The suggested clause would do considerably more than relieve the problem; it would in fact grant a broader exemption than necessary. Thus the so-called "improper control test" would permit the use of agent licensees even where independent forwarders were available. This is not conducive to the growth of the forwarding industry in the outports. Moreover, the suggested clause is highly impractical. It would be virtually impossible for the Commission to determine in any given instance whether an originating forwarder was using his control of the cargo "improperly."

Finally, several forwarders objected to the provisions, contained in the last sentence of the proposed rules, for automatic annual review of exemptions. These parties argue that such a provision is unnecessary and burdensome. We have deleted this requirement since it does appear that it would impose an administrative burden on the Commission and the persons regulated by the Commission. This is not to say, however, that the Commission may not reexamine and withdraw a particular outstanding exemption when it deems such action warranted. For where the Commission grants an exemption, it may likewise withdraw that exemption if and when the circumstances justifying the exemption cease to exist.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 USC § 1003) and sections 43 and 44 of the Shipping Act, 1916 (46 USC 841(a) and 841(b)), paragraph (a) of § 510.22 of Title 46 CFR is hereby amended to read as follows:

§ 510.22 Oceangoing common carriers and persons shipping for own account.

(a) An oceangoing common carrier, or agent thereof, meeting the requirements of section 44 and these rules, may be licensed. An oceangoing common carrier may perform freight forwarding services without a license only with respect to cargo carried under its own bill of lading, in which case charges for such forwarding services shall be assessed in accordance with published tariffs on file with the Commission. No licensee can charge or collect compensation in the event that he requests the carrier or its agent to perform any of the forwarding services set forth in § 510.2(c) unless no other licensee is willing and able to perform such services; or unless the Commission has granted a portwide exemption from this rule to licensee/agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder/agent serving the port of load-

[1] New York Foreign Frgt. F. & B. v. Federal Maritime Commission, 337 F. 2d 289, 297 (C.A. 2d 1964) cert. den. 380 U.S. 910.

[2] For instance, some comments question the soundness and legality of Rule 510.22(a), presently in effect, and belabor the principle that freight forwarders ought to be free to collect compensation (brokerages) from carriers even if they utilize carriers or carriers' agents, rather than forwarders, to complete documents at the outport. Not only is this argument not germane to the merits of the present rule making proceeding, but it has been expressly rejected by both this Commission and the Court of Appeals.

ing, (2) publication in the FEDERAL REGISTER of notice of application and an opportunity for interested parties to comment and request a hearing, and (3) a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading. Exemptions shall remain in effect until otherwise ordered by the Commission.

Effective date. This amendment shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.[1]

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-9740; Filed, Sept. 2, 1966; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart C—U.S. Standards for Rough Rice

MISCELLANEOUS AMENDMENTS

Statement of considerations. Last year during the rice harvest in California, Calrose Rough Rice and Pearl Rough Rice were handled in commercial quantities at higher moisture contents than shown in the then existing moisture meter conversion charts used by the Department. As a result, it was not possible to determine the moisture content of the rice with prescribed meters. The rice trade urged the development and issuance of high moisture charts for Calrose Rough Rice and Pearl Rough Rice. Accordingly, new moisture meter conversion charts have been developed for Calrose Rough Rice with moisture over 25 percent and for Pearl Rough Rice with moisture over 31 percent.

In addition, moisture testing data developed by the Department has shown a need for revising the existing moisture meter conversion charts for Calrose Rough Rice and Pearl Rough Rice at normal moisture contents. In the normal moisture range of 12 to 17 percent, the revisions will reduce the moisture value up to 1 percentage point.

Pursuant to the authority vested in the Secretary of Agriculture by section 205(b) of the Agricultural Marketing Act of 1946, as amended [7 U.S.C. 1624(b)], the regulations relating to the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.), are hereby amended as follows:

1. Paragraph (c) of § 68.202 is amended to read:

§ 68.202 Principles governing application of standards.

* * * * *

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for rice prescribed by the U.S. Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results. The Grain Division has determined that equivalent results can be obtained with prescribed moisture meters when used with the moisture meter conversion charts set forth in section 68.233.

* * * * *

2. A new section, designated § 68.233, is added to read as follows:

§ 68.233 Moisture meter method.

The following moisture meter conversion charts shall be used in determining moisture as set forth in § 68.202(c) of this Subpart, provided, however, that the meter readings referred to in the charts shall be obtained by use of meters prescribed for such use by the Grain Division:

(a) *Calrose rough rice.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams — CALIBRATE AT 53 — CALROSE ROUGH RICE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1		51	21.23
2	10.05	52	21.42
3	10.32	53	21.61
4	10.59	54	21.81
5	10.86	55	22.00
6	11.13	56	22.19
7	11.40	57	22.39
8	11.67	58	22.58
9	11.94	59	22.77
10	12.21	60	22.97
11	12.48	61	23.16
12	12.75	62	23.35
13	13.02	63	23.55
14	13.29	64	23.74
15	13.56	65	23.93
16	13.83	66	24.13
17	14.10	67	24.32
18	14.37	68	24.51
19	14.64	69	24.71
20	14.90	70	24.90
21	15.16	71	25.09
22	15.41	72	25.29
23	15.66	73	25.48
24	15.90	74	25.67
25	16.13	75	25.87
26	16.35	76	26.06
27	16.56	77	26.25
28	16.77	78	26.45
29	16.97	79	26.64
30	17.17	80	26.83
31	17.36	81	27.03
32	17.55	82	27.22
33	17.75	83	27.41
34	17.94	84	27.61
35	18.13	85	27.80
36	18.33	86	27.99
37	18.52	87	28.19
38	18.71	88	28.38
39	18.91	89	28.57
40	19.10	90	28.77
41	19.29	91	28.96
42	19.49	92	29.15
43	19.68	93	29.35
44	19.87	94	29.54
45	20.07	95	29.73
46	20.26	96	29.93
47	20.45	97	30.12
48	20.65	98	30.31
49	20.84	99	30.51
50	21.03	100	30.70

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division:
   a. For meter readings below 30, see table "Proportional Parts for Fractional Meter Readings."
   b. For meter readings above 30, see values below and add to percent moisture.

FRACTIONAL METER READING VALUES

.1	.02%	.4	.08%	.7	.14%
.2	.04%	.5	.10%	.8	.15%
.3	.06%	.6	.12%	.9	.17%

2. TEMPERATURE CORRECTION: (Add or Subtract to % Moisture)
   (a) If sample temperature is below 77°F, add correction.
   (b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+	28	+	54	+ 1.32	80	- .17
3	+	29	+	55	+ 1.27	81	- .23
4	+	30	+	56	+ 1.21	82	- .29
5	+	31	+	57	+ 1.15	83	- .35
6	+	32	+	58	+ 1.09	84	- .40
7	+	33	+	59	+ 1.04	85	- .46
8	+	34	+	60	+ .98	86	- .52
9	+	35	+	61	+ .92	87	- .58
10	+	36	+	62	+ .86	88	- .63
11	+	37	+	63	+ .81	89	- .69
12	+	38	+	64	+ .75	90	- .75
13	+	39	+	65	+ .69	91	- .81
14	+	40	+ 2.13	66	+ .63	92	- .86
15	+	41	+ 2.07	67	+ .58	93	- .92
16	+	42	+ 2.02	68	+ .52	94	- .98
17	+	43	+ 1.96	69	+ .46	95	- 1.04
18	+	44	+ 1.90	70	+ .40	96	- 1.09
19	+	45	+ 1.84	71	+ .35	97	- 1.15
20	+	46	+ 1.79	72	+ .29	98	- 1.21
21	+	47	+ 1.73	73	+ .23	99	- 1.27
22	+	48	+ 1.67	74	+ .17	100	- 1.32
23	+	49	+ 1.61	75	+ .12	101	- 1.38
24	+	50	+ 1.55	76	+ .06	102	- 1.44
25	+	51	+ 1.50	77	---	103	- 1.50
26	+	52	+ 1.44	78	- .06	104	- 1.55
27	+	53	+ 1.38	79	- .12	105	- 1.61

EXAMPLE:
(Assume dial reading of 32.7 and temperature of 82° F.)

For dial reading of 32.0, moisture is	17.55
Fractional meter value for .7 is	.14
Thus dial reading of 32.7 is	17.69
For temperature of 82° F, subtract	.29
Final moisture is	17.40

USDA - C&MS
GRAIN DIVISION

Chart No. R-7-R-B

[1] Vice Chairman John S. Patterson did not participate. Commissioner George H. Hearn's dissenting opinion filed as part of the original document.

(b) *Calrose rough rice—high moisture.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams | CALIBRATE AT 33 | CALROSE ROUGH RICE HIGH MOISTURE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1		51	25.09
2		52	25.29
3		53	25.48
4		54	25.67
5		55	25.87
6		56	26.06
7		57	26.25
8		58	26.45
9		59	26.64
10		60	26.83
11		61	27.03
12		62	27.22
13		63	27.41
14		64	27.61
15		65	27.80
16		66	27.99
17		67	28.19
18		68	28.38
19		69	28.57
20		70	28.77
21		71	28.96
22		72	29.15
23		73	29.35
24		74	29.54
25		75	29.73
26		76	29.93
27		77	30.12
28		78	30.31
29		79	30.51
30		80	30.70
31		81	30.89
32		82	31.09
33		83	31.28
34		84	31.47
35		85	31.67
36		86	31.86
37		87	32.05
38		88	32.25
39		89	32.44
40		90	32.63
41		91	32.83
42		92	33.02
43		93	33.21
44		94	33.41
45		95	33.60
46		96	33.79
47		97	33.99
48		98	34.18
49		99	34.37
50		100	34.57

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture:

FRACTIONAL METER READING VALUES

.1	.02%	.4	.08%	.7	.14%
.2	.04%	.5	.10%	.8	.15%
.3	.06%	.6	.12%	.9	.17%

2. TEMPERATURE CORRECTION: (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+	28	+	54	+ 1.32	80	- .17
3	+	29	+	55	+ 1.27	81	- .23
4	+	30	+	56	+ 1.21	82	- .29
5	+	31	+	57	+ 1.15	83	- .35
6	+	32	+	58	+ 1.09	84	- .40
7	+	33	+	59	+ 1.04	85	- .46
8	+	34	+	60	+ .98	86	- .52
9	+	35	+	61	+ .92	87	- .58
10	+	36	+	62	+ .86	88	- .63
11	+	37	+	63	+ .81	89	- .69
12	+	38	+	64	+ .75	90	- .75
13	+	39	+	65	+ .69	91	- .81
14	+	40	+ 2.13	66	+ .63	92	- .86
15	+	41	+ 2.07	67	+ .58	93	- .92
16	+	42	+ 2.02	68	+ .52	94	- .98
17	+	43	+ 1.96	69	+ .46	95	- 1.04
18	+	44	+ 1.90	70	+ .40	96	- 1.09
19	+	45	+ 1.84	71	+ .35	97	- 1.15
20	+	46	+ 1.79	72	+ .29	98	- 1.21
21	+	47	+ 1.73	73	+ .23	99	- 1.27
22	+	48	+ 1.67	74	+ .17	100	- 1.32
23	+	49	+ 1.61	75	+ .12	101	- 1.38
24	+	50	+ 1.55	76	+ .06	102	- 1.44
25	+	51	+ 1.50	77	----	103	- 1.50
26	+	52	+ 1.44	78	- .06	104	- 1.55
27	+	53	+ 1.38	79	- .12	105	- 1.61

EXAMPLE:
(Assume dial reading of 62.7 and temperature of 82° F.)

For dial reading of 62.0, moisture is	27.22
Fractional meter value for .7 is	.14
Thus dial reading of 62.7 is	27.36
For temperature of 82° F, subtract	.29
Final moisture is	27.07

USDA - C&MS
GRAIN DIVISION

Chart No. R-8-R

(c) *Pearl rough rice.*

MOISTURE METER CONVERSION CHART

Sample Size 200 Grams | CALIBRATE AT 53 | PEARL ROUGH RICE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1	10.00	51	21.00
2	10.25	52	21.21
3	10.50	53	21.41
4	10.75	54	21.62
5	11.00	55	21.83
6	11.25	56	22.03
7	11.50	57	22.24
8	11.75	58	22.44
9	12.00	59	22.65
10	12.25	60	22.86
11	12.50	61	23.06
12	12.75	62	23.27
13	13.00	63	23.47
14	13.25	64	23.68
15	13.50	65	23.89
16	13.74	66	24.09
17	13.98	67	24.30
18	14.21	68	24.50
19	14.43	69	24.71
20	14.64	70	24.92
21	14.85	71	25.12
22	15.05	72	25.33
23	15.25	73	25.53
24	15.45	74	25.74
25	15.65	75	25.94
26	15.85	76	26.15
27	16.06	77	26.36
28	16.27	78	26.56
29	16.47	79	26.77
30	16.68	80	26.97
31	16.88	81	27.18
32	17.09	82	27.39
33	17.29	83	27.59
34	17.50	84	27.80
35	17.71	85	28.00
36	17.91	86	28.21
37	18.12	87	28.42
38	18.33	88	28.62
39	18.53	89	28.83
40	18.74	90	29.03
41	18.94	91	29.24
42	19.15	92	29.45
43	19.36	93	29.65
44	19.56	94	29.86
45	19.77	95	30.06
46	19.97	96	30.27
47	20.18	97	30.48
48	20.38	98	30.68
49	20.59	99	30.89
50	20.80	100	31.09

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture. For meter readings 0 to 19 use Columns A, above 19 use Columns B.

FRACTIONAL METER READING VALUES

	A	B		A	B		A	B
.1	.03%	.02%	.4	.10%	.08%	.7	.18%	.14%
.2	.05%	.04%	.5	.13%	.10%	.8	.20%	.16%
.3	.08%	.06%	.6	.15%	.12%	.9	.23%	.18%

2. TEMPERATURE CORRECTION - (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+	28	+	54	+ .50	80	- .06
3	+	29	+	55	+ .47	81	- .09
4	+	30	+	56	+ .43	82	- .11
5	+	31	+	57	+ .39	83	- .14
6	+	32	+	58	+ .35	84	- .17
7	+	33	+	59	+ .32	85	- .19
8	+	34	+	60	+ .28	86	- .22
9	+	35	+	61	+ .26	87	- .25
10	+	36	+	62	+ .25	88	- .27
11	+	37	+	63	+ .23	89	- .30
12	+	38	+	64	+ .21	90	- .34
13	+	39	+	65	+ .20	91	- .37
14	+	40	+ 1.12	66	+ .18	92	- .41
15	+	41	+ 1.08	67	+ .16	93	- .44
16	+	42	+ 1.03	68	+ .15	94	- .48
17	+	43	+ .98	69	+ .13	95	- .51
18	+	44	+ .93	70	+ .12	96	- .55
19	+	45	+ .89	71	+ .10	97	- .58
20	+	46	+ .84	72	+ .08	98	- .62
21	+	47	+ .79	73	+ .07	99	- .65
22	+	48	+ .74	74	+ .05	100	- .67
23	+	49	+ .69	75	+ .03	101	- .69
24	+	50	+ .65	76	+ .02	102	- .71
25	+	51	+ .61	77	----	103	- .73
26	+	52	+ .58	78	- .02	104	- .75
27	+	53	+ .54	79	- .03	105	- .77

EXAMPLE:
(Assume dial reading of 32.7 and temperature of 82° F.)

For dial reading of 32.0, moisture is	17.09
Fractional meter value for .7 is	.14
Thus dial reading of 32.7 is	17.23
For temperature of 82° F, subtract	.11
Final moisture is	17.12

USDA C&MS
GRAIN DIVISION

Chart No. R-6-R-C

(d) *Pearl rough rice—high moisture.*

MOISTURE METER CONVERSION CHART

Sample Size 150 Grams — CALIBRATE AT 53 — PEARL ROUGH RICE HIGH MOISTURE

Meter Reading	Percent Moisture	Meter Reading	Percent Moisture
1		51	
2		52	
3		53	
4		54	31.20
5		55	31.48
6		56	31.76
7		57	32.04
8		58	32.32
9		59	32.60
10		60	32.88
11		61	33.16
12		62	33.44
13		63	33.72
14		64	34.00
15		65	34.28
16		66	34.56
17		67	34.84
18		68	35.12
19		69	35.40
20		70	35.68
21		71	35.96
22		72	36.24
23		73	36.52
24		74	36.80
25		75	37.08
26		76	37.36
27		77	37.64
28		78	37.92
29		79	38.20
30		80	38.48
31		81	38.76
32		82	39.04
33		83	39.32
34		84	39.60
35		85	39.88
36		86	40.16
37		87	40.44
38		88	40.72
39		89	41.00
40		90	41.28
41		91	41.56
42		92	41.84
43		93	42.12
44		94	42.40
45		95	42.68
46		96	42.96
47		97	43.24
48		98	43.52
49		99	43.80
50		100	44.08

INSTRUCTIONS

1. To obtain percent moisture to tenths of a dial division, see values below and add to percent moisture:

FRACTIONAL METER READING VALUES

.1	.03%	.4	.11%	.7	.20%
.2	.06%	.5	.14%	.8	.22%
.3	.08%	.6	.17%	.9	.25%

2. TEMPERATURE CORRECTION - (Add or Subtract to % Moisture)
(a) If sample temperature is below 77°F, add correction.
(b) If sample temperature is above 77°F, subtract correction.

Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.	Temp. °F	% Moist.
2	+	28	+	54	+ 2.51	80	- .33
3	+	29	+	55	+ 2.40	81	- .44
4	+	30	+	56	+ 2.29	82	- .55
5	+	31	+	57	+ 2.18	83	- .66
6	+	32	+	58	+ 2.07	84	- .76
7	+	33	+	59	+ 1.97	85	- .87
8	+	34	+	60	+ 1.86	86	- .98
9	+	35	+	61	+ 1.75	87	- 1.09
10	+	36	+	62	+ 1.64	88	- 1.20
11	+	37	+	63	+ 1.53	89	- 1.31
12	+	38	+	64	+ 1.42	90	- 1.42
13	+	39	+	65	+ 1.31	91	- 1.53
14	+	40	+ 4.04	66	+ 1.20	92	- 1.64
15	+	41	+ 3.93	67	+ 1.09	93	- 1.75
16	+	42	+ 3.82	68	+ .98	94	- 1.86
17	+	43	+ 3.71	69	+ .87	95	- 1.97
18	+	44	+ 3.60	70	+ .76	96	- 2.07
19	+	45	+ 3.49	71	+ .66	97	- 2.18
20	+	46	+ 3.39	72	+ .55	98	- 2.29
21	+	47	+ 3.28	73	+ .44	99	- 2.40
22	+	48	+ 3.17	74	+ .33	100	- 2.51
23	+	49	+ 3.06	75	+ .22	101	- 2.62
24	+	50	+ 2.95	76	+ .11	102	- 2.73
25	+	51	+ 2.84	77	----	103	- 2.84
26	+	52	+ 2.73	78	- .11	104	- 2.95
27	+	53	+ 2.62	79	- .22	105	- 3.06

EXAMPLE:
(Assume dial reading of 82.7 and temperature of 82°F.)
For dial reading of 82.0, moisture is 39.04
Fractional meter value for .7 is ..... .20
Thus dial reading of 82.7 is 39.24
For temperature of 82°F, subtract ..... .55
Final moisture is 38.69

USDA C&MS GRAIN DIVISION — Chart No. R-9-R

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624; 29 F.R. 16210; 30 F.R. 2160; 30 F.R. 6697; 30 F.R. 1260; 30 F.R. 6597)

The amendments set forth the acceptable moisture meter conversion charts which may be used in determining the moisture content under the U.S. Standards for Rough Rice. There is an immediate need for these moisture meter conversion charts. The harvest of rough rice in California commences about the first of September. The charts are essential for use in determining the moisture content for inspection and grading purposes. Therefore, these charts should be made available for use as soon as possible to be of greatest benefit to the rice industry and ultimately to the consumers. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure concerning the amendments are impracticable 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.

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

Done at Washington, D.C., this 26th day of August 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9508; Filed, Sept. 2, 1966; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 23]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

RATES OF PENALTY PER POUND

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are made for the purpose of amending § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years to include the rate of penalty per pound upon marketing of excess tobacco for the 1966–67 marketing year for the kinds of tobacco covered by this subpart except Maryland tobacco. Since quotas are not in effect on the 1966 crop of Maryland tobacco, a penalty rate for Maryland tobacco for such marketing year will not be applicable.

The harvesting of the kinds of tobacco for which the penalty rate for the 1966–67 marketing year are herein announced will shortly begin, and the producers of such kinds of tobacco need to know the penalty rate for such marketing year before they harvest their tobacco. Hence, it is necessary that the amendments set forth herein be made effective at the earliest possible date. In addition, the rate of penalty for a kind of tobacco is the result of a mathematical calculation provided for in section 314 of the Act (7 U.S.C. 1314). Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest and the amendments contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

New paragraphs (j) and (k) are added to § 724.92 to read as follows:

§ 724.92 Rate of penalty.

* * * * *

(j) *1965–66 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1965–66 marketing year was:

AVERAGE MARKET PRICE

Kinds of tobacco	Cents per pound
Burley	66.9
Fire-cured (type 21)	39.9
Fire-cured (types 22, 23, and 24)	43.6
Dark air-cured	37.0
Virginia Sun-cured	39.2
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	28.6
Cigar-binder (types 51 and 52)	47.0

(k) *1966–67 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1966–67 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco	Cents per pound
Burley	50
Fire-cured (type 21)	30
Fire-cured (types 22, 23, and 24)	33
Dark air-cured	28
Virginia sun-cured	29
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	21
Cigar-binder (types 51 and 52)	35

(Secs. 314, 375, 52 Stat. 48, as amended, 66 as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th of August 1966.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-9685; Filed, Sept. 2, 1966; 8:47 a.m.]

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

[Valencia Orange Reg. 177]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.477 Valencia Orange Regulation 177.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 1, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1966, and ending at 12:01 a.m., P.s.t., September 11, 1966, are hereby fixed as follows:

(i) District 1: 125,000 cartons;

(ii) District 2: 375,000 cartons;

(iii) District 3: unlimited movement.

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

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

Dated: September 2, 1966.

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

[F.R. Doc. 66-9812; Filed, Sept. 2, 1966; 11:39 a.m.]

[Lemon Reg. 230]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.530 Lemon Regulation 230.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 30, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 4, 1966, and ending at 12:01 a.m., P.s.t., September 11, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: 1,861 cartons.

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

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

Dated: September 1, 1966.

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

[F.R. Doc. 66-9756; Filed, Sept. 2, 1966; 8:50 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Expenses and Rate of Assessment

On August 16, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10888) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1966, and ending March 31, 1967, pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of Fresh Prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.206 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1966, through March 31, 1967, will amount to $10,890.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $1 per ton of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1966, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: August 31, 1966.

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

[F.R. Doc. 66-9686; Filed, Sept. 2, 1966; 8:47 a.m.]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Expenses and Rate of Assessment

On August 19, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 11035) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1966, and ending March 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 926.206 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1966, through March 31, 1967, will amount to $29,188.50.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at $0.01 per standard package or equivalent quantity of grapes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

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

Dated: August 31, 1966.

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

[F.R. Doc. 66-9701; Filed, Sept. 2, 1966; 8:49 a.m.]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 18, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10963) regarding proposed expenses and the related rate of assessment for the period beginning July 1, 1966, and ending June 30, 1967, pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.206 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1966, through June 30, 1967, will amount to $36,850.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 927.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1966, in the amount of $8,000, shall be carried over as a reserve in accordance with applicable provisions of § 927.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1966, and the rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: August 31, 1966.

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

[F.R. Doc. 66-9702; Filed, Sept. 2, 1966; 8:49 a.m.]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rate of Assessment

On August 18, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 10963) regarding proposed expenses and the related rate of assessment for the fiscal period beginning July 1, 1966, and ending June 30,

1967, pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Northwest Fresh Bartlett Pear Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 931.201 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1966, through June 30, 1967, will amount to $17,450.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each person who first handles pears in accordance with § 931.41, is fixed at $0.01 per standard western pear box, or equivalent quantity, of pears.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period, and (2) such period began on July 1, 1966, and said rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: August 31, 1966.

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

[F.R. Doc. 66-9687; Filed, Sept. 2, 1966; 8:47 a.m.]

[Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 2 (San Luis Valley), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the August 12, 1966, issue of the FEDERAL REGISTER (31 F.R. 10747). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 2, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.252 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1967, will amount to $13,421.50.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.00225 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1966, and the rate of assessment herein will automatically apply to all assessable potatoes beginning with such date.

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

Dated: August 31, 1966.

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

[F.R. Doc. 66-9703; Filed, Sept. 2, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of May 24, 1966 (31 F.R. 7479), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1966–67 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1966–67 seasons on waterfowl and coots in all Flyways; on gallinules and common snipe in the Pacific Flyway; on lesser sandhill (little brown) cranes in limited areas of Texas and New Mexico; on whistling swans in Utah; and on ducks, coots, gallinules, and common snipe in Puerto Rico and the Virgin Islands. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of those species within specified periods of time beginning as early as October 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.52 is amended by adding a new paragraph (c) to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

* * * * *

(c) *Puerto Rico and the Virgin Islands.*

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limit	4	6	8	8
Possession limit	8	12	16	16
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Puerto Rico [1]	December 17, 1966—January 29, 1967.[1]			
Virgin Islands	December 6, 1966—January 29, 1967.			

[1] CHECK PUERTO RICO REGULATIONS FOR ADDITIONAL RESTRICTIONS!

2. Section 10.53 is amended by revising paragraph (b) and by adding new paragraphs (c), (d), (e), (f), and (g) to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(b) (1) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island and emergent vegetation: *Provided,* That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily shooting hours are from one-half hour before sunrise until sunset, and the daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, scoter, eider, and old-squaw ducks may be taken only during the open season for taking other ducks. During the open season on other ducks in all States in the Atlantic Flyway, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species, are permitted in addition to the basic daily bag and possession limits prescribed for other ducks.

(2) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

(c) *Atlantic Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese (except snow geese)	Brant
Daily bag limit	([1] [2])	[3] 5 [5] 10	10	2	6
Possession limit	([1] [2])	[3] 10	20	4	6
Shooting hours	One-half hour before sunrise until sunset daily.				
Seasons in:					
Connecticut [3] [9]	Oct. 15–Oct. 29				Oct. 15–Nov. 3.
	Nov. 19–Dec. 23				Nov. 19–Jan. 7.
Delaware [3]	Nov. 4–Nov. 26				Nov. 4–Nov. 26.
	Dec. 12–Jan. 7				Nov. 29–Jan. 14.
District of Columbia	Closed season				Closed season.
Florida [2] [10]	Nov. 24–Nov. 27				Nov. 24–Nov. 27.
	Dec. 3–Jan. 8				Dec. 3–Jan. 8.
Georgia [2] [9]	Nov. 24–Jan. 7				Nov. 7–Jan. 15.
Maine [2] [4] [9]	Oct. 8–Dec. 1				Oct. 8–Dec. 16.
Maryland [2]	Nov. 14–Jan. 7				Oct. 31–Jan. 7.
Massachusetts [2] [4] [9] [10]	Oct. 15–Dec. 8				Oct. 15–Nov. 29.
					Dec. 15–Jan. 7.
New Hampshire [2] [4] [9]	Oct. 8–Dec. 1				Oct. 8–Dec. 1.
					Dec. 17–Dec. 31.
New Jersey [2]	Oct. 22–Oct. 29				Oct. 22–Dec. 30.
	Nov. 22–Jan. 2				
New York [2] [6] [9]	Oct. 15–Dec. 8				Oct. 15–Dec. 23.
North Carolina [2]	Nov. 14–Jan. 7				Nov. 7–Jan. 14.
Pennsylvania [2] [7] [10]	Oct. 8–Oct. 15				Oct. 1–Dec. 9.
	Nov. 4–Dec. 15				
Rhode Island [2] [9]	Nov. 15–Jan. 8				Nov. 7–Jan. 15.
South Carolina [2]	Nov. 24–Jan. 7				Nov. 7–Jan. 14.
Vermont [2]	Oct. 8–Dec. 1				Oct. 8–Dec. 16.
Virginia [2]	Nov. 14–Jan. 7				Nov. 5–Jan. 13.
West Virginia [2]	Oct. 15–Oct. 22				Oct. 15–Dec. 23.
	Nov. 28–Jan. 7				

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks, and (b) 2 canvasbacks; and the possession limit may not include more than: (a) 4 wood ducks, and (b) 4 canvasbacks. In the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, the basic daily bag limit on ducks other than mergansers is 3 and the possession limit is 6. In the States of Florida, Georgia, and South Carolina, the basic daily bag limit on ducks other than mergansers is 4 and the possession limit is 8.

[2] Bonus scaup and ringneck ducks: During any portion of the open season for ducks falling on or after November 15, 1966, a bonus daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species, is permitted in addition to the basic limits on ducks other than mergansers in the following areas: (a) The entire States of Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and West Virginia; and (b) In restricted areas of the States of Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, which are described, delineated, and designated as bonus scaup and ringneck areas under the State hunting regulations adopted by the respective States.

[3] Special scaup and ringneck season: During the period from Dec. 24–Jan. 7 in the entire States of Connecticut and New York; a special open season for the taking of scaup and ringneck ducks is prescribed, with a daily bag limit of 5 and a possession limit of 10 scaup and ringneck ducks, singly or in the aggregate of these species. During the bonus scaup and ring neck season for New York (excluding the Long Island area) shooting hours will be from sunrise to sunset.

[4] An experimental open season for taking black ducks under authority of a special Federal permit is prescribed from December 15, 1966, through January 8, 1967, in those lands and waters of the States of Maine, Massachusetts, and New Hampshire lying seaward from a line starting at Calais, Maine, and running southwesterly following U.S. Highway 1 to the junction with U.S. Highway 4 at Portsmouth, N.H.; thence northwesterly following U.S. Highway 4 to the intersection with State Highway 108; thence southerly following State Highway 108 to its junction with State Highway 101; thence easterly following State Highway 101 to its junction with U.S. Highway 1; thence southwesterly following U.S. Highway 1 to the junction with State Highway 3 at Boston, Mass.; thence southeasterly following State Highway 3 to the intersection with U.S. Highway 6; thence westerly following U.S. Highway 6 to its intersection with the Massachusetts-Rhode Island State line, subject to the following conditions: (a) Every hunter must have been issued and carry on his person while hunting black ducks a properly validated 1966 special black duck hunting permit furnished by the Bureau of Sport Fisheries and Wildlife and issued without charge by the respective State game departments; and (b) The daily bag limit is 4 and the possession limit is 8 black ducks.

[5] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[6] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) the open season for taking ducks and coots is Oct. 15–Oct. 29 and Nov. 19–Dec. 23, and for taking geese and brant Oct. 15–Nov. 3 and Nov. 19–Jan. 7.

In the Lake Champlain area (that part of New York lying east of the main line tracks of the Delaware and Hudson Railroad running south from the New York-Canada border to Whitehall, N.Y., and north of the branch line tracks of the Delaware and Hudson Railroad running east from Whitehall, N.Y., to the New York-Vermont State line) the open season for taking ducks and coots is Oct. 8–Dec. 1, and for taking geese and brant Oct. 8–Dec. 16.

[7] Pennsylvania: In Crawford and Erie Counties, the open season for taking geese is Oct. 8–Dec. ?, and in Crawford County the daily bag limit may not include more than 1 Canada goose.

[8] Georgia: No open season for the taking of geese and brant is prescribed in Liberty and McIntosh Counties.

[9] Not withstanding the provisions of 50 CFR 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; but not including any coastal waters of New York State lying south of Long Island, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

[10] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(d) *Mississippi Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit	[1] [2] 4	[3] 5	10	[4] 5
Possession limit	[1] [2] 8	[3] 10	20	[4] 5
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Alabama	Nov. 24–Jan. 7			Nov. 7–Jan. 15.
Arkansas [4] [11]	do			Oct. 30–Jan. 7.
Illinois [5] [11]	Oct. 22–Dec. 5			Oct. 22–Dec. 23.
				Dec. 30–Jan. 5.
Indiana	Oct. 29–Nov. 26			Oct. 14–Dec. 10.
	Dec. 22–Jan. 2			Dec. 22–Jan. 2.
Iowa	Oct. 15–Nov. 28			Oct. 1–Dec. 9.
Kentucky	Nov. 25–Jan. 8			Nov. 7–Jan. 15.
Louisiana [2] [4] [6]	Nov. 18–Jan. 1			Do.
Michigan [2] [11]	Oct. 10–Nov. 23			Oct. 1–Nov. 30.
Minnesota [11]	Oct. 8–Nov. 21			Oct. 1–Dec. 9.
Mississippi [4] [7]	Nov. 25–Jan. 8			Oct. 15–Nov. 8.
				Nov. 25–Jan. 8.
Missouri: [8] [11]				
Squaw Creek Area	Nov. 1–Dec. 15			Oct. 20–Dec. 28.
Swan Lake Area	do			Do.
Remainder of State	do			Oct. 20–Dec. 3.
				Dec. 22–Jan. 15.
Ohio [9]	Oct. 22–Nov. 26			Oct. 22–Dec. 24.
	Dec. 27–Dec. 31			Dec. 26–Dec. 31.
Tennessee [4]	Nov. 25–Jan. 8			Nov. 7–Jan. 15.
Wisconsin [2] [10] [11]	Oct. 8–Nov. 21			Oct. 8–Dec. 16.

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks; (b) 2 canvasbacks; and (c) 2 mallards. The possession limit may not include more than: (a) 4 wood ducks; (b) 4 canvasbacks; and (c) 4 mallards.

[2] Bonus scaup and ringneck ducks: A bonus daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species is permitted in addition to the basic limits on ducks other than mergansers as follows: (a) During any portion of the regular open season for ducks occurring on or after Nov. 1, 1966, in the entire States of Minnesota and Wisconsin; and in certain areas of the States of Michigan, Missouri, and Ohio as described, delineated, and designated as bonus scaup and ringneck areas in hunting regulations adopted by these States; (b) During any portion of the regular open season for ducks occurring on or after Oct. 20, 1966, in the De Noc Bays area of Michigan as described, delineated and designated as a bonus scaup and ringneck area in hunting regulations adopted by Michigan; (c) during the entire regular open season for ducks in that part of Louisiana lying south and east of a line starting at the intersection of U.S. Highway 90 and the Louisiana-Texas State line; thence east following U.S. Highway 90 to its intersection with U.S. Highway 61; thence northwesterly following U.S. Highway 61 to the junction with U.S. Highway 51; thence north following U.S. Highway 51 to its intersection with U.S. Highway 190; thence easterly following U.S. Highway 190 to its intersection with the Louisiana-Mississippi State line, a daily bag limit of 2 and a possession limit of 4 scaup and ringneck ducks, singly or in the aggregate of these species, are allowed in addition to the basic limits on ducks other than mergansers.

[3] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[4] Geese: In all States, the daily bag and possession limit may not include, in the alternative, more than: (a) 2 Canada geese or (b) 2 white-fronted geese or (c) 1 Canada goose and 1 white-fronted goose. No open season is prescribed for the taking of geese in the Mississippi Counties of Issaquena, Sharkey, and Washington; and in the Tennessee Counties of Dyer, Lauderdale, Shelby and Tipton. No open season is prescribed for taking Canada geese in the States of Arkansas and Louisiana.

[5] Illinois: In the State of Illinois, the kill of Canada geese will be limited to a total of 20,000 birds; and when the Director, Bureau of Sport Fisheries and Wildlife has determined the date upon which 20,000 Canada geese will have been killed, the season will be closed by the Director upon having given public notice thereof through public information media no less than 48 hours in advance of the time and date of closing.

[6] Louisiana: For the lands and waters of the State of Louisiana lying easterly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is Oct. 15–Nov. 8 and Nov. 25–Jan. 8. Canada geese may be taken in this area.

[7] Mississippi: For the lands and waters of the State of Mississippi lying westerly of the centerline of the main navigable channel of the Mississippi River between the north boundary of Louisiana to latitude 31° N., the season for taking geese is Oct. 15–Nov. 8 and Nov. 25–Jan. 8. Canada geese may not be taken in this area.

[8] Missouri: In the Swan Lake area consisting of those portions of the Missouri Counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Linn, bounded by roads starting at the junction of U.S. Highways 36 and 65 at Chillicothe in Livingston County; thence South along U.S. Highway 65 to the junction with State Highway 41 at Marshall in Saline County; thence east along State Highway 41 to the junction with State Highway 240; thence north and east along State Highway 240 to the junction with State Highway 5 at Glascow in Howard County; thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marceline in Linn County; thence west along U.S. Highway 36 to the point of beginning, the combined kill of Canada geese will be limited to a total of 25,000 birds; and when the Director, Bureau of Sport Fisheries and Wildlife has determined the date upon which 25,000 Canada geese will have been killed in this area the season will be closed therein by the Director upon having given public notice thereof through local information media no less than 48 hours in advance of the tine and date of closing.

In the Squaw Creek Area consisting of Atchison and Holt Counties and those portions of Andrew and Nodaway Counties lying west of U.S. Highway 71, Canada geese may be taken only during the period from Oct. 20–Nov. 18 and in this area the daily bag limit may not include more than 1 Canada goose.

[9] Ohio: For Pymatuning reservoir in Ashtabula County and for one-quarter mile in any direction from said reservoir, the open season for taking ducks and coots is Oct. 8–Oct. 15 and Nov. 4–Dec. 15, and the open season for taking geese and brant is Oct. 8–Dec. 9. In this area the basic daily limit for ducks other than mergansers is 3 and the possession limit is 6. In this area the season is closed on snow geese; and the daily bag limit on geese is 2 of which not more than 1 may be a Canada goose and the possession limit is 4 geese; and the daily bag and possession limit is 6 brant.

[10] Wisconsin: In Wisconsin the combined kill of Canada geese will be limited to not more than 14,000 birds; and in the Counties of Columbia, Dodge, Fond Du Lac, Green Lake, Jefferson, Juneau, and Winnebago, Canada geese may be taken only on the days of Saturday, Sunday, and Monday during the open season for taking geese. When it has been determined by the Director, Bureau of Sport Fisheries and Wildlife that 14,000 Canada geese will have been killed, the season for taking Canada geese in the above named 7 Counties will be closed by the Director upon having given public notice thereof through local information media not less than 48 hours in advance of the time and date of closing; and in all other counties of the State the season for taking Canada geese will be closed at the end of the 20th consecutive day following the day of closing in the above named Counties.

[11] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(e) *Central Flyway States.*

	Ducks (except mergansers)	Mergansers	Coots	Geese
Daily bag limit	(1)	[2] 5	10	[3] 5
Possession limit	(1)	[2] 10	20	[3] 5
Shooting hours	One-half hour before sunrise until sunset daily.			
Seasons in:				
Colorado (east of Continental Divide) [4] [7]	Oct. 22–Dec. 20			Nov. 2–Jan. 15.
Kansas	Oct. 29–Nov. 27			Oct. 8–Dec. 21.
	Dec. 10–Jan. 2			
Montana (see footnote 5 for area description) [7]	Oct. 8–Dec. 6			Oct. 1–Dec. 14.
Nebraska [7]	Oct. 15–Dec. 13			Do.
New Mexico (see footnote 6 for area description) [7]	Nov. 19–Jan. 7			Nov. 19–Jan. 15.
North Dakota [7]	Oct. 8–Nov. 26			Oct. 1–Dec. 14.
Oklahoma	Oct. 29–Dec. 27			Oct. 7–Oct. 29.
				Nov. 25–Jan. 15.
South Dakota [7]	Oct. 8–Dec. 6			Oct. 1–Dec. 14.
Texas	Nov. 19–Jan. 7			Oct. 25–Jan. 7.
Wyoming (east of Continental Divide) [7]	Oct. 8–Nov. 7			Oct. 8–Oct. 31.
	Dec. 17–Jan. 8			Nov. 21–Jan. 15.

[1] Ducks other than mergansers: In all States, the daily bag limit may not include more of the following species than: (a) 2 wood ducks, (b) 2 canvasbacks, and (c) 2 mallards, and the possession limit may not include more than: (a) 4 wood ducks, (b) 4 canvasbacks, and (c) 4 mallards. In the States of Colorado (east of Continental Divide), Kansas Montana (east of Continental Divide), Nebraska, Oklahoma, South Dakota, and Wyoming (east of Continenta Divide) the basic daily bag limit on ducks other than mergansers is 3 and the possession limit is 6. In the States of New Mexico (east of Continental Divide), North Dakota, and Texas, the basic bag limit on ducks other than mergansers is 4 and the possession limit is 8.

[2] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[3] Geese: In all States, the daily bag and possession limit may not include more of the following species than: (a) 1 Ross's goose; and (b) in the alternative, 1 white-fronted goose; 1 white-fronted goose and 1 Canada goose or subspecies; or 2 Canada geese or subspecies.

[4] Colorado: In the Colorado Counties of Alamosa, Conejos, Costilla, and Rio Grande, and those portions of Hinsdale, Mineral, and Sagauche Counties lying east of the Continental Divide, an experimental open season on ducks and coots is prescribed during the period from Oct. 1–Oct. 18, 1966, under authority of a special Federal permit in accordance with the following conditions: (a) Any person hunting ducks or coots during this special season must have been issued and carry on his person a properly validated special Federal duck and coot hunting permit furnished by the Bureau of Sport Fisheries and Wildlife and issued by the Colorado Game Department; (b) The daily bag limit is 5 ducks and coots singly or in the aggregate of these species and may not include more than 2 canvasbacks; and the possession limit is 10 ducks and coots singly or in the aggregate of these species of which not more than 4 may be canvasbacks; and (c) Daily shooting hours are from one-half hour before sunrise until 12 o'clock noon standard time, including opening day.

No open season is prescribed for the taking of geese in those portions of Conejos, Alamosa, Rio Grande, and Mineral Counties of Colorado bounded by a line beginning at the intersection of U.S. Highway 285 with the Colorado-New Mexico State line; thence north following U.S. Highway 285 to its junction with State Highway 17 in Alamosa; thence north following State Highway 17 to its junction with State Highway 112; thence west and southwest following State Highway 112 to its junction with U.S. Highway 160 in Del Norte; thence west and south following U.S. Highway 160 to its intersection with Continental Divide; thence south following the Continental Divide to its intersection with the Colorado-New Mexico State line; thence east following the State line to the point of beginning.

[5] Montana Central Flyway area: Consists of the Montana Counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all Counties east thereof.

[6] New Mexico Central Flyway area: Consists of all that portion of New Mexico lying east of the Continental Divide and outside the boundaries of the Jicarilla Apache Indian Reservation.

[7] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(f) *Pacific Flyway States—Waterfowl.*

	Ducks (except mergansers)	Mergansers	Coots and Gallinules (in the aggregate)	Geese	Brant
Daily bag limit	([1] [4])	[2] 5	25	[3] 6	3
Possession limit	([1] [4])	[2] 10	25	[3] 6	3
Shooting hours	One-half hour before sunrise until sunset daily.[4]				
Seasons in:					
Arizona	Oct. 11–Jan. 8			Oct. 11–Jan. 8	Closed season.
California [7]	Oct. 22–Jan. 4			Oct. 22–Jan. 8	Nov. 26–Feb. 13.
Colorado (west of Continental Divide)[8]	Oct. 11–Jan. 8			Oct. 11–Jan. 8	Closed season.
Idaho [4]	Oct. 8–Jan. 5			Oct. 8–Jan. 5	Do.
Montana (see footnote 5 for area description)[8]	Oct. 8–Jan. 5			do	Do.
Nevada [8]	Oct. 15–Dec. 28			Oct. 15–Jan. 8	Do.
New Mexico (see footnote 6 for area description)[8]	Oct. 8–Dec. 21			Oct. 8–Dec. 21	Do.
Oregon [4]	Oct. 8–Jan. 5			Oct. 8–Jan. 15	Nov. 28–Feb. 15.
Utah	Oct. 8–Jan. 5			do	Closed season.
Washington [4] [8]	Oct. 15–Jan. 8			Oct. 15–Jan. 8	Nov. 25–Feb. 12.
Wyoming (west of Continental Divide)[8]	Oct. 8–Jan. 5			Oct. 8–Jan. 5	Closed season.

[1] Ducks other than mergansers: In all States and in all areas except the Columbia Basin Areas of Washington, Oregon, and Idaho, the daily bag limit may not include more than 2 wood ducks and the possession limit may not include more than 4 wood ducks. In the States of Arizona, Colorado (west of Continental Divide), Idaho, Oregon, Utah, Washington, and Wyoming (west of Continental Divide) the basic daily bag limit on ducks other than mergansers is 5 and the possession limit is 10. In the States of Nevada and New Mexico (west of Continental Divide) the basic daily bag limit on ducks other than mergansers is 6 and the possession limit is 12. In the State of California the basic daily bag and possession limit on ducks other than mergansers is 7. In the State of Montana (west of Continental Divide) the basic daily bag and possession limit on ducks other than mergansers is 6.

[2] Mergansers: In all States, the daily bag limit may not include more than 1 hooded merganser and the possession limit may not include more than 2 hooded mergansers.

[3] Geese: In all States and in all areas, the daily bag and possession limit may not include more than 1 Ross's goose; and the daily bag limit may not include more than 3 geese of the dark species: *Provided*, That in the States of Washington and Idaho the daily bag limit is 3 geese and the possession limit is 6 geese; and in the States of Arizona and Utah, in Clark County, Nev., in the Idaho Counties of Bear Lake, Bonneville, and Caribou, and in those portions of the States of Colorado, Montana, New Mexico, and Wyoming lying in the Pacific Flyway, the daily bag and possession limit may not include more than 2 Canada geese. No open season is prescribed for taking snow, blue, and Ross's geese in the Idaho Counties of Clark, Madison, Fremont, and Teton.

[4] In the Columbia Basin Areas of Idaho (counties of Ada, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Twin Falls, and Washington) and Oregon (counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco) the season for taking ducks, coots, and gallinules is Oct. 8–Jan. 5. In the Columbia Basin area of Washington (all that portion of the State lying east of the summit of the Cascade Mountains) the open season for taking ducks, coots, and gallinules is Oct. 15–Jan. 22. In these areas, the basic limits on ducks other than mergansers are 6 daily and 12 in possession, and the daily shooting hours for ducks, coots, and gallinules only are from one-half hour before sunrise until one-half hour after sunset.

[5] Montana Pacific Flyway area: Consists of the Montana Counties of Hill, Chouteau, Cascade, Meagher, Parks, and all Counties west thereof.

[6] New Mexico Pacific Flyway area: Consists of all that portion of New Mexico lying west of the Continental Divide and the entire area of the Vicarilla Apache Indian Reservation.

[7] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east following U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with State Highway 49; thence east and north on State Highway 49 to the junction with State Highway 70; thence east on State Highway 70 to the junction with U.S. Highway 395; thence south and east on U.S. Highway 395 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 8–Jan. 5. In this area the basic daily bag limit on ducks other than mergansers is 5 and the possession limit is 10.

In that portion of California Fish and Game District No. 22 lying east of a line beginning at the point where U.S. Highway 95 intersects the California-Nevada State line; thence south on U.S. Highway 95 to Vidal junction; thence southwesterly on the paved county road through Rice to the junction with U.S. Highway 60–70 at Desert Center; thence easterly 31 miles on U.S. Highway 60–70 to the intersection with the Wiley Wells road; thence south on this road through Wiley Wells and continue southeasterly on the Army-Milpitas road to the Davis Lake intersection with the paved county road running south to Ogilby; thence south on this paved county road through Ogilby to the junction with U.S. Highway 80; thence easterly 7 miles on U.S. Highway 80 to the intersection with the Andrade-Algodones road; thence southerly on the Andrade-Algodones road to the intersection with the California-Mexico border, the open season for taking ducks, coots, gallinules, and geese is Oct. 11–Jan. 8. In this area the daily bag limit on ducks other than mergansers is 5 and the possession limit is 10; and the daily bag and possession limit on geese may not include more than 2 Canada geese. In the remainder of California Fish and Game District No. 22, the open season for taking Canada geese is from Oct. 22–Dec. 25 and the daily bag and possession limit may not include more than 1 Canada goose.

In the entire State of California there is prescribed an open season on snow and Ross's geese from Jan. 9–22, 1967. The daily bag and possession limit is 6 geese of which not more than 1 may be a Ross's goose.

[8] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

(g) *Pacific Flyway States—Common (Wilson's) Snipe.*

Shooting hours	One-half hour before sunrise until sunset daily.
Daily bag limit	8
Possession limit	16
Seasons in:	
Arizona	Nov. 20-Jan. 8.
California	Nov. 19-Jan. 7.
Idaho	Oct. 8-Nov. 26.
Nevada	Oct. 15-Dec. 3.
Oregon	Oct. 22-Dec. 10.
Utah	Nov. 17-Jan. 1.
Washington [1]	Oct. 15-Dec. 3.

[1] CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS!

3. Section 10.54 is amended to read as follows:

§ 10.54 Seasons and limits on lesser sandhill (little brown) cranes and whistling swans.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the areas open to hunting, the shooting hours, and the daily bag and possession limit on the species of migratory game birds designated in this section are prescribed as follows:

(a) An open season for the taking of lesser sandhill (little brown) cranes of 30 consecutive days between Saturday, October 29, 1966, and Sunday, November 27, 1966, is prescribed in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line from the International Toll Bridge in Del Rio, Val Verde County; thence northward following U.S. Highway 277 to the junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87 to the junction with U.S. Highway 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with the Texas-Oklahoma State line in Dallam County. The daily bag limit is 2 and the possession limit is 4 lesser sandhill (little brown) cranes, and the shooting hours are one-half hour before sunrise until sunset daily.

(b) A limited open season for the taking of whistling swans under special permit is prescribed for the State of Utah subject to the following conditions: (1) The open season dates and shooting hours will run concurrently with those for hunting ducks in the State of Utah; (2) not to exceed 1,000 special permits may be issued authorizing the permittee to take 1 whistling swan; and (3) the special permit forms and correspondingly numbered metal locking seals will be furnished by the Bureau of Sport Fisheries and Wildlife and issued by the Utah State Department of Fish and Game to persons making written application for such permit: *Provided*, That if more than 1,000 applications are received a drawing will be held to determine which applicants shall be issued permits. Each person must have been issued and must carry on his person while hunting a properly validated 1966 whistling swan hunting permit. When a whistling swan has been killed by a hunter he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the upper right wing of the swan.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 706)

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1966.

[F.R. Doc. 66-9657; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

National Wildlife Refuges and Ranges, Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted only on the islands of Adak, Atka, Unimak, Shemya, Attu, and Great Sitkin. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese (except Canada geese and subspecies).

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset; September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset. The islands of Adak, Atka, Shemya, Attu, Great Sitkin—October 15, 1966–January 27, 1967; the island of Unimak—September 1–December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to January 28, 1967.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Arctic National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable Street, Portland, Oreg. 97208. Hunting conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Clarence Rhode National Wildlife Range. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of migratory game birds is permitted on all lands within the Izembek National Wildlife Range. A map of the area is available at the refuge headquarters, Cold Bay, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

KENAI NATIONAL MOOSE RANGE

Public hunting of migratory game birds is permitted on all the lands within the Kenai National Moose Range. A map of the area is available at the refuge headquarters, Kenai, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all the lands within the Kodiak National Wildlife Refuge. A map of the area is available at the refuge headquarters, Kodiak, Alaska, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds is permitted on all of the lands within the Nunivak National Wildlife Refuge. A map of the area is available from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Species permitted to be taken: Wilson's snipe, brant, little brown crane, ducks, and geese.

(b) Open season:

(1) Wilson's snipe—from one-half hour before sunrise to sunset, September 1 through October 31, 1966.

(2) Ducks, geese, and brant—from one-half hour before sunrise to sunset, September 1 through December 14, 1966.

(3) Little brown crane—from one-half hour before sunrise to sunset, during the period September 1 through October 15, 1966.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and in the current Federal Migratory Bird Regulations.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 15, 1966.

PAUL T. QUICK,
Regional Director.

[F.R. Doc. 66-9662; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game species on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1967.

JAMES W. SALYER,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

AUGUST 25, 1966.

[F.R. Doc. 66-9663; Filed, Sept. 2, 1966; 8:45 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be subject to the following conditions:

(a) Species to be taken: All species as authorized by Iowa State regulation.

(b) Seasons, limits and methods of taking are as authorized by Iowa State regulation.

(c) No locked or private blinds shall be allowed.

(d) No camping is allowed.

(e) Other provisions:

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

JAMES W. SALYER,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

AUGUST 25, 1966.

[F.R. Doc. 66-9664; Filed, Sept. 2, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 10, 11, 12]

[CGFR 66-48]

APPRENTICE ENGINEERS

Licensing and Certificating of Merchant Marine Personnel

1. The Commandant, U.S. Coast Guard, will consider proposals regarding the establishment of a seaman's entry rating as "apprentice engineer" and recognition of training programs for prospective third assistant engineers, as well as acceptance of the completion of an approved training program as qualifying experience for a license as a third assistant engineer. Interested persons and organizations are requested to submit written comments about the proposals in this document, which should be submitted in triplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, before October 1, 1966. It is desired that each comment set forth the section identification, the subject, the proposed change, the reason or basis for it, the business firm or organization (if any) and the name and address of the submitter. Each comment submitted will be considered and evaluated. After the rules and regulations are approved by the Commandant, they are published in the FEDERAL REGISTER as required by law.

2. The proposed changes will add new provisions designated 46 CFR 10.10-21 (a)(8) (Third assistant engineer; steam vessels), 11.10-50(a) (last sentence) (Temporary third assistant engineer), and 12.25-35 (Apprentice engineers). The current shortage of licensed third assistant engineers to man the active vessels in the merchant marine, as well as projection of statistics indicating this shortage will become more acute within the next few years, are factors indicating that prompt action needs to be taken to provide additional sources for future manpower needs. These problems have been discussed with representatives of labor and management, representing a large majority of the licensed engineers employed on board seagoing merchant vessels and the owners of such vessels. The Marine Engineers' Beneficial Association and the Brotherhood of Marine Officers have established training programs for prospective licensed engineers.

3. The first proposed program is based on a 2-year course of directed study and practical experience under instruction, as meeting the service requirements for a license as "temporary third assistant engineer." The course would consist of a 6-month academic period ashore, a 12-month period at sea during which the trainee would be participating in a supervised training program, and a final 6-month academic period ashore. When the temporary licensing program is terminated, this program will be revised and extended to a 3-year program.

4. The other proposal consists of the employment of an "apprentice engineer" on board ship under the direct supervision of the Chief Engineer. The trainee would be required to serve two (2) years to be eligible for an original license as temporary third assistant engineer. During this time he would participate in a planned training program of on-the-job training.

5. The Marine Engineers' Beneficial Association, the Brotherhood of Marine Officers, and the American Maritime Association have requested approval of these two programs. They have also requested that the rating of "apprentice engineer" be established as an endorsement on the merchant mariner's document of those trainees involved in the programs and that completion of the programs be considered as qualifying experience for a license as third assistant engineer. Both programs would be extended to 3 years when the temporary licensing program is terminated.

6. The authority to prescribe rules and regulations with respect to establishing an entry rating as "apprentice engineer" and qualifications for a third assistant engineer is in R.S. 4405, as amended, 4462, as amended, 4438, as amended, 4438a, as amended, 4441, as amended, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, and secs. 1, 2, 7, 49 Stat. 1544, 1545, as amended, 1936, as amended; 46 U.S.C. 375, 416, 224, 224a, 229, 643, 672, 367, 639. The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

7. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), the actions as described in this document are proposed.

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.10—Professional Requirements for Engineer Officers' Licenses (Inspected Vessels)

8. It is proposed to amend § 10.10-21 by changing the period (.) to a semicolon and add the word "or," at the end of subparagraph (a)(7) and by adding a new subparagraph (a)(8) reading as follows:

§ 10.10-21 Third assistant engineer; steam vessels.

(a) * * *

(8) Satisfactory completion of a 3-year apprentice engineer training program approved by the Commandant.

PART 11—LICENSES IN TEMPORARY GRADES OR SPECIAL ENDORSEMENTS ON LICENSES TO PERMIT TEMPORARY SERVICE

Subpart 11.10—Licenses in Temporary Grades

9. It is proposed to amend § 11.10-50 by adding at the end of paragraph (a) a new sentence reading as follows:

§ 11.10-50 Temporary Third Assistant Engineer.

(a) * * * Satisfactory completion of a 2-year apprentice engineer training program approved by the Commandant will also be acceptable.

* * * * *

PART 12—CERTIFICATION OF SEAMEN

Subpart 12.25—Certificates of Service for Ratings Other Than Able Seaman or Qualified Member of the Engine Department

10. It is proposed to add to Subpart 12.25 a new § 12.25-35 reading as follows:

§ 12.25-35 Apprentice engineers.

Persons enrolled in an apprentice engineer training program approved by the Commandant and who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "apprentice engineeer" and may be signed on ships as such. The endorsement "apprentice engineer" may be in addition to other endorsements. Persons holding merchant mariner's documents with the endorsement "apprentice engineer" shall be deemed to be seamen under the provisions of Title 53 of the Revised Statutes and the regulations in this subchapter. However, this endorsement of "apprentice engineer" only does not authorize the holder to fill any of the regular ratings.

Dated: August 31, 1966.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 66-9707; Filed, Sept. 2, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 55]

EGG PRODUCTS

Grading and Inspection

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. In May 1965, the Department announced changes to the egg products inspection regulations. These changes required pasteurization of egg products produced in official plants and became effective over a period of time beginning June 1, 1965, and ending June 1, 1966. Since that time, the Department has conducted tests to determine the effectiveness of the pasteurization program. These tests show a tremendous reduction in the number of samples of egg products found to be contaminated with Salmonella. In only rare and scattered instances are samples found to be Salmonella positive. Recontamination is the primary cause for this although faulty equipment can sometimes be responsible. The effectiveness of the pasteurization requirements is substantiated in reports and data of other regulatory agencies concerned with this problem. However, the Department feels that routine testing for the presence of Salmonella in pasteurized egg products would give added assurance of producing Salmonella negative product and would materially aid in eliminating or correcting faulty equipment and operating practices where recontamination is possible. The proposed amendments would require the testing of pasteurized egg products for the presence of Salmonella.

Information obtained by the Department also indicates that higher pasteurization temperatures are required for liquid yolks than for liquid whole eggs. Accordingly, the amendments would require that liquid yolks be flash heated to not less than 144° F. and held at this temperature for not less than 3½ minutes. The present 140° F. requirement for liquid whole eggs would not be changed.

The section which requires products to be pasteurized would be rewritten to eliminate the various dates which specified the effective dates or stages for implementation of the pasteurization program.

The regulations require that egg products labeled as "whites and yolks" have the total egg solids content declared on the label if the egg solids content is less than 25½ percent. This 25½ percent figure was established quite some time ago and was based on the natural proportion of solids found in shell eggs used for breaking. There has been some question as to whether this figure is truly representative of the solids content of shell eggs under present production and marketing practices. Shell eggs used as breaking stock today are of a much higher quality than eggs used for similar purposes years ago. There is a correlation between egg quality and egg solids. Generally, higher quality eggs have a lower solids content than lower quality eggs because less shrinkage or loss of moisture has occurred. There are other factors which affect the solids content but quality or freshness is probably the most important. The Department has collected data on this subject and a statistical analysis has recently been completed. This data shows that the solids content of shell eggs used for today's breaking stock is, in fact, below the 25½ percent level. Therefore, the Department proposes to change this figure to 24.75 percent.

The official inspection mark would be changed by deleting the words "selected eggs" and "Processed under Supervision of USDA Licensed Inspector." The term "selected eggs" is no longer applicable because practically all wholesome egg products, other than those produced from storage eggs, may be identified with the shield mark. The other term is only superfluous and in our opinion detracts from the appearance of the mark. In order to provide sufficient time for present label supplies to be utilized, this requirement would not become fully effective until July 1, 1968.

Provision is made in the regulations for the shipment, under certain conditions, of nonpasteurized egg products from one official plant to another for pasteurization or heat treatment. A new inspection mark is proposed for this nonpasteurized product when such product is packaged or placed in containers other than bulk tanks for shipment. This will facilitate control of this product.

The proposal would establish a new section dealing with the classification of shell eggs used in the processing of egg products. This is being done to clarify the types of eggs that can be broken and for the purpose of combining these requirements into one section so that this information is more accessible and understandable to inspectors, users of the service and others. The actual requirements are essentially the same as those presently in use.

The section on egg cleaning operations would be changed to require the temperature of the wash water to be at least 100° F. and that an approved detergent be used. In addition, immersion type washers would be eliminated. These changes will materially affect the cleanliness of eggs arriving at the breaking station since higher temperatures and approved detergents increase the effectiveness of washing and immersion type washers do not comply with present food processing standards.

The condition of liquid egg products deteriorates somewhat from the time of breaking until further processing (pasteurizing, freezing, drying, etc.). The proposal would establish a time limit of 48 hours between breaking and further processing for egg products other than whites which are to be fermented.

In order to lessen the possibilities of recontamination and to aid, generally, in producing a wholesome egg product, certain sections of the regulations dealing primarily with operating procedures, equipment and sanitation would be strengthened. Some of these changes include requiring a packaging room with a filtered positive air ventilation system in an area separate from other processing operations for spray-dried egg products; that surface coolers and all liquid holding vats containing pasteurized product be kept covered while in use and that a suitable inner liner be used for pasteurized egg products packaged in used containers.

The entire section on cooling is rewritten to more clearly specify the requirements presently in effect.

Other changes of a more minor nature are being proposed and certain administrative and clarifying changes would be made.

All persons who desire to submit written data, views or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 7, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

§ 55.2 [Amended]

1. Paragraphs (w) and (y) in § 55.2 would be deleted.

2. Section 55.6(b) would be amended to read:

§ 55.6 Basis of service.

* * * * *

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn in accordance with the provisions of this paragraph except sampling for the presence of Salmonella shall be in accordance with the provisions set forth in § 55.77(p).

(1) When frozen egg products are packed in 30-pound or larger containers, a sufficient number of randomly selected containers shall be selected equivalent to not less than the square root of the total number in the lot. When frozen egg products are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof. For sampling purposes, a lot shall consist of not more than 45,000 pounds.

(2) Samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in

equal portions from each container in the lot.

3. Subparagraph (5) of § 55.17(a) would be amended to read:

§ 55.17 Authority and duties of inspectors performing service on a resident inspection basis.

(a) * * *

(5) To issue a certificate upon request on any egg product processed in the official plant.

* * * * *

4. Section 55.20 would be amended to read:

§ 55.20 Who may obtain grading and inspection services.

(a) An application for grading and inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) Where grading service is offered: Any product may be graded or inspected, wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

§ 55.22 [Amended]

5. The word "sampler" would be deleted from the text of paragraph (a) of § 55.22.

§ 55.23 [Amended]

6. The word "Four" would be changed to read "Three" in the first sentence of paragraph (b) in § 55.23.

§ 55.24 [Amended]

7. The words "grading service, inspection service or sampling service" would be changed to read: "grading or inspection service" in the first sentence of § 55.24.

§ 55.32 [Amended]

8. The word "sampler" would be deleted wherever it appears in § 55.32.

9. Section 55.33 would be amended to read:

§ 55.33 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector or grader and the container is in compliance with § 55.77(k).

10. Section 55.35 would be amended by changing the last two sentences to read:

§ 55.35 Approval of official identification.

* * * Egg products that are labeled "whites and yolks" or words of similar import shall have the total egg solids declared on the label if the egg solids content is less than 24.75 percent. The label, as well as the official mark, if used, shall be applied to the container and shall not be applied to a detachable cover such as a lid.

11. Section 55.36(b) would be amended to read:

§ 55.36 Form of official identification symbol and inspection mark.

* * * * *

(b) The inspection mark which is permitted to be used on egg products other than those prepared in accordance with §§ 55.39 and 55.40 shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container. When the lot number and plant number are omitted from the official identification, the inspection mark shall be in the form and design indicated in Figure 3 of this section.

* * * * *

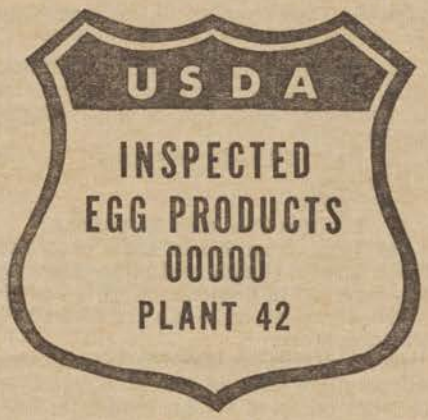

FIGURE 2

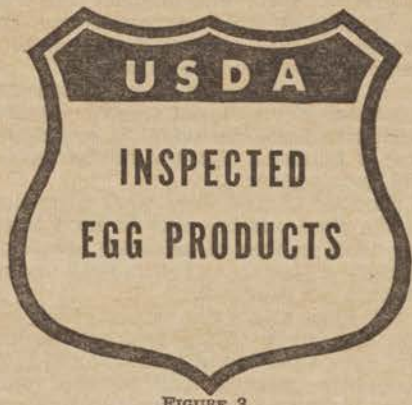

FIGURE 3

12. Section 55.38 would be amended to read:

§ 55.38 Form of other identification.

Egg products prepared in accordance with §§ 55.39 and 55.40, if to be officially identified, shall be marked with the appropriate official identification of the wording and design set forth in Figure 4 or Figure 5 of this section whichever is applicable, except that the lot number and plant number may be omitted from the official identification if applied elsewhere on the container.

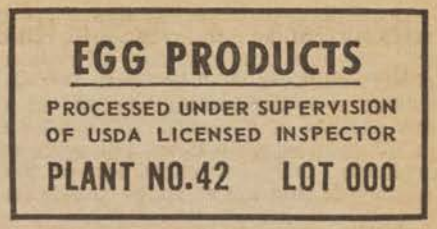

FIGURE 4

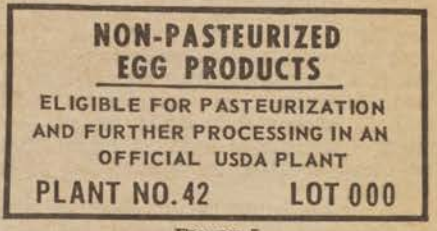

FIGURE 5

13. Section 55.39 would be amended to read:

§ 55.39 Products which may bear other official identification.

(a) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products which bear the rectangular mark set forth in Figure 4 of § 55.38 may bear the identification mark illustrated in Figure 4 of § 55.38 and such products may contain other edible ingredients. None of such products may bear the inspection mark illustrated in Figures 2 and 3 of § 55.36. After freezing and prior to shipping, such products shall be drilled and inspected organoleptically by a grader of frozen eggs and those products which are in satisfactory condition may bear the identification set forth in Figure 4 of § 55.38.

(b) All nonpasteurized egg products which are to be shipped from an official plant in packaged form to another official plant for pasteurization or heat treatment shall be marked with the official identification mark set forth in Figure 5 of § 55.38. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in Figures 2 and 3 of § 55.36 except those pertaining to pasteurization or heat treatment. After pasteurization or heat treatment, such products may bear the official inspection mark shown in Figures 2 and 3 of § 55.36.

14. Section 55.45 would be amended to read:

§ 55.45 Grading certificates.

Grading certificates (including appeal grading certificates) shall be issued on forms approved by the Administrator.

15. Paragraphs (e), (k), (o), and (p) of § 55.77 would be amended to read:

§ 55.77 General operating procedures.

* * * * *

(e) Pasteurizing, drying, or freezing operations shall start within 48 hours from time of breaking for egg products other than those to be fermented.

* * * * *

(k) Packages or containers for egg products shall be clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging pasteurized egg products.

* * * * *

(o) All egg products prior to being released into consumptive channels shall be pasteurized in accordance with § 55.101 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 55.103.

(1) Pasteurized liquid egg product shall be sampled and tested for the presence of Salmonella. The sample shall be drawn after final packaging and if to be frozen, may be drawn prior to freezing. Dried egg products shall be sampled in the final packaged form and tested for the presence of Salmonella. All sampling for the presence of Salmonella shall be in accordance with the procedures outlined in paragraph (p) of this section and product found to be Salmonella positive shall be reprocessed.

(2) Nonpasteurized or Salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. All shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is Salmonella positive. If nonpasteurized or Salmonella positive products are to be stored in other than the official plant facilities, the grader or inspector-in-charge at the consignee and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such products shall be marked with the identification mark shown in Figure 5 of § 55.38.

(p) Salmonella sampling and testing:

(1) Pasteurized egg products shall be sampled and tested for the presence of Salmonella in a manner prescribed by the National Supervisor.

(2) Dried whites which have been heat treated in the dried form shall be sampled at the rate of one composite sample per lot of not in excess of 4,000 pounds and analyzed for the presence of Salmonella. Each lot of product must be identified.

(3) Results of laboratory analyses for the presence of Salmonella shall be made available to the inspector. Such analyses shall be made by a laboratory approved by the National Supervisor and continuing approval will be based on the results of confirmation samples submitted to a USDA laboratory and analyzed at the applicant's expense.

16. Paragraphs (b), (e), (f), and (g) of § 55.79 would be amended to read:

§ 55.79 Candling and transfer-room operations.

* * * * *

(b) Floors, benches, and conveyors shall be cleaned as often as necessary to maintain a clean operation but at least once daily.

* * * * *

(e) All shell eggs eligible for breaking shall be placed on conveyors or into containers that are easily cleaned and handled in a manner which will minimize breakage.

(f) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(g) Shell eggs with damaged shells unless prohibited under § 55.80(d) shall be placed into leaker trays and shall be broken promptly.

17. Section 55.80 would be amended to read:

§ 55.80 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers that may be broken.

(4) Eggs from other than chickens. Duck, turkey, guinea, and goose eggs may be processed in accordance with § 55.40.

(5) All other eggs—satisfactory breaking stock.

(b) Shell eggs received in cases having strong odors such as kerosene, gasoline, or other odors of a volatile nature, shall be candled and broken separately to determine their acceptability for egg meat purposes and each container of the resultant frozen product shall be drilled and examined organoleptically.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membrane is not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membrane missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 55.77(c). Inedible and loss eggs for the purpose of this section and § 55.83 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, musty eggs, any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug and Cosmetic Act, and any other filthy and decomposed eggs including the following:

(i) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(ii) Any egg with a portion of the shell and shell membrane missing and with egg meat adhering to or in contact with the outside of the shell.

(iii) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membrane.

(iv) Any liquid egg recovered from shell egg containers and leaker trays.

(v) Open leakers made in the washing operation.

(vi) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator rejects shall not be brought into the official plant. Ova from slaughtered birds may be brought into the official plant for pasteurizing: *Provided*, That the ova is from poultry inspected in a plant operating under the Poultry Products Inspection Act; that the containers of such ova bear the poultry products inspection mark; that the ova is processed separately and properly labeled: *And provided further*, That the ova is not blended with egg products.

18. Section 55.81 would be amended to read:

§ 55.81 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be at least 100° F. and an approved detergent shall be used.

(2) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(3) Immersion type washers shall not be used.

(4) Preventative measures shall be taken to prevent excess foaming action during the egg washing operation.

(5) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.p.m. nor more than 200 p.p.m. of available chlorine, or other approved sanitizers.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product.

(d) Washed eggs shall be immediately broken after they are dried.

§ 55.82 [Amended]

19. Paragraph (o) of § 55.82 would be deleted.

20. Paragraphs (k), (y), and (bb) of § 55.83 would be amended and paragraph (o) would be deleted as follows:

§ 55.83 **Breaking room operations.**

* * * * *

(k) Inedible and loss eggs as defined in § 55.80(d) apply to this section.

* * * * *

(o) [Deleted]

* * * * *

(y) Dump tanks, draw-off tanks and churns shall be flushed at least every 4 hours. All such equipment and all other liquid handling equipment unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be thoroughly cleaned at the end of each day's production or more often if necessary. All such equipment shall be thoroughly flushed with a sanitizing solution and thoroughly drained prior to placing in use.

* * * * *

(bb) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized and drained immediately prior to filling, except that if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling, the foregoing sequence shall not be required.

* * * * *

§ 55.84 [Deleted]

21. Section 55.84 would be deleted.

22. Section 55.85 would be amended to read:

§ 55.85 **Liquid egg cooling.**

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean, free from objectionable odors and condensation. Surface coolers and all liquid holding vats containing pasteurized product shall be kept covered while in use. Liquid cooling units shall be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) Unless the resultant liquid egg is immediately mechanically cooled to the temperatures specified in this section for each product, all shell eggs shall be cooled to temperatures that will result in liquid egg product not exceeding a temperature of 70° F. during processing, other than while being stabilized or pasteurized.

(d) Liquid egg product which is not to be held in excess of 8 hours and which is not subjected to immediate stabilization or pasteurization shall be cooled and maintained at the following temperatures within 2 hours from time of breaking:

(1) Liquid whites, except whites that are to be stabilized and dried—55° F. or lower.

(2) Liquid whites that are to be stabilized by removal of glucose and dried—70° F. or lower.

(3) Liquid egg product to which 10 percent salt has been added—60° F.: *Provided,* That immediately after processing product is packaged and placed in a freezer.

(4) All other liquid egg product—45° F. or lower.

(e) For liquid egg product to be held in excess of 8 hours; liquid whites shall be cooled and maintained at a temperature of 55° F. or lower, and all other liquid egg product shall be cooled and maintained at a temperature of 40° F. or lower, within 2 hours from time of breaking.

(f) Stabilized liquid whites shall be cooled to 55° F. or less. All other stabilized liquid egg product, if held 8 hours or less, shall be cooled to 45° F. or lower, and if held longer than 8 hours, shall be cooled to 40° F. or lower unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately after stabilization and completed within 3 hours.

(g) Pasteurized liquid whites shall be cooled to 55° F. or less. All other pasteurized liquid egg product, unless immediately dried or stabilized following pasteurization, shall be cooled to 45° F. or lower if held 8 hours or less or to 40° F. or lower if held longer than 8 hours. The cooling process shall be started immediately following pasteurization and completed within 2 hours.

(h) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

(i) Agitators shall be operated in such a manner as will minimize the production of foam.

(j) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State Board of Health. Such liquid shall not be frozen and identified with the Department legend, but it may be dried and so identified. All ice shall be handled in a sanitary manner.

23. Paragraph (a) of § 55.86 would be amended to read:

§ 55.86 **Liquid egg holding.**

(a) All tanks, vats, drums, or cans used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

* * * * *

24. Paragraph (i) of § 55.91 would be amended to read:

§ 55.91 **Spray process drying facilities.**

* * * * *

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction and shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

* * * * *

25. Paragraph (a) of § 55.92 would be amended to read:

§ 55.92 **Spray processing drying operations.**

(a) The drying room shall be kept in a dust-free condition at all times and shall be free of flies, insects, and rodents. A packaging room with a filtered positive air ventilation system shall be provided in an area separate from other processing operations.

* * * * *

26. Subparagraph (4) of § 55.93(b) would be amended by deleting the first sentence and substituting in lieu thereof the following:

§ 55.93 **Spray process powder; definitions and requirements.**

* * * * *

(b) * * *

(4) When deemed necessary a resident inspector shall draw a representative sample to be scored for palatability. * * *

* * * * *

27. Paragraph (b) of § 55.101 would be amended by deleting the first sentence and substituting in lieu thereof the following:

§ 55.101 **Pasteurization of liquid eggs.**

* * * * *

(b) *Pasteurizing operations.* Except for liquid yolk, the strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes. The strained or filtered liquid yolk shall be flash heated to not less than 144° F. and held at this temperature for not less than 3½ minutes. * * *

* * * * *

§ 55.103 [Amended]

28. Paragraphs (a) and (c) of § 55.103 would be deleted.

Done at Washington, D.C., this 30th day of August 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9688; Filed, Sept. 2, 1966; 8:47 a.m.]

[7 CFR Part 1013]

[Docket No. AO-286-A8]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing

orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Fort Lauderdale, Fla., on March 3–4, 1966, pursuant to notice thereof which was issued February 10, 1966 (31 F.R. 2730).

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

1. Expansion of the marketing area.
2. Class prices.
3. Butterfat differentials.
4. Location differentials.
5. Classification.
6. Enabling a cooperative to be the handler on bulk tank milk.
7. Diversion of producer milk.
8. Miscellaneous and conforming changes.

A portion (Class I price) of Issue 2 was considered in a separate decision issued June 24, 1966 (31 F.R. 8956). The remainder of that issue and all other issues at the hearing are considered in this decision.

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

1. *Expansion of the marketing area.* The Southeastern Florida marketing area, which now contains four counties (Broward, Dade, Monroe, and Palm Beach), should be expanded by adding the counties of Glades, Hendry, Indian River, Martin, Okeechobee, and St. Lucie. The expanded marketing area comprises a contiguous area in which routes of milk handlers doing business in the area are interspersed.

The marketing area expansion was proposed by Independent Dairy Farmers' Association (IDFA), the principal cooperative in the Southeastern Florida market. It was supported at the hearing by the major handlers in the market. There was no opposition to the addition of the six counties to the marketing area.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products. The minimum sanitary requirements applicable to Grade A milk throughout the area are those of the State of Florida, which requirements are patterned after the U.S. Public Health Ordinance and Code.

The present marketing area does not constitute the proper marketing area under current marketing conditions. The 10-county area herein proposed as the marketing area represents more appropriately the sales area of the handlers now regulated by the Southeastern Florida order than the present 4-county area.

The total Class I distribution in Glades, Hendry, and Okeechobee Counties is by handlers presently regulated by the Southeastern Florida order. Martin, Indian River, and St. Lucie Counties are supplied from the plants of Southeastern Florida handlers and a presently unregulated plant in Indian River County. The latter plant, in addition to its Class I distribution in these three counties, has a minor amount of Class I sales in Brevard County, immediately to the north of Indian River County.

The operator of the plant in Indian River County obtains milk from four dairy farmers, all of whom are IDFA members. Settlement with the cooperative for these purchases is on the basis of Southeastern Florida order class prices. The operator of this plant indicated no opposition to the proposed expansion of the marketing area.

The present Class I distribution in the six counties proposed to be added to the marketing area is relatively small. However, their population is increasing at a much faster rate than that for the State as a whole. If these counties were excluded from the marketing area, an expanded population could provide an incentive for unregulated handlers to establish routes in the area at the expense of the regulated Southeastern Florida handlers now supplying the market. Such an unregulated handler, absent an order in the proposed area, would have a competitive advantage over the regulated handlers who would be required to pay the minimum order class prices based on their utilizations.

The proposed 10-county marketing area is the basic sales area for the operator of the plant in Indian River County and handlers presently regulated by the Southeastern Florida order. A number of such handlers, however, do have some Class I distribution outside the newly designated marketing area. All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition. Further, the level of class price should be identical on Class I sales inside and outside the marketing area.

The essentials of the classified pricing plan for the Southeastern Florida order, and generally applicable to all Federal orders issued by the Secretary, are to establish one level of price to be paid by handlers for milk which is sold as milk or specified milk products for fluid consumption and other prices for the necessary surplus of the market which is disposed of in lower valued fluid products and in manufactured products.

It is necessary that the class prices effective under the Southeastern Florida order be established at levels which will bring forth a sufficient supply to meet the demands of milk for the particular marketing area but not necessarily to fulfill the requirements of outside markets. Nevertheless, handlers who are regulated by virtue of their sales in the marketing area may have varying proportions of their sales outside the regulated area. This is a situation normally unavoidable even in the establishment of a new marketing area. Sales areas of regulated and unregulated handlers may overlap, and it would be rarely possible, if at all, to find a line of demarcation around an entire marketing area such that no overlapping occurs. Other considerations in establishment of a marketing area may also preclude inclusion of all sales areas of fully regulated handlers.

The problem of establishing a price to supply adequately the marketing area is thus affected by the activity of handlers in selling milk outside the regulated area and in procuring milk for such sales. There is no basis in this price determination for discrimination between milk sold inside and outside the marketing area. The milk sold outside by a regulated plant is processed in the same plant and is produced under similar conditions as milk sold in the marketing area. Thus, the milk moving through the regulated handler's plant, whether it is sold inside or outside the marketing area, is part of the same supply and demand situation upon which proper price level determination must be made.

If the price to farmers were higher for milk sold inside than for milk sold outside the marketing area, returns for disposition in the area would be bearing the greater burden of providing the incentive for milk production for both. To the extent such discrimination in pricing at the procurement level is reflected

in higher prices to consumers inside than outside the marketing area, consumers in the marketing area will be subsidizing consumers outside the marketing area.

Further, it is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by unregulated distributors in such markets. Such action would tend to lower blended returns to dairy farmers supplying the unregulated handlers.

2(b). *Class II and Class III prices.* The Class II price should be established by adding $1, and the Class III price by adding 15 cents, to the basic formula price (Minnesota-Wisconsin manufacturing milk price).

The Southeastern Florida Class II and Class III prices are now determined by separate formulas, both based on the market prices of butter and nonfat dry milk. For the 24 months ending December 1965, the Class II price herein proposed would have averaged $4.225; the average Southeastern Florida Class II price in this period was $4.18. In the same 2-year period, the proposed Class III price averaged $3.375; the effective Class III price was $3.29.

The revised Class II and III formulas were proposed by producers and supported by the major handlers in the market. There was no opposition to the proposals.

The Minnesota-Wisconsin price series reflects the value of ungraded milk used in the production of a wide variety of manufactured dairy products in the major milk production areas of the United States. As such, it is a more appropriate basis for establishing Class II and Class III prices than the market prices for butter and nonfat dry milk. It is now used in establishing class prices other than Class I in 33 Federal orders. Utilizing it in the Southeastern Florida order will tend to obtain a Class II and Class III price level consistent with that prevailing in other markets and will insure an equitable return to producers for Class II and Class III milk.

The proposed Class II and Class III price formulas are the same as those in the Tampa Bay order. Southeastern Florida and Tampa Bay handlers have substantial overlapping in both their supply and sales areas. Providing for the same Class II and Class III prices in these markets will contribute to orderly marketing in these areas where the handlers regulated by these two orders compete for supplies and sales.

When local supplies are short, handlers obtain concentrated dairy products from other sources for further processing into Class II products in their plants. The cost of such supplies are affected by transportation over long distances. Local producer milk supplies used in Class II compete directly with these concentrated products delivered to Southeastern Florida. The proposed Class II formula will tend to obtain a Class II price in close alignment with the cost of these alternative supplies.

Negligible quantities of milk for Class III uses are produced in Southeastern Florida where handlers depend primarily on shipments of products in manufactured form for their Class III requirements. On these manufactured products, they incur transportation charges, although at relatively low rates in terms of dollars per hundredweight of milk equivalent.

The proposed Class III formula will tend to obtain a price at which handlers will accept and market the limited quantities of milk in excess of Class I and Class II needs that may arise from time to time. On the other hand, the proposed formula will not tend to obtain a level of price that would encourage handlers to seek milk supplies solely for the purpose of converting them into Class III products.

3. *Butterfat differentials.* Provisions for a specified butterfat differential for each class and a weighted producer butterfat differential, the same as in the Tampa Bay order, should be incorporated into this order.

The Southeastern Florida order presently makes no provision for a separate butterfat differential for each class of milk. The only butterfat differential specified in the order is the 7.5-cent differential applicable to the uniform price in paying producers.

The Southeastern Florida producers' proposal that the Tampa Bay butterfat differential provisions be adopted in the order was supported by handlers at the hearing.

As proposed, the Class I and Class II butterfat differentials would be established at 7.5 cents for each one-tenth of 1 percent variation in butterfat above or below 3.5 percent. The Class III and Class IV butterfat differentials would be determined by multiplying the Chicago butter price by 0.115.

The 7.5-cent differential on Class I and Class II milk is, in effect, the same differential that is now applicable to all milk classified under the order. There was no support for any other Class I or Class II differential.

The Class III and Class IV butterfat differential of 11.5 percent of the Chicago butter price will vary from month to month as the price of butter varies, thereby facilitating the movement of butterfat in the reserve supply of milk to manufacturing outlets. The Class III and Class IV butterfat differential, because it is based on current month prices, will not be announced until after the end of the month.

The butterfat differential to producers would be calculated on the average of the Class I, Class II, Class III, and Class IV butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Returns to producers will thus reflect the actual value of their butterfat at the class prices provided by the order.

4. *Location differentials.* The location differentials should be revised to give consideration to the current procurement and distribution practices of handlers in the proposed enlarged marketing area. The current location differentials have not been changed since the order was promulgated in 1957.

The Class I and uniform prices are now reduced 13 cents for milk received at plants from 60 to 70 miles from Boca Raton and by an additional 1.5 cents for each 10 miles or fraction thereof at plants beyond 70 miles. As proposed herein, the U.S. Post Office at West Palm Beach would replace Boca Raton's Post Office as the point from which location differential mileages are determined. The 13-cent initial rate would be retained but would be applicable at points 80 to 90 miles from the basing point instead of 60 to 70 miles as now provided. The 1.5-cent rate for each 10 miles beyond the initial 13-cent rate would be continued.

The changes herein provided are the same as those proposed by producers, with one exception. Producers proposed that the initial location differential rate be 10 cents instead of 13 cents.

West Palm Beach is 26 miles north of Boca Raton and 64 miles north of Miami, the largest city in the marketing area. Using West Palm Beach instead of Boca Raton as the basing point will result in no location adjustment at plants within approximately 106 miles of Boca Raton instead of within 60 miles as at present. This will generally reduce the location differential 6 to 7.5 cents at the various locations from which milk might be shipped to the marketing area.

The location differential is now applicable at only one pool plant, in Martin County. The relatively small quantity of producer milk received at this plant is obtained through IDFA. Although a 13-cent differential is applicable to the Class I price at this location, the handler pays the cooperative the same Class I price that would be applicable if no location adjustment applied.

If the location differential provisions were not changed, the plant (which would become a pool plant by expansion of the marketing area) in Indian River County would be eligible for a location differential credit of 17.5 cents. However, the actual price paid by the operator of the plant, who is now unregulated, is the same as the Southeastern Florida Class I price without the application of any location differential. His producer milk supply is obtained through IDFA.

Location differentials applicable at the various plants should reflect the efficiency resulting from technological changes in the marketing of milk in recent years. The rates proposed herein to both handlers and producers more appropriately reflect the cost of efficiently moving milk in the Southeastern Florida market under present economic conditions than do the location differentials incorporated into the order in 1957.

Technological improvements such as better roads and larger tank trucks have tended to reduce unit hauling costs for both producers and handlers. The pro-

posed location differentials are in line with the hauling charges currently in effect. The rates now charged by a major hauler in the area for a distance of 925 miles is $1.22 per hundredweight in 5,300 gallon tankers and $1.40 per hundredweight in 4,300 gallon tankers. The location differential rate proposed in this decision would result in a location adjustment of $1.29 for a plant 925 miles from Miami, the principal city in the marketing area.

It is not intended that the Class I price should be dependent on the type of plant receiving the milk. Transportation costs are involved whether supplemental supplies of milk are moved in tank trucks from faraway plants to the marketing area or whether packaged fluid milk products from processing plants at relatively closer locations are distributed on routes in the marketing area.

There was no opposition to replacing Boca Raton with West Palm Beach as the point for measuring location differential mileages. West Palm Beach is one of the larger cities in the marketing area and is more centrally located with respect to the enlarged marketing area. As such, it is a more practicable basing point for determining location differentials under current marketing conditions in the Southeastern Florida marketing area than is Boca Raton.

The producer proposal to reduce from 13 to 10 cents the initial location differential adjustment is denied. The 13-cent rate more nearly approximates the cost of hauling milk the 80 to 90 miles represented by the initial adjustment. The proposed location differential at plants more than 90 miles from West Palm Beach is an additional 1.5 cents for each 10 miles beyond 90. The 1.5-cent rate applied to the midpoint (85 miles) of the 80–90-mile range is 12.75 cents. It was not shown that there is any justification in this market for applying a location adjustment at a lower rate for the initial 80 to 90 miles than for distances beyond 90 miles.

The Southeastern Florida marketing area extends to the southernmost tip of the State. There are no plants in the proposed expanded marketing area to which a location differential as herein provided would be applicable. It would be appropriate, therefore, to specify that the location differentials be applicable only at plants north of West Palm Beach, the basing point for determining such differentials.

The location differential rates herein provided are economically sound and are representative of the cost of transporting milk to market by efficient means. They are comparable with those contained in other Federal milk orders, including the adjoining Tampa Bay order. Moreover, their compatability with location differential rates in the Tampa Bay order will insure a reasonable alignment of prices between the two orders at the various locations in which handlers under the Southeastern Florida and Tampa Bay orders compete.

5. *Classification.* (a) Producers proposed including in Class I the skim milk and butterfat disposed in the form of Class II products. They asserted that Florida statute requires that Class II products be made from Grade A milk. In practice, however, regulatory authorities permit the use of milk products other than Grade A fluid milk products in the preparation of Class II products.

Historically, Class II products have been included in a separate classification in Florida and priced significantly below the Class I price. This has been the case not only in the Southeastern Florida order since its inception but also under the Florida Milk Commission's regulations. The Tampa Bay order, which became effective at the beginning of this year, also provides a separate classification for Class II products.

No change has taken place in the application of the State statute to require any different classification of Class II products in the Southeastern Florida order than what has been effective in the order since its inception or what has been historically the practice in all Florida markets. The producer proposal to include Class II products in the Class I classification is therefore denied.

(b) Both producers and handlers proposed that the present method of classifying in Class II all skim milk and butterfat "used to produce" Class II products be changed. In its place, they propose that the Class II classification be based on the skim milk and butterfat actually disposed of by a handler in the form of Class II products. At the present time, the skim milk and butterfat used to produce a Class II product (e.g., cream) is classified as Class II even though the ultimate disposition of such product may be in a Class III classification, such as ice cream or butter.

The method herein proposed for establishing the Class II classification at a plant, on the basis of the actual disposition of the Class II product by the handler, is the same as that provided in the Tampa Bay order. Its adoption in the Southeastern Florida order provides a more equitable and appropriate basis for establishing a handler's Class II classification.

The changed basis for establishing the classification of skim milk and butterfat used to produce Class II products requires various revisions in the order. These are necessary since a handler must not only account for the Class II products produced in his plant but also must establish his actual disposition and month-end inventories of such products. The necessary changes in this regard are provided in the attached order.

In order to implement the changed basis for establishing the classification of Class II products on the basis of their disposition, a revised "other source milk" definition is necessary. Such a definition, as proposed by producers and handlers, is the same as that provided in the Tampa Bay order and is equally appropriate under this order.

As proposed and adopted herein, other source milk would include all skim milk and butterfat contained in or represented by (a) fluid milk products and Class II products utilized by the handler in his operation (except producer milk and fluid milk products and Class II products from pool plants and in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced in the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of nonfluid milk products in a form in which they may be converted into Class I products and which are not otherwise accounted for under the order.

So that he may verify the actual utilization of milk received from producers, the market administrator must be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as the result of the discrepancy between the records of receipts and disposition. Otherwise, the handler with improper records would be in a position to gain an advantage over his competitors who properly account for all milk and other dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products in a form in which they can be converted into Class I products. Otherwise, a handler, by failing to keep records of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid milk products, similarly would gain a competitive advantage over other handlers in the market.

(c) The shrinkage provisions should be revised to recognize current methods of handling milk in the market and to provide equitable division of shrinkage among handlers.

A handler should be permitted a Class III classification as shrinkage on quantities of skim milk and butterfat that are not in excess of 2 percent of producer milk (except that diverted to a nonpool plant), plus 1.5 percent of bulk fluid milk products received from (1) other pool plants, and (2) other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler), and less 1.5 percent of bulk fluid milk products transferred to other plants. Shrinkage assignable to any remaining receipts of other source milk would continue to be allowed a Class III classification without limit.

The order now provides a Class III shrinkage up to 2 percent of producer receipts and receipts of milk and skim milk in bulk from other order plants and unregulated supply plants (exclusive of the quantity for which a Class II or Class III utilization is requested by the handler). No provision is now made for the division of the shrinkage allowance on interhandler movements of fluid milk products.

The shrinkage provisions herein provided, which were proposed by producers, are patterned after those in the Tampa Bay order and are contained in the great majority of Federal orders. There was no opposition at the hearing

to the adoption of the proposed shrinkage provisions.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to effectuate equitably the classified pricing plan.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class III as shrinkage since these types of receipts are allocated pro rata to class uses with the receipts from pool plants and producers. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated to Class III uses. The allocation procedures assure assignment of such milk to Class III in an amount at least equal to the shrinkage that may be associated with it.

As provided in this decision, a cooperative is required to be the handler for milk of its member-producers if delivered from the farm to the pool plant in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is the handler under such conditions, the operator of the pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full two percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and the market administrator has been so notified. Otherwise, the maximum shrinkage in Class III allowed the handler on such milk would be 1.5 percent and the cooperative would be responsible for any difference between the gross weight of producer milk received in a tank truck at the farm and that delivered to pool plants. This procedure, which is followed in a number of Federal orders, provides a reasonable basis for the allocation of shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

(d) The skim milk and butterfat in fluid milk products and in Class II products in inventory at the end of the month should be classified in Class II. At the present time, only the fluid milk products in inventory are classified in Class II. This is because the skim milk and butterfat in Class II products were considered as having been disposed of in the Class II classification when used to produce a Class II product. As provided elsewhere in this decision, the skim milk and butterfat in Class II products would be classified in Class II only when disposed of from the plant as a Class II product. This change makes it necessary to consider the month-end inventories of such products in determining the classification of milk handled at that plant. This manner of handling inventories is identical with that provided in the Tampa Bay order. In urging its adoption, handlers stressed the desirability of having inventories handled in this same manner in these adjacent orders.

Producers proposed that ending inventories be classified in Class I and that the differences between the Class I prices in each month be taken into account when pricing inventories classified in Class I in the following month. As outlined at the hearing, it was not shown that application of the order would be facilitated or that producers would realize any significant advantage by classifying inventories in Class I.

The fluid milk products and Class II products contained in inventory and classified in Class II might be used in the following month in a Class I, Class II, or Class III classification. On any such inventory used in Class I in the following month, handlers must pay the difference between the applicable Class I price in the month it was utilized and the Class II price at which it was priced in the preceding month. Under the three-classification system in the Southeastern Florida order, this method of handling inventories will tend to work out more practicably and equitably than classifying closing inventories in Class I in the manner proposed by producers. The producer proposal, therefore, is denied.

(e) The order should specify that skim milk and butterfat used to produce milkshake mix be classified in Class III.

Including milkshake mix in Class III was proposed by a regulated handler who recently began producing and distributing this product. Because the order does not now specify another classification for milkshake mix, it is currently classified in Class I.

Milkshake mix is a product more nearly comparable to ice cream mix, a Class III product, than to flavored milk or any other Class I product. The ingredients used in its manufacture are butterfat, nonfat dry milk, sugar, flavoring and stabilizer. The total solids in the end product are in excess of 25 percent. There is no requirement that milkshake mix be made from Grade A milk. It is free from any regulation by local health authorities other than as a food product.

Milkshake mix is generally considered in the same category as frozen dessert and ice cream mixes. As such, it is classified in the same class as such products in a number of other Federal orders. Milkshake mix is sold in Florida in competition with soft frozen desserts, which are readily available in retail food stores. Ice cream manufacturers, who are not subject to order regulation and who handle no Grade A fluid milk products, may and do market milkshake mix in the marketing area. The regulated handler is at a disadvantage in competing with these handlers when he is required to pay the Class I price for skim milk and butterfat used in the production of the milkshake mix. There was no opposition to classifying milkshake mix in Class III in the Southeastern Florida order.

(f) The order now provides a Class IV classification for that milk, the skim milk portion of which is disposed of for livestock feed or dumped. The order does not, however, make any provision for the reclassification from Class I and Class II to a lower-priced class of fluid milk products (other than milk) and Class II products, respectively, that are disposed of for livestock feed or dumped.

Handlers proposed that (except as now provided in the Class IV classification) skim milk and butterfat in fluid milk products and Class II products dumped or disposed of by a handler for livestock feed be classified in Class III.

Class III outlets often represent not only an efficient, but also at times the only, means of disposing of surplus milk and spoiled fluid milk products and Class II products. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat, which is not salvable, should be classified as Class III when dumped or disposed of for livestock feed under the conditions in which a Class IV classification would not be applicable. It is equally appropriate that the skim milk in fluid milk products and Class II products dumped or disposed of for livestock feed be classified in Class III when its disposition does not meet the conditions for a Class IV classification.

A Class III classification of the skim milk and butterfat in fluid milk products and Class II products under the conditions herein proposed is comparable with that provided in Tampa Bay and other Federal milk orders.

6. *Enabling a cooperative to be a handler on farm tank milk.* A cooperative association should be required to be a handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay the producers. Once milk from a producer has been commingled with milk from other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. A similar situation prevails when the milk of an individual producer is delivered in a tank truck to two or more plants. The operator of a pool plant to which bulk tank milk is delivered has an opportunity only to determine the weight and butterfat test of the total load.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. Handlers have no control and generally take no part in determining the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms the milk is shipped.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administration fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed earlier in this decision, differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Requiring a cooperative to be a handler on its member-producers' bulk tank milk as herein provided will afford a practicable basis of accounting for such milk. In addition, it will provide flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers and facilitate the diversion of such milk to nonpool plants by the cooperative when it is not needed at regulated plants.

7. *Diversion of producer milk.* Diversion of producer milk by a cooperative to a nonpool plant should be limited to 25 percent of the milk physically received from its producer-members at pool plants during the month. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 25 percent of the quantity of producer milk physically received at his plant during the month. Unlimited diversion of producer milk is now permitted under the order.

The proposed diversion provisions are the same as those in the Tampa Bay order. They were proposed for inclusion in the Southeastern Florida order by IDFA, the principal cooperative under both orders. There was no opposition to the inclusion of the proposed diversion provisions in the order.

Milk from the farms of producers shipping regularly to Southeastern Florida pool plants may on occasion be shipped to Tampa Bay pool plants. It would be inappropriate to consider such milk received at a Tampa Bay plant as producer milk under the Southeastern Florida order. Such milk's eligibility under a Federal order would more appropriately be determined at the Federal order plant where actually received. In fact, if the Southeastern Florida order permitted the diversion of producer milk to other order plants, it could result in the pricing and pooling of the same milk under two orders.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant should be facilitated. It is necessary, however, to provide reasonable limitations on the amount of milk which may be diverted so that only that milk genuinely associated with the market will be diverted and only when it is not needed in the Southeastern Florida market for Class I purposes.

On a monthly basis, Southeastern Florida producers do not produce large quantities of milk in excess of the market's fluid requirements. Diversion provisions are for the purpose of enabling handlers and cooperatives to divert producer milk on such occasions as weekends and holidays, when it is not needed in the market for Class I purposes. The limitations herein proposed will be sufficient to accommodate diversion under current marketing conditions and will facilitate the orderly disposition of producer milk.

It is important that only milk genuinely associated with the market should be eligible for diversion to nonpool plants. The order now provides such a safeguard. At least 8 days' production of a dairy farmer must be physically received at a pool plant during either the current or preceding month to qualify him as a producer. A dairy farmer shipping on an every-other-day basis would, under this standard, be required to ship only 4 days.

Milk diverted to nonpool plants in excess of the limitation provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. In such instances, the diverting handler would specify which milk is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be made ineligible as producer milk.

A high proportion of milk produced for the Southeastern Florida market is utilized for Class I purposes. Hence, it is not likely that it will be necessary to divert producer milk to nonpool plants for extended periods or that such milk will move great distances from the market. To facilitate the pricing of such milk, therefore, it is appropriate to consider it as having been received at the plant from which diverted for the purpose of applying location pricing under the order.

8. *Miscellaneous and conforming changes.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) Producers proposed that various terms be explicitly defined in the order. The definitions added pursuant to the producer proposal, and to which there was no opposition, are commonly provided in Federal orders. The definitions for "distributing plant," "supply plant," "fluid milk product," and "Class II product" incorporated into the attached order are similar to those in the Tampa Bay order. Their inclusion in the Southeastern Florida order will be helpful in the administration of the order.

(b) The changes in the reporting provisions in the attached order were proposed by producers and supported by handlers. The most significant changes in this regard are those providing for reports to the market administrator by pool plant operators and cooperatives in those instances in which the cooperative elects to be the handler on farm tank milk. These reporting provisions are commonly provided in Federal orders in which a cooperative may be the handler on farm tank milk. They are equally appropriate and necessary under this order.

Another change would require reports by cooperatives and handlers to the market administrator of milk diverted to nonpool plants. Such information is necessary in determining whether the milk moved from dairy farms regularly supplying the market to nonpool plants may be included in the pool.

(c) Elsewhere in this decision, provision is made for replacing Boca Raton with West Palm Beach as a point from which location differential mileages are determined. It it likewise appropriate, therefore, to replace Boca Raton with West Palm Beach as a point from which the surplus disposal area under the transfer provisions of the order would be based. Accordingly, a classification other than Class I or Class II would, under certain conditions, be permitted on fluid milk products or Class II products transferred or diverted from a pool plant to nonpool plants within 500 miles of West Palm Beach (instead of Boca Raton as is now provided).

(a) A dairy farmer who has shipped less than 8 days' production during the month to a pool plant does not qualify as a producer under the Southeastern Florida order. Hence, such milk received at a pool plant is not producer milk and may not be pooled. Instead, it is considered the receipt of other source milk at the pool plant. Under the present allocation provisions, such milk is subtracted from a handler's utilization in series beginning with Class IV in the same manner as are receipts of ungraded fluid milk products. On any of such milk allocated to Class I, the handler must pay the difference between the Class I and Class III price.

Receipts at a pool plant from a dairy farmer who fails to qualify as a producer are now treated differently than if first received at an unregulated plant and then moved to a pool plant. Under the conditions in the Southeastern Florida order, it is more appropriate that such milk be treated the same as milk received at a pool plant from unregulated supply plants. In this manner, such milk would be allocated pro rata to a handler's overall utilization to the extent that not less than 80 percent of regulated milk at the handler's plants would be assigned to Class I. All additional unregulated milk would then be allocated in series beginning with Class IV. Any dairy farmer milk allocated to Class I would be subject to a payment to the pool of the difference between the Class I and uniform price.

(e) The order should provide that a dairy farmer may deliver milk to a nonpool plant during the month without losing his producer status. This was

temporarily achieved by a suspension action effective April 9, 1966 (31 F.R. 5611). Prior to that time, any such delivery to a nonpool plant (except by diversion) caused a dairy farmer to lose his producer status for the month.

Until January 1, 1966, Southeastern Florida producer milk could be diverted to the unregulated Tampa Bay area plants without losing its producer milk status. This is because the milk so moved was considered as producer milk diverted to a nonpool plant. The status of such milk received at Tampa Bay area plants changed when the Tampa Bay order became effective January 1, 1966. Such milk no longer qualifies for diversion under the Southeastern Florida order because the order does not permit diversion to an other order plant. Thus, any such milk delivered by a dairy farmer to Tampa Bay pool plants is considered producer milk under the Tampa Bay order and is priced and pooled under that order. The provision under consideration, however, precludes milk delivered during the same month to a Southeastern Florida pool plant by the same dairy farmer from being producer milk under the Southeastern Florida order.

IDFA is the principal cooperative in both the Southeastern Florida and Tampa Bay orders. The marketing of its members' milk is facilitated when it can move unneeded supplies in temporary periods of shortage in the Tampa Bay market from the farms of its producers under the Southeastern Florida order. The removal of the provision in the Southeastern Florida order that causes a dairy farmer to lose his producer status under that order by a delivery to a nonpool plant will contribute to the efficient marketing of milk under the two orders.

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

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

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

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

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

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 1013.1 Act.

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

§ 1013.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1013.3 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1013.4 Person.

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

1013.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the

act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1013.6 Southeastern Florida marketing area.

The "Southeastern Florida marketing area," hereinafter called the "marketing area," means all the territory geographically within the boundaries of the following counties, all in the State of Florida, including all Government reservations and incorporated municipalities within this territory:

Broward.	Martin.
Dade.	Monroe.
Glades.	Okeechobee.
Hendry.	Palm Beach.
Indian River.	St. Lucie.

§ 1013.7 Fluid milk product.

"Fluid milk product" means milk (including frozen and concentrated milk), flavored milk or skim milk. "Fluid milk product" shall not include sterilized products in hermetically sealed containers or milkshake mix.

§ 1013.8 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month in the marketing area on routes.

§ 1013.9 Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority is shipped during the month to a pool plant.

§ 1013.10 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) that is specified in paragraph (a) or (b) of this section and which is not a facility described in paragraph (c) of this section:

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products received at the plant during the month is disposed of on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section.

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, or facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1013.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) are moved to a pool plant during the month.

§ 1013.12 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1013.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1013.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer-members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association. The milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1013.14 Producer-handler.

"Producer-handler" means any person who, during the month: (a) Produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1013.41(a) from pool plants or other sources.

§ 1013.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the U.S. Government located in the marketing area for fluid consumption), and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month.

§ 1013.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1013.13(d): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1013.13(d) is purchased on a basis other than farm weights, the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1013.13(d) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is neither an other order plant nor a producer-handler plant for the account of the pool plant operator or a cooperative association, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) If diverted from the pool plant of another handler for the account of a cooperative association, the aggregate quantity of milk of member producers of the cooperative association so diverted that exceeds 25 percent of the milk physically received from such producers at pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(3) If diverted by a handler operating a pool plant for his account, the aggregate quantity of producer milk so diverted that exceeds 25 percent of the aggregate quantity of milk physically received from producers at such plant during the month shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(4) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subpara-

graphs (2) and (3) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

§ 1013.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and Class II products from any source except (1) producer milk, (2) fluid milk products and Class II products from pool plants, and (3) fluid milk products and Class II products in inventory at the beginning of the month;

(b) Products other than fluid milk products and Class II products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for pursuant to § 1013.32.

§ 1013.18 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1013.19 Class II product.

"Class II product" means cream, sour cream, half and half, buttermilk, acidophilus milk and chocolate drink.

§ 1013.20 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

MARKET ADMINISTRATOR

§ 1013.25 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1013.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

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

(d) To recommend amendments to the Secretary.

§ 1013.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1013.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1013.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1013.30 through 1013.32, or payments pursuant to §§ 1013.80 through 1013.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month the Class I price and Class I butterfat differential, both for the current month, and the Class II price, Class III price, Class IV price, and the corresponding butterfat differentials, all for the preceding month; and

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received skim milk and butterfat in the form of milk products designated in § 1013.41(a) from an other order plant, the classification to which such receipts are allocated pursuant to § 1013.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped skim milk and butterfat in the form of milk products designated as Class I milk pursuant to § 1013.41(a) to an other order plant, the classification to which such skim milk and butterfat was allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1013.30 Report of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a handler pursuant to § 1013.13 (e) or (f), shall report to the market administrator with respect to each plant at which milk is received for such month, and for each accounting period in each month, in detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk (or, in the case of handlers pursuant to § 1013.13(b) Grade A milk received from dairy farmers);

(2) Fluid milk products and Class II products received from pool plants;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1013.16; and

(5) Inventories of fluid milk products and Class II products at the beginning and end of the month or accounting period;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request; and

(d) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1013.46 (d), shall submit a summary report of the same information for the entire month.

§ 1013.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler pursuant to § 1013.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1013.17(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his sources and utilization of butterfat and skim milk and at such times as the market administrator shall prescribe.

(c) Each handler making payments pursuant to § 1013.62(a) shall report the information required pursuant to paragraph (b) of this section. In such reports receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

(d) Each handler who operates an other plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(e) Each handler pursuant to § 1013.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1013.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items or products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions, and the disbursement of money so deducted.

§ 1013.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1013.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1013.30(a) shall be classified pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b)(2), (c)(2), (3), and (4), and (d) of this section; and

(2) Not accounted for as Class II, Class III or Class IV milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a Class II product, except as provided in paragraphs (c)(2), (3), and (4), and (d) of this section; and

(2) In inventory of fluid milk products and Class II products at the end of the month.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product or Class II product;

(2) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products disposed of by a handler for livestock feed;

(3) Except as provided in paragraph (d) of this section, skim milk and butterfat in fluid milk products and in Class II products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(4) Skim milk represented by the nonfat solids added to a fluid milk product or Class II product which is in excess of an equivalent volume of such product prior to the addition;

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1013.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1013.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1013.42(b)(2).

(d) *Class IV milk.* Class IV milk shall be all milk, the skim milk portion of which is:

(1) Disposed of for fertilizer or livestock feed, or

(2) Dumped after such prior notification as the market administrator may require.

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over each pool plant's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1013.41(c)(5); and

(2) Other source milk exclusive of that specified in § 1013.41(c)(5).

§ 1013.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product or a Class II product from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(11) and the corresponding step of § 1013.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a)(3) and (4), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a)(10) or (11) and the corresponding steps of § 1013.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach.

(c) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product or a Class II product to a nonpool plant that is neither an other order plant nor a producer-handler plant located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in West Palm Beach, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification in Class II or Class III in his report submitted to the market administrator pursuant to § 1013.30;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat in fluid milk products so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk; and

(v) To the extent that Class I or Class III utilization is not assigned to it, the skim milk and butterfat in Class II products so transferred shall be classified as Class II milk.

(d) As follows, if transferred in the form of a fluid milk product or Class II product to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and allocations to other classes and shall be classified in a comparable classification as Class II or Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1013.41.

(e) As Class II (to the extent of such utilization in the transferee plant) if transferred to the plant of a producer-handler in the form of a Class II product, unless a Class III classification is requested by the operators of both plants and sufficient Class III utilization is available in the transferee plant.

§ 1013.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1013.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk and Class IV milk at each pool plant: *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III, the pounds of skim milk in other source milk as specified in § 1013.17(b);

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III (and then Class II), the pounds of skim milk in Class II products received from nonpool plants for which the handler requests a Class III utilization;

(6) Subtract from the pounds of skim milk remaining in Class II, Class III and Class IV, pro rata to such quantities, the pounds of skim milk in Class II products received from nonpool plants that were not subtracted pursuant to subparagraph (5) of this paragraph;

(7) Subtract, in the order specified below, from the pounds of skim milk remaining in Class IV, Class III and/or Class II (beginning with Class IV unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers (except that subtracted pursuant to subparagraph (4) of this paragraph):

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III or Class II utilization was requested by the operator of such plant and the handler;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk (and then Class I), the pounds of skim milk in inventory of fluid milk products and Class II products at the beginning of the month;

(9) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and in other source milk from dairy farmers that were not subtracted pursuant to subparagraphs (4) and (7)(i) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (7)(ii) of this paragraph:

(i) In series beginning with Class IV and thereafter from Class III and Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II, Class III, and Class IV utilization of skim milk announced for the month by the market administrator pursuant to § 1013.27(l) or the percentage that Class II, Class III, and Class IV utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products and in Class II products received from pool plants of other handlers according to the classification of such products pursuant to § 1013.44(a); and

(13) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk in each class as computed pursuant to paragraphs (a) and (b) of this section; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

MINIMUM PRICES

§ 1013.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than $4.

§ 1013.51 Class prices.

Subject to the provisions of §§ 1013.52 and 1013.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* From the effective date of this paragraph through June 1967, the Class I price shall be the basic formula price for the preceding month plus $3.20.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus $1.

(c) *Class III price.* The Class III price shall be the basic formula price for the month plus 15 cents.

(d) *Class IV price.* The Class IV price shall be computed as follows: Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 3.5.

§ 1013.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1013.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the following rates:

(a) Class I and Class II prices, 7.5 cents; and

(b) Class III and Class IV prices, 0.115 times the Chicago butter price for the month.

§ 1013.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant north of, and 80 miles or more from, the U.S. Post Office in West Palm Beach, Florida, shall be reduced 13 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 90 miles from the U.S. Post Office in West Palm Beach.

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the U.S. Post Office in West Palm Beach.

§ 1013.54 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 Producer-handler.

Sections 1013.50 through 1013.54, 1013.61, 1013.62, 1013.70 through 1013.74, and 1013.80 through 1013.86 shall not apply to a producer-handler.

§ 1013.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b), and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1013.10(b) but not pursuant to § 1013.10(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided,* That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the Southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1013.30 and 1013.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1013.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1013.70(e) and a credit in the amount specified in § 1013.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1013.30 and 1013.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1013.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation, there will be deducted the sum of: (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1013.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1013.13 (a), (c), and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class price;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(13) and the corresponding step of § 1013.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(8) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a) (3) and (4) and the corresponding steps of § 1013.46(b); and

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(10) and the corresponding step of § 1013.46(b).

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1013.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1013.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

§ 1013.72 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1013.46 by the respective butterfat differential for each class.

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.53; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83, the uniform price shall be adjusted at the rates set forth in § 1013.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1013.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price for producer milk computed pursuant to § 1013.71 and the butterfat differential to producers;

(c) The amount and value of his producer milk at the uniform price; and

(d) The amounts to be paid by such handler pursuant to §§ 1013.82, 1013.85, and 1013.86, and the amount due such handler pursuant to § 1013.83.

PAYMENTS

§ 1013.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1013.71 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1013.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1013.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month; and

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the amount or rate and nature of any authorized deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1013.84.

§ 1013.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.62, 1013.82 and 1013.84 and out of which he shall make all payments pursuant to §§ 1013.83 and 1013.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1013.70(e).

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1013.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records,

or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1013.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1013.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a) (3), (4), and (10) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1013.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1013.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1013.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.110 Agent.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1013.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on August 30, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9689; Filed, Sept. 2, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1966 Rev. Supp. No. 3]

PRUDENCE MUTUAL CASUALTY CO.

Surety Companies Acceptable on Federal Bonds

SEPTEMBER 1, 1966.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13. An underwriting limitation of $83,000.00 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated.

Prudence Mutual Casualty Co.

Chicago, Ill.

Illinois

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 66–9708; Filed, Sept. 2, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S–368]

RICHARD N. JOHNSON

Notice of Loan Application

Richard N. Johnson, 14911 Washington Street SW., Tacoma, Wash. 98498, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37-foot registered length wood vessel to engage in the fishery for salmon, albacore tuna, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 29, 1966.

[F.R. Doc. 66–9665; Filed, Sept. 2, 1966; 8:45 a.m.]

[Docket No. Sub–B–52]

BOAT SEAFARER, INC.

Notice of Hearing

Boat Seafarer, Inc., New Bedford, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 90-foot overall wooden vessel to engage in the fishery for scallops, groundfish, flounder, and lobster.

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 October 4, 1966, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 31, 1966.

[F.R. Doc. 66–9655; Filed Sept. 2, 1966; 8:45 a.m.]

[Docket No. Sub–G–13]

CLYDE R. POTTER

Notice of Hearing

Clyde R. Potter, Belhaven, N.C., has applied for a fishing vessel construction differential subsidy to aid in the construction of an 86-foot overall steel vessel to engage in the fishery for butterfish, flounder, porgies, sea bass, sea trout, swordfish, lobster, scallops, and shrimp, including royal red shrimp.

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 October 6, 1966, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

AUGUST 31, 1966.

[F.R. Doc. 66–9706; Filed, Sept. 2, 1966; 8:49 a.m.]

National Park Service

[Order 3]

MANAGEMENT ASSISTANT ET AL.; MOUNT McKINLEY NATIONAL PARK, ALASKA

Delegation of Authority Regarding Execution of Contracts

SECTION 1. *Management Assistant.* The Management Assistant, in the administration, operation, and development of Katmai National Monument, is authorized to exercise all of the authority now or hereafter delegated to the Superintendent, Mount McKinley National Park, Alaska, by the Regional Director, except with respect to the following matter:

(a) Reimbursement of employees and other owners for property lost, damaged, or destroyed.

The following delegations are subject to the limitations indicated:

(b) The execution or approval of contracts for construction, supplies, or services, not in excess of $10,000, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, provided that construction contracts will be entered into only with the advice and consent of the Design and Construction Field Office Chief.

(c) Issuance of revocable special use permits having a term of not to exceed 3 years.

(d) Acceptance of donations of personal property not valued in excess of $5,000, and acceptance of donations of money not in excess of $5,000.

(e) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed. sec. 3), not to exceed $1,000 for any one transaction.

(f) Acceptance of any offer in settlement of a timber trespass when (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(g) Issuance of concession permits having a term of not to exceed 3 years.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts for construction, supplies, or services not in excess of $100,000 in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, except negotiated contracts may not exceed $25,000. In exercising this authority, construction contracts shall be entered into only with the advice and consent of the Design and Construction Field Office Chief.

This authority may be exercised on behalf of any office or area under the supervision of the Superintendent, Mount McKinley National Park, Alaska.

SEC. 3. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts for construction, supplies, or services, not in excess of $10,000, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations, provided that construction contracts will be entered into only with the advice and consent of the Design and Construction Field Office Chief.

This authority may be exercised on behalf of any office or area under the supervision of the Superintendent, Mount McKinley National Park, Alaska.

SEC. 4. *Revocation.* This order supersedes Order No. 2 issued March 17, 1960, and Order No. 1 issued October 5, 1963.

SEC. 5. *Effective.* This order becomes effective immediately upon publication in the FEDERAL REGISTER.

(National Park Service Order No. 34 (31 F.R. 4255); Western Region Order No. 4 (31 F.R. 5577))

OSCAR T. DICK,
Superintendent,
Mount McKinley National Park.

JULY 20, 1966.

[F.R. Doc. 66-9693; Filed, Sept. 2, 1966; 8:48 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE

Delegation of Authority

The following material is a portion of the Departmental Manual, and the numbering system is that of the Manual. This material supersedes the delegation appearing in Secretary's Order 2821 and published in 22 F.R. 5778.

PART 242—BUREAU OF SPORT FISHERIES AND WILDLIFE

CHAPTER 1—GENERAL PROGRAM DELEGATION

242.1.1 *Delegation.* The Director, Bureau of Sport Fisheries and Wildlife, may, except as provided in 242 DM 1.2, exercise the authority of the Secretary of the Interior with respect to any matter relating to sport fish and wildlife. This includes those matters relating to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals, and sea lions), and other activities of the Bureau.

242.1.2 *Limitations.* The authority granted in 242 DM 1.1 does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1.4.

B. The authority to issue amendments of or additions to the Code of Federal Regulations except as provided in 242 DM 2.

C. Authority delegated on a functional basis in 205 DM.

242.1.3 *Redelegation.* This authority may be redelegated in writing to subordinates.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9666; Filed, Sept. 2, 1966; 8:45 a.m.]

COMMISSIONER, U.S. FISH AND WILDLIFE SERVICE

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 240—COMMISSIONER OF U.S. FISH AND WILDLIFE SERVICE

CHAPTER 1—GENERAL PROGRAM DELEGATION

240.1.1 *General Authority.* The Commissioner of Fish and Wildlife is authorized to exercise the authority of the Secretary of the Interior with respect to any matter relating to fish and wildlife except for the limitations contained in 200 DM 1.4 and 1.5.

240.1.2 *Redelegation.* The Commissioner of Fish and Wildlife may, in writing, redelegate the authority delegated to him in 240 DM 1 to employees of the Office of the Commissioner.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9667; Filed, Sept. 2, 1966; 8:46 a.m.]

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. This material supersedes the delegation appearing in Secretary's Order 2821 and published in 22 F.R. 5778.

PART 241—BUREAU OF COMMERCIAL FISHERIES

CHAPTER 1—GENERAL PROGRAM DELEGATION

241.1.1 *Delegation.* The Director, Bureau of Commercial Fisheries, may, except as provided in 241 DM 1.2, exercise the authority of the Secretary of the Interior with respect to any matter relating to commercial fisheries, whales, seals, and sea lions, and other activities of the Bureau.

241.1.2 *Limitations.* The authority granted in 241 DM 1.1 does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1.4.

B. Authority to issue amendments of or additions to the Code of Federal Regulations except as provided in 241 DM 3.

C. Authority delegated on a functional basis in 205 DM.

D. Authority to approve fisheries loan authorizations.

241.1.3 *Redelegation.* This authority may be redelegated in writing to subordinates except that authority may not be redelegated to subordinates to:

A. Perform or exercise any defense function or power relating to fishery commodities or products delegated to the Director by the Secretary of the Interior.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 26, 1966.

[F.R. Doc. 66-9668; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 5, 1966.

Dated: August 5, 1966.

JOHN S. ANDERSON.

[F.R. Doc. 66-9669; Filed, Sept. 2, 1966; 8:46 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

HUBBELL CARPENTER.

[F.R. Doc. 66-9670; Filed, Sept. 2, 1966; 8:46 a.m.]

CLYDE M. EPPARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

CLYDE M. EPPARD.

[F.R. Doc. 66-9671; Filed, Sept. 2, 1966; 8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 4, 1966.

Dated: August 4, 1966.

GLENN J. HALL.

[F.R. Doc. 66-9672; Filed, Sept. 2, 1966; 8:46 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 19, 1966.

Dated: August 19, 1966.

RUSSELL V. KNAPP.

[F.R. Doc. 66-9673; Filed, Sept. 2, 1966; 8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Bought Tenneco. Transferred Standard Oil of New Jersey. Transferred Honolulu Construction & Draying.
(3) No change.
(4) No change.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

LEWIS W. LENGNICK.

[F.R. Doc. 66-9674; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN LAWRENCE McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

JOHN LAWRENCE MCNEALEY.

[F.R. Doc. 66-9675; Filed, Sept. 2, 1966; 8:46 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1966.

Dated: August 9, 1966.

CHARLES S. MCNEER.

[F.R. Doc. 66-9676; Filed, Sept. 2, 1966; 8:46 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Change in position from "Assistant Executive Director for Electrical Planning, Construction, and Research" to "Assistant Executive Director for Power Operations" in the Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico).
(2) None.
(3) None.
(4) None.

This statement is made as of August 8, 1966.

Dated: August 8, 1966.

JULIO A. NEGRONI.

[F.R. Doc. 66-9677; Filed, Sept. 2, 1966; 8:46 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1966.

Dated: August 9, 1966.

JOHN PAUL NEUBAUER.

[F.R. Doc. 66-9678; Filed, Sept. 2, 1966; 8:46 a.m.]

RAFAEL R. RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1966.

Dated: August 3, 1966.

RAFAEL R. RAMIREZ.

[F.R. Doc. 66-9679; Filed, Sept. 2, 1966; 8:46 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 22, 1966.

Dated: August 22, 1966.

LEROY J. SCHUTZ.

[F.R. Doc. 66-9680; Filed, Sept. 2, 1966; 8:47 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1966.

Dated: August 2, 1966.

CHARLES W. WATSON.

[F.R. Doc. 66-9681; Filed, Sept. 2, 1966; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Hawaiian Electric Co., Inc.
(3) No change.
(4) No change.

This statement is made as of August 4, 1966.

Dated: August 4, 1966.

CARL H. WILLIAMS.

[F.R. Doc. 66-9682; Filed, Sept. 2, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September 1966 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on August 31, 1966, and, subject to amendment, continuing until superseded by the October Monthly Sales List. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and linseed oil.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement CSM-3) for September 1966 are 5¼ percent for U.S. bank obligations and 6¼ percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Cotton (upland and extra long staple), and tobacco. For existing contracts, wheat, grain sorghum, and oats are also available. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming, except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through West Coast ports.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

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

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

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

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1966 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.08	$0.04¾	Minneapolis—No. 1 DNS ($1.56) 108 percent+$0.04¾; $1.73¾. Portland—No. 1 SW ($1.46) 108 percent+$0.04¾; $1.62¾. Kansas City—No. 1 HRW ($1.43) 108 percent+$0.04¾; $1.59¾. Chicago—No. 1 RW ($1.49) 108 percent+$0.04¾; $1.65¾.

D. *Availability information.* Contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR–345 (Revision III, July 6, 1962, as amended), wheat export program. When Hard Red Winter, HRS or durum wheat is delivered on the west coast by CCC, evidence of export must show exportation from west coast ports. Exports of these classes of wheat through west coast ports will not be eligible for P.L. 480 sales. When sold through west coast ports for dollars, these wheats must be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. Announcement GR–346 (Revision I, June 23, 1960, as amended) for export as flour.

C. Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR–262 (Revision II, Jan. 9, 1961, as amended), for export as flour for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales only at prices determined daily. Hard Red Winter, Hard Red Spring, and durum wheat will not be sold for barter through west coast ports under these announcements. Sales from the west coast under CCC Export Credit Program may only be exported to destinations west of the 170th meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

D. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificate.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price support rate[2] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 Yellow Corn 14 percent MT 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.17¾	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06+$0.03 +$0.17¾); $1.26¾. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06+$0.20 +$0.03); 105 percent +$0.17¾; $1.53¾.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Corn is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by

CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [2] (published loan rate plus 53 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.09	$0.03¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.50+$0.09); $1.59. Kansas City, Mo. (ex-rail) ($1.78+$0.03¼); $1.81¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.50+$0.53); 105 percent +$0.09; $2.23. Kansas City, Mo. (ex-rail) ($1.78+$0.53); 105 percent +$0.03¼; $2.46¼.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section of grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on August 26, 1966, and to approved CCC credit sales.

C. Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted Use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1966 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate [2] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.04¾	$0.03¼	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76+$0.07¾); $0.83¼. Minneapolis, Minn. (ex-rail) ($0.99+$0.04¾); $1.03¼. Agricultural Act of 1949; statutory minimums. Cass County, N. Dak. ($0.76+$0.20); 105 percent +$0.07¾; $1.08¼. Minneapolis, Minn. (ex-rail) ($0.99+$0.20); 105 percent +$0.04¾; $1.29¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements.

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available:* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1966 price-support rate [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.05¾	Redwood County, Minn. ($0.56+$0.03 quality differential); 105 percent +$0.05¾; $0.67¾.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter commitments and contracts outstanding as of 3:30 p.m., e.d.t., on Aug ist 26, 1966, and to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1966 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.08	$0.04¾	Rollete County, N. Dak. ($0.89); 105 percent+$0.08; $1.02. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent+$0.04¾; $1.34¾.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), feed grain export program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent, plus 16 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369 (Revision III, as amended), rice export program—and under GR–379 (Revision I), for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter (1966–67 marketing year). Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton), as amended.

Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive offers under the terms and conditions of Announcements CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), or CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales as set forth in Peanut Announcement PR–1 effective July 1, 1966, and the lot list.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to which all bids are submitted.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1966 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store* [1]).

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.09½	*Cents* $0.05	Minneapolis	No. 1	$3.34½

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, as amended, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, as amended, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 70.5 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 69.75 cents per pound—Washington, Oregon, and California. All other States 69.50 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE

(Standard Moisture Basis)

Unrestricted use.

Announced prices, under MP–14: 49 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Mommodity Office each Wednesday.
Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis, ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.
Idaho, Nevada, Oregon, Utah, and Washington (domestic and export sales), Arizona and California (export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif. 94704. Telephone: Thornwall 1–5121.
Arizona and California (domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on August 31, 1966.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–9714; Filed, Sept. 1, 1966; 9:57 a.m.]

Office of the Secretary

DELAWARE, IOWA, MARYLAND, WYOMING

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Delaware, Iowa, Maryland, and Wyoming natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

DELAWARE

Sussex.

IOWA

Lyon.

MARYLAND

Anne Arundel.
Baltimore.
Caroline.
Carroll.
Charles.
Frederick.
Hartford.
Howard.
Montgomery.
Prince Georges.
Washington.

WYOMING

Campbell.
Converse.
Crook.
Johnson.
Lincoln.
Niobrara.
Sheridan.
Weston.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–9704; Filed, Sept. 2, 1966; 8:49 a.m.]

IDAHO, NEBRASKA, VIRGINIA, WEST VIRGINIA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Idaho, Nebraska, Virginia, and West Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Boise.
Custer.
Lemhi.

NEBRASKA

Butler.
Colfax.
Nance.
Platte.

VIRGINIA

Albemarle.
Augusta.
Fluvanna.
Franklin.
Greene.
Henry.
Highland.
Nelson.
Orange.
Pittsylvania.
Roanoke.
Spotsylvania.

WEST VIRGINIA

Barbour.
Boone.
Braxton.
Brooke.
Cabell.
Calhoun.
Clay.
Doddridge.
Fayette.
Gilmer.
Grant.
Greenbrier.
Hampshire.
Hancock.
Hardy.
Harrison.
Jackson.
Kanawha.
Lewis.
Lincoln.
Logan.
McDowell.
Marion.
Marshall.
Mason.
Mercer.
Mineral.
Mingo.
Monongalia.
Monroe.
Nicholas.
Ohio.
Pendleton.
Pleasants.
Pocahontas.
Preston.
Putnam.
Raleigh.
Randolph.
Ritchie.
Roane.
Summers.
Taylor.
Tucker.
Tyler.
Upshur.
Webster.
Wetzel.
Wirt.
Wood.
Wyoming.

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	Original designation	First extension	Present extension
Boone	28 F.R. 9402	30 F.R. 7616	31 F.R. 5843
Greeley	28 F.R. 9402	30 F.R. 7616	31 F.R. 5843
Wheeler	30 F.R. 7616		31 F.R. 5843

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–9705; Filed, Sept. 2, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

In an application dated May 31, 1966, Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill. 60690, filed an application for a construction permit and facility license to authorize construction and operation of a single cycle, forced circulation, boiling water nuclear reactor at its Quad-Cities Station near Cordova in Rock Island County, Ill. A notice of receipt of the application was published in the FEDERAL REGISTER on June 17, 1966 (31 F.R. 8503).

Please take notice that Commonwealth Edison Co., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application amendment dated August 18, 1966, requesting authorization to construct and operate a second single cycle, forced circulation, boiling water nuclear reactor at the applicant's Quad-Cities Station, an approximately 488-acre site. The proposed reactors, designated by the applicant as the Quad-Cities Units 1 and 2, will each have a design capacity of approximately 2,600 thermal megawatts but will be operated initially at approximately 2,300 thermal megawatts with a net electrical output of 715 megawatts.

Copies of the original application and the amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9692; Filed, Sept. 2, 1966; 8:48 a.m.]

[Docket No. 50-77]

CATHOLIC UNIVERSITY OF AMERICA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-31. The license, as previously amended, authorizes the Catholic University of America to operate its Model AGN-201, Serial No. 101, reactor on its campus in Washington, D.C. The amendment incorporates Technical Specifications into the license as requested in the application for license amendment dated August 10, 1966.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[License No. R-31; Amdt. 5]

FACILITY LICENSE AMENDMENT

The Atomic Energy Commission having found that:

a. The application for license amendment dated August 10, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that (i) the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The Catholic University of America is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The Catholic University of America is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. The Catholic University of America is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended;

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-31, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the homogeneous nuclear reactor Model AGN-201, Serial No. 101, nuclear reactor (hereinafter "the reactor") which is owned by the Catholic University of America (hereinafter "the licensee"), located on the Catholic University of America's campus in Washington, D.C., and described in the application for license dated July 10, 1957, as amended (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses the Catholic University of America:

A. Pursuant to section 104c. of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Washington, D.C.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor, up to 700 grams of uranium-235 contained in reactor fuel.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Parts 70 and 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70 and § 30.32 of Part 30 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum Power Level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 0.1 watt thermal.

B. *Technical Specifications.* The Technical Specifications contained in Appendix A[1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR § 50.59.

C. *Authorization of Changes, Tests, and Experiments.* The licensee may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of 10 CFR § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the hazards summary report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license, as amended, is effective as of the date of issuance and shall expire at midnight, November 15, 1977, unless sooner terminated.

Date of issuance: August 29, 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9656; Filed, Sept. 2, 1966; 8:45 a.m.]

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[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

FEDERAL POWER COMMISSION

[Docket Nos. G-3270, etc.]

MARSHALL R. YOUNG OIL CO., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 24, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3270 7-29-66 [1]	Marshall R. Young Oil Co., et al. (formerly Marshall R. Young Drilling Co., et al.), 750 West Fifth St., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., Bancroft and South Bancroft Fields, Beauregard Parish, La.	10.4970	15.025
G-10181 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation) [2] Post Office Box 1188, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Salem Field, Victoria County, Tex.	13.8733	14.65
G-11861 D 8-15-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Depleted	-------
G-12020 7-25-66 [3]	Houston Natural Gas Production Co., a Delaware corporation (formerly Morgan Minerals Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Rob Welder Field, Victoria County, Tex.	15.3333	14.65
G-12021 7-25-66 [3]	------do------	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Morgan Field, San Patricio County, Tex.	14.6	14.65
G-12245 7-29-66 [1]	Marshall R. Young Oil Co. (formerly Marshall R. Young Drilling Co.).	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	[4] 19.5	15.025
G-12797 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation). [2]	Texas Gas Pipe Line Corp., Big Hill Area, Jefferson and Chambers Counties, Tex.	15.0	14.65
		Texas Eastern Transmission Corp., Hankamer Field, Liberty County, Tex.	12.1890	14.65
G-13746 D 8-15-66	Mobil Oil Corp. (partial abandonment).	Transcontinental Gas Pipe Line Corp., West Cameron Block 110 and Eugene Island Block 128 Fields, Offshore La.	(5)	-------
G-15714 D 8-15-66	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Assigned	-------
G-19246 E 6-20-66 [6]	American Petrofina Co. of Texas (Operator), et al., (successor to Graridge Corp. (Operator), et al.), Post Office Box 2159, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	11.7714	15.025
G-19546 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co. (Operator), et al.) (a Texas corporation). [2]	Transcontinental Gas Pipe Line Corp., South Mineral Unit, Mineral Field, Bee County, Tex.	(7)	14.65
		Texas Eastern Transmission Corp., Holzmark-Wilcox Field, Bee County, Tex.	[8] 14.3733	14.65
		Transcontinental Gas Pipe Line Corp., Mineral Unit, Mineral Field, Bee County, Tex.	(7)	14.65
		Transcontinental Gas Pipe Line Corp., Ray-Wilcox Field, Bee County, Tex.	(7)	14.65
		Transcontinental Gas Pipe Line Corp., South Mineral Unit, Mineral Field, Bee County, Tex.	10.92060	14.65
G-19628 7-25-66 [3]	Houston Natural Gas Production Co., Operator, a Delaware corporation (formerly Morgan Minerals Corp., Operator).	Valley Gas Transmission, Inc., Good Friday Field, Duval County, Tex.	15.0	14.65
G-19629 7-25-66 [3]	------do------	Valley Gas Transmission, Inc., La Huerta Field, Duval County, Tex.	15.0	14.65
G-19630 7-25-66 [3]	------do------	Valley Gas Transmission, Inc., Orcones Field, Duval County, Tex.	15.0	14.65
G-20054 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation). [2]	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southwest Garwood Field, Lavaca and Colorado Counties, Tex.	14.5	14.65
G-20138 C 8-15-66	Pubco Petroleum Corp., Post Office Box 869, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
G-20504 7-25-66 [3]	Houston Natural Gas Production Co., a Delaware corporation (formerly Morgan Minerals Corp.).	United Gas Pipe Line Co., North LaWard Field, Jackson County, Tex.	14.1792	14.65
CI61-212 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation). [2]	Valley Gas Transmission, Inc., Terrell Point Area, Goliad County, Tex.	[8] 13.25	14.65
CI61-648 7-25-66 [3]	Houston Natural Gas Production Co., Operator, a Delaware corporation (formerly Morgan Minerals Corp., Operator).	South Texas Natural Gas Gathering Co., Yeary Field, Kleberg County, Tex.	15.0	14.65
CI62-1023 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (Operator), et al. (a Texas corporation). [2]	Lone Star Gathering Co., Southeast Yorktown Field, De Witt County, Tex.	16.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI62-1053 E 7-25-66	----do----	Valley Gas Transmission, Inc., Whitted Field, Hidalgo County, Tex.	15.0	14.65
CI63-1357 E 8-15-66	Killam & Hurd (Operator), et al. (successor to The Schoolfield Corp. (Operator), et al.), c/o D. O. Hunt, agent, Post Office Box 499, Laredo, Tex. 78040.	South Texas Natural Gas Gathering Co., West Mirando City Field, Webb County, Tex.	16.0	14.65
CI63-1561 E 7-25-66	Houston Natural Gas Production Co. (a Delaware corporation) (successor to Houston Natural Gas Production Co.) (a Texas corporation).[2]	Valley Gas Transmission, Inc., South Coleto Creek Field, Victoria County, Tex.	14.0	14.65
CI64-1314 E 7-25-66	Houston Natural Gas Production Co. (Operator), et al. (a Delaware corporation) (successor to Houston Natural Gas Production Co. (Operator), et al.) (a Texas corporation).[2]	Valley Gas Transmission, Inc., Sejita Field, Duval County, Tex.	[9] 14.0 [10] 15.0	14.65 14.65
CI65-564 6-20-66 [11]	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator), et al., Post Office Box 1249, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	16.608	14.65
CI66-653 D 8-10-66	Austral Oil Co., Inc., et al., 2700 Humble Bldg., Houston, Tex. 77002 (partial abandonment).	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	Uneconomical	----------
CI67-10 A 7-5-66 [12]	J. M. Hawley d.b.a., Hawley Oil Co., 1100 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Phillips Petroleum Co., West Panhandle Field, Carson and Gray Counties, Tex.	12.0	14.65
CI67-150 A 8-10-66	Forest Oil Corp. (Operator), et al.,[13] 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Northern Natural Gas Co., North Puckett Field, Pecos County, Tex.	15.0	14.65
CI67-156 (G-13633) F 8-11-66	Crystal Oil & Land Co. (successor to Union Producing Co.), 600 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	[14] 12.5252	15.025
CI67-157 A 8-12-66	Montlar Oil & Gas Development Co., Inc., Operator, 16310 Northeast 19th Ave., North Miami Beach, Fla.	United Fuel Gas Co., Henry District, Clay County, W. Va.	25.0	15.325
CI67-158 A 8-11-66	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	14.3733	14.65
CI67-159 A 8-11-66	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102	Northern Natural Gas Co., Catesby Area, Ellis County, Okla.	[15] 20.4	14.65
CI67-160 A 8-11-66	G. Fred Shewey, Box 108, Kermit, W. Va. 25674.	United Fuel Gas Co., acreage in Mingo County, W. Va.	[16] 25.0	15.325
CI67-161 A 8-8-66	A. G. Kirschmer, Post Office Box 3536, Amarillo, Tex. 79106.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	12.0	14.65
CI67-162 B 8-10-66	Southwest Gas Producing Co., Inc., 1309 Louisville Ave., Monroe, La. 71201.	Tensas Gas Gathering Corp., Rodney Field, Jefferson County, Miss.	Depleted	----------
CI67-163 B 8-3-66	Allegheny Land & Mineral Co., 318 Professional Bldg., Clarksburg, W. Va., 26301.	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	Depleted	----------
CI67-165 A 8-15-66	Delta Corp., 801 First National Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., Wakita Field, Grant County, Okla.	14.0	14.65
CI67-166 A 8-15-66	Texaco Inc.	Texas Gas Transmission Corp., Lake Pagie Field, Terrebonne Parish, La.	20.625	15.025
CI67-167 A 8-15-66	Goff Oil Co. (Operator), et al., 1100 Philtower Bldg., Tulsa, Okla. 74101.	Northern Natural Gas Co., Northeast Harmon Field, Woodward County, Okla.	17.0	14.65
CI67-168 A 8-15-66	Aline Cole, 35 Parkview Ave., Bronxville, N.Y. 10708	Panhandle Eastern Pipe Line Co., Tegarden, South Field, Woods County, Okla.	[17] 17.0	14.65
CI67-169 A 8-15-66	Allegheny Land and Mineral Co.	Carnegie Natural Gas Co., Cass, Grant, and Clay Districts, Monongalia County, W. Va.	[18] 27.0	15.325
CI67-170 A 8-15-66	Texaco Inc. (Operator), et al.	Lone Star Gas Co., Danville Field, Gregg and Rusk Counties, Tex.	[19] 15.0	14.65
CI67-171 A 8-15-66	Edwin L. Cox, 38th Floor, First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[17] 19.5	14.65
CI67-172 (CI65-956) F 8-15-66	Sun Oil Co. (successor to Maytex Gas Co., Operator), 1608 Walnut St., Philadelphia, Pa. 19103.	Southern Natural Gas Co., Quitman Bayou Field, Adams County, Miss.	15.0	15.025
CI67-174 A 8-15-66	Southland Royalty Co., 1603 First National Bldg., Fort Worth, Tex. 76101.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[17] 17.0	14.65
CI67-175 A 8-10-66	George Hix and R. W. Evans, Rural Delivery No. 5, Cameron, W. Va. 26033.	Carnegie Natural Gas Co., Liberty District, Marshall County, W. Va.	20.0	15.325
CI67-177 A 8-8-66	Grace L. Luikart, 1206 Fifth St., Moundsville, W. Va. 26041.	Carnegie Natural Gas Co., Center District, Wetzel County, W. Va.	20.0	15.325
CI67-178 A 8-9-66	Kermit L. Auvil, et al., c/o D. D. Roberts, agent, Post Office Box 1424, Parkersburg W. Va.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	20.0	15.325
CI67-179 A 8-11-66	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Gas Pipe Line Co., Crescent Farms and Hollywood Fields, Terrebonne Parish, La.	[20] 22.75	15.025
CI67-180 (CI61-752) (CI61-1146) F 8-15-66	Mobil Oil Corp. (successor to Atlantic Richfield Co. and J. M. Huber Corp.), Post Office Box 2444, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Northwest Quinlin Field, Woodward County, Okla.	[17] 17.0	14.65
CI67-181 B 8-15-66	Northern Pump Co. (Operator), et al., Box 7277, Camden Station, Minneapolis, Minn. 55412.	Texas Eastern Transmission Corp., Goree Field, Bee County, Tex.	Depleted	----------
CI67-182 A 8-17-66	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Northern Natural Gas Co., various fields, Ellis, Dewey, and Woodward Counties, Okla.	[17] 17.0 [17] [21] 15.0	14.65
CI67-183 A 8-16-66	J. D. Akin, Box 227, Corning, Iowa 50841.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	12.0	14.65

[1] Application to amend certificate to reflect change in corporate name.
[2] Houston Natural Gas Production Co. (a Texas corporation) merged into Morgan Minerals Corp. (a Delaware corporation) and Morgan Minerals Corp. simultaneously changed its name to Houston Natural Gas Production Co. (a Delaware corporation).
[3] Amendment to reflect change in name only. No succession involved.
[4] Rate in effect subject to refund in Docket No. RI64-722.
[5] Leases expired.
[6] Application erroneously noticed June 29, 1966 in Docket Nos. G-2947, et al. at a total initial rate of 11.5464 cents per Mcf.
[7] Price is 11.0 cents per Mcf for gas which does not require compression or for gas compressed by Buyer; 12.0 cents per Mcf for gas presently being compressed by Buyer, the facilities for the operation and maintenance of which Seller may elect to take over; 13.0 cents per Mcf for gas requiring compression, the facilities for which Seller elects to maintain and operate. All rates are subject to a reduction of 0.21931 cent per Mcf for gas dehydrated by Buyer.
[8] Rate in effect subject to refund in Docket No. RI-65588.
[9] Effective rate under FPC GRS No. 15.
[10] Effective rate under FPC GRS No. 14.
[11] Application to amend certificate to add interest of nonsignatory coowner (Mobil Oil Corp.).
[12] Application erroneously noticed July 13, 1966 in Docket Nos. G-15815, et al. at a total initial rate of 10.0 cents per Mcf.
[13] By letter filed Aug. 17, 1966, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[14] Includes 1.5 cents tax reimbursement.
[15] Includes 3.4 cents estimated upward adjustment. Subject to upward and downward B.t.u. adjustment.
[16] Includes 2.0 cents transportation charge.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Includes 2.0 cents per Mcf gathering and transportation charge.
[19] Contract rate is 16.0 cents per Mcf plus tax reimbursement; however, Applicant states its willingness to accept permanent certificate conditioned at 15.0 cents per Mcf.
[20] Includes 1.75 cents per Mcf tax reimbursement.
[21] Applicant states its willingness to accept permanent certificate at 15.0 cents per Mcf for production from that portion of acreage in Dewey County, Okla.

[F.R. Doc. 66-9518; Filed, Sept. 2, 1966; 8:45 a.m.]

[Project No. 2617]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Unconstructed Transmission Line Project

AUGUST 26, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert de Luccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for unconstructed transmission line Project No. 2617, to be located in Walla Walla County, Wash., and Umatilla, Union, and Wallowa Counties, Oreg., and affecting lands of the United States within the Umatilla National Forest.

The proposed transmission line, which will be a 230-kv single circuit line about 79 miles long, of which about 6.1 miles will cross the National Forest lands, will carry about 285,000,000 kilowatt-hours of hydroelectric energy in an average water year from Idaho Power Company's Hells Canyon Project (under Commission license as Project No. 1971) the source of supply, for transmission from Enterprise, Oreg., to Walla Walla, Wash.; and 394,000,000 kilowatt-hours of coordination energy for transmission in the opposite direction in connection with system operations and to provide reservoir holding energy for coordination of Project No. 1971 with the Northwest Power Pool.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 17, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–9658; Filed, Sept. 2, 1966; 8:45 a.m.]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Applications for Amendment of License for Partially Constructed Project

AUGUST 26, 1966.

Public notice is hereby given that applications have been filed for amendment of license under the Federal Power Act (16 U.S.C. 791a–825r) by Sacramento Municipal Utility District (correspondence to: Paul E. Shaad, General Manager and Chief Engineer, Sacramento Municipal Utility District, 6201 S Street, Box 2391, Sacramento, Calif 95811) for partially constructed Project No. 2101, known as the Upper American River Project, located on the Rubicon River and tributaries, Silver Creek and tributaries, and South Fork of the American River in El Dorado County, Calif., near Placerville.

The applications for amendment seek authorization to: (1) Remove from the license for the project a project access road leading to Loon Lake and crossing Loon Lake Dam, which road is now partially included in the County highway system and used for recreational purposes; (2) remove the license time requirement for construction of the proposed Ice House tunnel as not being presently economically feasible; and (3) include under the license the proposed Loon Lake underground powerhouse development consisting of: (a) A short intake tunnel at Loon Lake; (b) fixed wheel and bulkhead intake gates; (c) a lined 10-foot diameter vertical penstock about 1,050 feet long; (d) an underground powerhouse containing a single 112,000 horsepower impulse turbine connected to a 80,750 kilowatt generator; (e) an 18-foot by 18-foot modified horseshoe tailrace tunnel about 20,000 feet long, to Gerle Reservoir; (f) a 13.8/69 kv transformer located underground; (g) an 8-mile 69 kv tt transmission line from the above ground switchyard to the Robbs Peak-Union Valley Line; and (h) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 18, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–9659; Filed, Sept. 2, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

AIRPORTS DISTRICT OFFICE AT RENO, NEV.

Notice of Closing

Notice is hereby given that on June 30, 1966, the Airports District Office at Reno, Nev., was closed. Services to the public of Nevada concerning airport matters recently furnished partly by the Reno office and partly by the Salt Lake City office, will be furnished in the future by the Airports Branch of the Salt Lake City Area Office, 116 North 23d West, Salt Lake City, Utah 84116.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 66–9697; Filed, Sept. 2, 1966; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

WACHOVIA BANK & TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Wachovia Bank & Trust Co. for approval of merger with Bank of Ahoskie.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89–356), an application by Wachovia Bank & Trust Co., Winston-Salem, N.C., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Ahoskie, Ahoskie, N.C., under the charter and title of Wachovia Bank & Trust Co. As an incident to the merger, the four offices of Bank of Ahoskie would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 30th day of August 1966.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 66–9660; Filed, Sept. 2, 1966; 8:45 a.m.]

VALLEY BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by Valley Bancorporation, which is a bank holding company located in Appleton, Wis., for the prior approval of the Board of the acquisition by Applicant of 9,875 of the 10,000 voting shares of American State Bank, Grand Chute, Wis., a proposed new bank.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Martin, and Governor Maisel.

the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 29th day of August 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-9661; Filed, Sept. 2, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 29, 1966.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; 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 August 29, 1966, through September 7, 1966, both dates inclusive.

By the Commission.

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

[F.R. Doc. 66-9683; Filed, Sept. 2, 1966; 8:47 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

AUGUST 30, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; 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 Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 31, 1966, through September 9, 1966, both dates inclusive.

By the Commission.

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

[F.R. Doc. 66-9698; Filed, Sept. 2, 1966; 8:48 a.m.]

[File No. 70-4410]

PENNSYLVANIA GAS CO., ET AL.

Notice of Proposed Acquisition and Sale of Assets and Dissolution of Nonutility Subsidiary Company

AUGUST 30, 1966.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, and its gas utility subsidiary company, Pennsylvania Gas Company ("Penn Gas"), and the latter's wholly owned nonutility subsidiary company, Pennsylvania Oil Co. ("Penn Oil"), 213 Second Avenue, Warren, Pa. 16365, have filed a joint application-declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12(c) of the Act and Rule 42 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Penn Gas proposes to acquire and Penn Oil proposes to sell, at book value, all of the assets of Penn Oil in consideration of the assumption by Penn Gas of all of Penn Oil's liabilities and the surrender for cancellation of all of Penn Oil's outstanding capital stock. Penn Oil will then be dissolved. As of June 30, 1966, Penn Oil's assets, per books, amounted to $325,371 and liabilities and deferred credits amounted to $8,802 and $1,200, respectively. Penn Oil, which is engaged in the production of petroleum, has oil rights in substantially the same acreage in Pennsylvania where Penn Gas has gas rights. It is stated that the proposed elimination of Penn Oil will be another step in the corporate simplification of the National holding-company system.

The fees and expenses to be paid by National and Penn Gas total $1,330 including counsel fees of $225 for National and $1,000 for Penn Gas. It is stated that Penn Oil will pay no fees or expenses. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 26, 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 said joint application-declaration 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 addresses, 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 joint application-declaration 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. 66-9699; Filed, Sept. 2, 1966; 8:48 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

AUGUST 30, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of

1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 31, 1966, through September 9, 1966, both dates inclusive.

By the Commission.

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

[F.R. Doc. 66-9700; Filed, Sept. 2, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 31, 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. 40690—*Silica sand to New Orleans, La.* Filed by Southwestern Freight Bureau, agent (No. B-8897), for interested rail carriers. Rates on silica sand, not ground, powdered, or pulverized, in carloads, from Cleburne, Tex., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 110 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40691—*Mill feed and mill feed pellets to Texas gulf ports.* Filed by Texas-Louisiana Freight Bureau, agent (No. 582), for interested rail carriers. Rates on mill feed or mill feed pellets, in carloads, from points in Texas, to Corpus Christi, Freeport, Galveston, Houston, and Texas City, Tex. (for export).

Grounds for relief—Rate relationship.

Tariff—Supplement 62 to Texas-Louisiana Freight Bureau, agent, tariff ICC 1012.

By the Commission.

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

[F.R. Doc. 66-9709; Filed, Sept. 2, 1966; 8:49 a.m.]

[Notice 247]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 31, 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 5178 (Sub-No. 4 TA), filed August 26, 1966. Applicant: HAIN TRUCKING CO., INC., 12810 Sherman Way, North Hollywood, Calif. 91605. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plate glass, window glass, and rolled glass*, from Oakland, San Francisco, and Stockton, Calif., to points in Marin, Sonoma, Napa, Solano, Sutter, Yolo, Yuba, Sacramento, San Joaquin, Stanislaus, Merced, Fresno, Madera, San Benito, Monterey, Santa Clara, Santa Cruz, San Mateo, Contra Costa, Alameda, and San Francisco Counties, Calif., for 180 days. Supporting shippers: Ace Glass Co., 31625 Hayman Street, Hayward, Calif. 94543, Bradford Sales Co., 9900 Lakewood Boulevard, Room 206, Downey, Calif. 90240, Pacific Manufacturers Export Co., Post Office Box 7026, Long Beach, Calif. 90807. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 111434 (Sub-No. 67 TA), filed August 26, 1966. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo., Post Office Box 1488, Durango, Colo. Applicant's representative: Peter J. Crouse, 730 Equitable Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from Gallup, N. Mex., to Shiprock, N. Mex., for 180 days. Supporting shipper: Vanadium Corp. of America, Pan Am Building, 200 Park Avenue, New York, N.Y. 10017. Send protests to: Luther H. Oldham, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128481 (Sub-No. 1 TA), filed August 26, 1966. Applicant: HENRY V. MUSGROVE, Post Office Box 41, Axson, Ga. Applicant's representative: Schwartz, Proctor & Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wooden laminated structural arches and beams and materials and supplies*, from Waycross, Ga., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Dixie Laminated, Inc., Post Office Box 742, Waycross, Ga. Send protests to: George H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 128543 TA, filed August 26, 1966. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, Ill. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, couplings, elbows, and nipples*, from Struthers, Ohio, to points in Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, District of Columbia, and Delaware. Restricted to traffic moving under contract with Allied Tube & Conduit Corp. of Harvey, Ill., for 180 days. Supporting shipper: Allied Tube & Conduit Corp., 16100 South Lathrop Street, Harvey, Ill. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

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

[F.R. Doc. 66-9710; Filed, Sept. 2, 1966; 8:49 a.m.]

[Notice 1407]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 31, 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-68961. By order of August 29, 1966, the Transfer Board approved the transfer to Ralph Flesch & Son, Inc., 451 School Street, Box 577, Craig, Colo., of permit in No. MC-114595,

issued June 21, 1954, to Ralph Flesch, and Erna Mae Flesch, a partnership, Craig, Colo., authorizing the transportation of: Ore and ore concentrates, from the site of Oxark-Mahoning Co. mill, near Cowdrey, Colo., to Northgate and Kings Canyon, Colo.

No. MC–FC–68993. By order of August 29, 1966, the Transfer Board approved the transfer to Francis P. Ryan, doing business as Ryan's Heavy Hauling, Barre, Vt., of certificate No. MC–20492, issued November 30, 1961, to Fred S. George & Son, Inc., Stottville, N.Y., authorizing the transportation of: Contractor's equipment, machinery, and supplies, over irregular routes, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; also, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in New York. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC–FC–69001. By order of August 26, 1966, the Transfer Board approved the transfer to Monaco Tours, Inc., Niagara Falls, N.Y., of the operating rights of John J. Monaco and Albert P. Monaco, a partnership, doing business as Monaco Tours, Niagara Falls, N.Y., in certificate No. MC–116678, issued August 30, 1962, authorizing the transportation, over irregular routes, of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than seven passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, in seasonal operations between April 15 and October 1, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada boundary line at Niagara Falls and Lewiston, N.Y. Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201, attorney for applicants.

No. MC–FC–69002. By order of August 26, 1966, the Transfer Board approved the transfer to Fame, Inc., Milton, Pa., of the operating rights in permits Nos. MC–111002, MC–111002 (Sub-No. 2), MC–111002 (Sub-No. 8), MC–111002 (Sub-No. 10), MC–111002 (Sub-No. 11), MC–111002 (Sub-No. 12), MC–111002 (Sub-No. 15), MC–111002 (Sub-No. 17), MC–111002 (Sub-No. 19), and MC–111002 (Sub-No. 20), issued by the Commission February 6, 1950, February 7, 1952, March 12, 1953, August 23, 1954, October 14, 1955, July 2, 1958, January 26, 1961, February 26, 1964, August 28, 1964, and March 16, 1965, respectively, to Clara Miles Schreyer, Frances H. Miles, and Thomas M. Miles, a partnership, doing business as T. M. Miles Oil Co., Milton, Pa., authorizing the transportation of: Potassium silicate, in bulk, in tank vehicles, between points in Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania. Preston L. Davis, 37 Archer Street, Milton, Pa. 17847, attorney for applicants.

No. MC–FC–69023. By order of August 29, 1966, the Transfer Board approved the transfer to Gerhard Fettes, doing business as Fettes Motor Freight, Fargo, N. Dak., of a portion of the operating rights in certificate No. MC–87178, issued by the Commission June 14, 1949, to Perry L. Nettbrook, doing business as Elliott Transfer Co., Fergus Falls, Minn., authorizing the transportation, of: Household goods, as defined by the Commission, between Fergus Falls, Minn., on the one hand, and, on the other, points in Iowa, Wisconsin, Illinois, and Indiana. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC–FC–69068. By order of August 30, 1966, the Transfer Board approved the transfer to Eugene Povero, McDonald, Pa., of a portion of the operating rights in certificate No. MC–41686, and the entire operating rights in certificate No. MC–41686 (Sub-No. 2), issued July 2, 1947, and October 29, 1956, respectively, to Keystone-Lawrence Transfer & Storage Co., a corporation, New Castle, Pa., authorizing the transportation of: General commodities, usual exceptions, from New Castle, Pa., and points within 20 miles thereof, to specified points, in Indiana, Illinois, Ohio, West Virginia, New Jersey, and New York. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, attorney for transferee. Bowes and Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–9711; Filed, Sept. 2, 1966; 8:50 a.m.]

[3d Rev. S.O. 562; ICC Order 211, Amdt. 1]

CANADIAN PACIFIC RAILWAY CO. ET AL.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 211 (Canadian Railroads) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 211 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 7, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 31, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–9712; Filed, Sept. 2, 1966; 8:50 a.m.]

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