FEDERAL REGISTER

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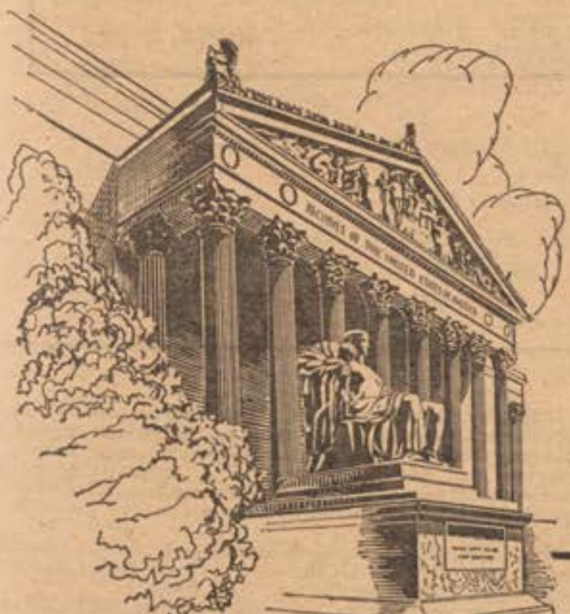

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FEDERAL REGISTER

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List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3674

AMERICAN EDUCATION WEEK, 1965

By the President of the United States of America

A Proclamation

In our schools and colleges rest our hopes for the future: our highest aspirations for our children, for our country and for the world.

For education brings benefits without limits. It endows men not only with the ability to make a living, but with the precious capacity to live with purpose.

It is the richest legacy this generation can bequeath to the next; upon it depends fulfillment for our nation and for every American citizen.

We must, therefore, strive ceaselessly to enrich our educational system, to assure that the benefits of that system flow freely and abundantly to all citizens.

We must assess the educational needs of the Nation—and we must labor constantly to fulfill those needs.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period from November 7 through November 13, 1965, as American Education Week.

I call upon all Americans to consider deeply the aims and goals of American education. I urge parents to acquaint themselves fully with both the problems and the promise of their schools. And I urge each community to study the needs of its schools and to use all the resources at its command to make equal educational opportunity a reality for all Americans.

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 twenty-ninth day of September in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-10611; Filed, Oct. 1, 1965; 10:48 a.m.]

Proclamation 3675

CHILD HEALTH DAY, 1965

By the President of the United States of America

A Proclamation

WHEREAS the best hope for the future of any country rests with its children; and

WHEREAS it is imperative that each child in this land be afforded the opportunity to develop to the full extent of his individual potential capabilities; and

WHEREAS it is our obligation as a Nation to make every reasonable effort to provide our children with the best possible physical and mental health care so that they will have a meaningful opportunity to develop their full potential; and

WHEREAS we have the resources and the incentive to give our children constantly improving medical care as a result of the unprecedented advances that are being made in scientific, medical, and social attainments; and

WHEREAS the observance of a special day emphasizing child health serves effectively to underscore these goals; and

WHEREAS the Congress, by a joint resolution of May 18, 1928, 45 Stat. 617, as amended by a joint resolution of September 22, 1959, 73 Stat. 627 (36 U.S.C. 143), requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day; and

WHEREAS Child Health Day is also an appropriate time to observe a Universal Children's Day and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Monday, October 4, 1965, as Child Health Day; and I invite all persons and all agencies and organizations interested in the health and welfare of children to unite on that day in observances that will bolster our efforts to foster their growth into full participants in our society.

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 twenty-ninth day of September in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-10610; Filed, Oct. 1, 1965; 10:48 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that the positions of Collector of Customs, Puerto Rico, and Collector of Customs, Virgin Islands, are no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (b) of § 213.3105 is revoked.

(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. 65-10507; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Display of Burley Tobacco on Auction Warehouse Floors in Designated Markets

On August 31, 1965 a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11174), stating that the Department had under consideration an amendment to the regulations governing the inspection of tobacco (7 CFR Part 29, Subpart B) issued pursuant to the provisions of The Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.).

Statement of consideration. Interested persons were given 30 days following publication in the FEDERAL REGISTER in which to submit written data, views, and arguments with respect to the proposed amendment. The amendment provides for the orderly displaying of burley tobacco on auction warehouse floors in designated markets. This is accomplished by provisions requiring auction warehouse sales of tobacco to proceed in a continuous and orderly arrayed sequence.

Failure to properly display burley tobacco subject to inspection for auction sales adversely affects the ability of inspectors to perform their daily functions efficiently and effectively. Orderly arraying of tobacco offered for sale on designated auction markets is necessary for adequate sampling and expeditious inspection and certification. Since no additional data or views were presented regarding the rules proposed, the following originally proposed amendment to the regulations is hereby adopted:

Subpart B of Part 29 of Chapter I of Title 7 of the Code of Federal Regulations is amended by adding, between §§ 29.75 and 29.76, § 29.75a as follows:

§ 29.75a Display of burley tobacco on auction warehouse floors in designated markets.

(a) (1) Each basket of burley tobacco displayed for sale on auction warehouse floors shall have a minimum space of 18 inches from butts to butts between the rows. Distances between baskets of tobacco within the row shall be such that butts of hands from immediately adjacent baskets will not touch. Each warehouse operator shall display a plainly visible sign showing the total number of baskets of burley tobacco allotted to be sold each day. Such sign shall be displayed at the point or basket where the day's sale will conclude, and no additional tobacco shall be graded beyond that point.

(2) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of baskets and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of baskets and rows of tobacco, shall have prior approval of the head grader or market supervisor grader.

(3) Each warehouse operator shall designate to the head grader or market supervisor grader the starting point or basket for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in an orderly sequence. All basket spaces, containing or not containing a basket of tobacco, and all baskets of tobacco, covered or uncovered, shall be counted and included in the daily sales allotment. Baskets of tobacco shall not be removed, added, rearranged, or substituted between the time they are counted for the day's sale and the time they are graded for the day's sale; provided, however, that with prior approval of the head grader or market supervisor grader compensating baskets of tobacco may be substituted for empty spaces and covered baskets included in a daily sales count.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the head grader or market supervisor grader shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of baskets of tobacco scheduled for such sale or sales, and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse, at which time the head grader or market supervisor grader shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the act.

(Sec. 14, 49 Stat. 734, as amended; 7 U.S.C. 511m)

This amendment to the regulations shall become effective thirty days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of September 1965.

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

[F.R. Doc. 65-10495; Filed, Oct. 1, 1965; 8:45 a.m.]

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

[Amdt. 5]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

SUCCESSION OF INTEREST IN PRODUCER ALLOTMENTS

On page 11282 of the FEDERAL REGISTER of September 2, 1965 (30 F.R. 11282), was published a notice of proposed rule making to issue an amendment to the regulations for determination of acreage allotments for 1964 and subsequent crops of rice. Interested persons were given 15 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

No data, views, or recommendations were received and the proposed amendment is adopted without change as set forth below.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to extend existing regulations defining who may be considered a member of a producer's family for the purpose of succeeding to his farming operations when he withdraws in total or in part from the production of rice. This amendment extends the lineage of relatives to include any relative who would be entitled to succeed to the transferor's estate upon death, intestate, according to the laws of the State in which the transferor resides.

The second sentence of paragraph (b) (2) of § 730.1525 is amended to read: "For the purpose of this subparagraph (2) of this paragraph, a member of the transferor's family shall be limited to the transferor's spouse, father, mother, brother, sister, son, daughter, brother-in-law, son-in-law, grandson, granddaughter, nephew, niece, or any other relative who would be entitled to succeed to the transferor's estate upon death, intestate, according to the laws of the State in which the transferor resides."

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date. Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 28, 1965.

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

[F.R. Doc. 65-10494; Filed, Oct. 1, 1965; 8:45 a.m.]

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

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[831.4; Rev. 1, Supp. 2]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1965 Crop

Section 831.12 is added to read as follows:

§ 831.12 Rates of recoverability; 1965 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugarbeets of the 1965 crop shall be computed by multiplying the net weight thereof in tons, at the time of delivery to a processor, by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugarbeets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement areas by factories in States	1958-64 average sugar content	Rate of commercially recoverable sugar
	Percent	*Hundredweight*
Idaho, Oregon, Washington:		
Idaho Falls	16.03	2.950
Rupert, Twin Falls	16.43	3.023
Toppenish, Moses Lake	15.08	2.775
Utah:		
Centerfield	16.01	2.946
Garland	15.85	2.916
Layton	15.81	2.909
Lewiston (Ogden)	15.62	2.874
West Jordan	15.26	2.808
Wyoming, Montana:		
Worland	16.17	2.975
Missoula	15.95	2.935
Sidney	16.11	2.964
Minnesota, Iowa:		
East Grand Forks, Moorhead, Crookston, Drayton	15.56	2.863
Chaska, Mason City	14.51	2.670
Great Lakes States:		
Alma	14.92	2.745
Bay City	14.63	2.692
Caro	14.90	2.742
Carrollton	14.46	2.661
Croswell	14.76	2.716
Illinois	14.25	2.622
Ottawa	15.01	2.762
Sebewaing	14.78	2.720

(b) For sugarbeets marketed under "individual test" contracts, and for those sugarbeets marketed for processing by the Empire State Sugar Co., Inc., of New York, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 87.8 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1756. As an example, a content of 16.37 when multiplied by 0.1756 would result in a rate of commercially recoverable sugar of 2.875 hundredweight.

(c) For sugarbeets marketed under "combined individual-cossette test" contracts, other than those sugarbeets marketed for processing by the Empire State Sugar Co., Inc., of New York, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 92.0 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1840. As an example, an adjusted content of 16.37 would result in a rate of commercially recoverable sugar of 3.012 hundredweight. In computing the adjustment in the percentage of sugar content, the factory cossette test averages shall be as follows:

Area	1958-64 factory cossette test average (percent)
Nyssa-Nampa	15.13
Billings-Lovell	16.49
Hardin	16.28

Statement of bases and considerations. Section 831.4 (29 F.R. 11824) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarbeets and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that regulation, this supplement sets forth the rates of recoverability as determined for the 1965 crop. Definitive rates are specified for the various settlement areas where the only tests available for ascertaining the sugar content of the beets are cossette tests. Within these areas, the rates give effect to 1958-64 average percentages of sugar content and the 1959-63 national average extraction rate of beet sugar, raw value, of 92.0 percent.

In lieu of an extensive table of definitive rates applicable to sugarbeets of various percentages of sugar content as marketed under "individual test" contracts, this supplement shows that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1756. This factor gives effect to the average rate of extraction of sugar, raw value, of 87.8 percent, as applicable to individual test beets. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1840 may be used to give effect to the average extraction rate of 92.0 percent. The difference between 92.0 and 87.8 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1959-63 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests inasmuch as the results of such tests include adjustment to the cossette basis. Listings of the applicable rates (expressed in hundredths) will be available for inspection at ASCS County Offices in sugarbeet producing counties.

The percentages of 92.0 and 87.8, as determined herein for the 1965 crop, compare with percentages of 92.8 and 88.5 as effective for the 1964 crop.

In computing Sugar Act payments for beets marketed under a "combined individual-cossette test" contract, the grower's individual test is adjusted by a factor computed, in part, from the weighted average of the factory tests for a 7-year period. Sugarbeets produced in New York will be marketed under this type of contract. However, as 1965 will be the first year of operation for the factory and, hence, has no record of past production, the area shall be considered as an "individual test" area.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended; 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on September 29, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-10515; Filed, Oct. 1, 1965; 8:45 a.m.]

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

PART 932—OLIVES GROWN IN CALIFORNIA

Order Regulating Handling

AUTHORITY: The provisions of this Part 932, issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 932.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (Part 900 of this chapter), a public hearing was held at Fresno, California, May 26-27, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of olives grown in California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of olives grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of olives grown in the production area, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this order, except for §§ 932.51, 932.52, and 932.53, effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone the effective time of such provisions until 30 days after publication (5 U.S.C. 1001-1011). The provisions relating to the Olive Administrative Committee, the agency charged with the local administration of the program, should be made effective as soon as possible so that the Secretary and the committee may initiate, and complete, various organizational and administrative actions, including the formulation and promulgation of administrative rules and regulations to govern committee operations and to establish procedures for handlers to submit reports of acquisitions, sales, uses, and shipments of olives. By having the provisions of the order, other than the provisions with respect to incoming regulations (§ 932.51), outgoing regulations (§ 932.52), inspection and certification (§ 932.53), effective at the time hereinafter prescribed, the committee and the Secretary will be afforded the earliest practicable opportunity to consider the matter of reporting requirements and the establishment of such requirements as may be necessary for the committee to perform its functions and are the most practical from the standpoint of the reporting handlers, including the timing of such reports. Compilations of data included in the reports should be made available to the industry on as current a basis as practical so as to permit utilization thereof in connection with the handling of olives during the season. Also, the committee should have maximum information concerning the utilization of the current crop of olives when it develops its marketing policy for the ensuing season and such information should cover as much of the current olive crop as possible. The committee will, of course, have meetings, and other expenses also will necessarily be incurred in considering all such matters; and all such expenses should be paid on a current basis and be defrayed from assessments levied against olives of this year's production. Harvesting of olives is already in progress and the major portion of the crop may be harvested by November 1. Such assessments should be distributed over as much of the crop as possible so that expenses may be shared equitably by handlers. Thus, the effective time of the provisions relating to expenses and assessments should not be delayed beyond the publication date.

The provisions with respect to incoming regulation (§ 932.51), outgoing regulations (§ 932.52), and inspection and certification (§ 932.53) should not be made effective until September 1, 1966. As indicated, olives are already being harvested and a substantial tonnage may have been delivered to handlers' plants by the date of publication hereof. Having such provisions applicable when substantial quantities of both regulated and unregulated olives of the same crop would be being processed at the same time obviously would present operational difficulties which should be avoided if it is possible to do so. Present indications are that the current crop of olives is of moderate size; and not making such provisions applicable to this crop should not disadvantage the producers of olives.

The provisions of the order are well known to handlers of olives since the public hearing thereon was completed on May 27, 1965, and the recommended decision and the final decision were published in the FEDERAL REGISTER on August 20, 1965 (30 F.R. 10845), and September 10, 1965 (30 F.R. 11611), respectively. Copies of this order were made available to all known interested parties, and the provisions being made effective upon publication hereof do not place any obligations on handlers until such time as may subsequently be prescribed in accordance therewith.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of olives grown in California upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the olives covered by this order) who, during the period beginning September 1, 1963, and ending August 31, 1964, both dates inclusive, handled not less than 50 percent of the volume of olives covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (September 1, 1964, through August 31, 1965) were engaged, within the production area specified in this order, in the production of olives for market as packaged olives, such producers having also produced for market at least two-thirds of the volume of olives represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of olives grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 932.1 Secretary.

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

§ 932.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 932.3 Person.

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

§ 932.4 Area.

"Area" means the State of California.

§ 932.5 Olives.

"Olives" means the fruit of any variety of the species olea europaea, whether or not processed, grown within the area.

§ 932.6 Variety group 1.

"Variety group 1" means the following varieties and any mutations, sports, or other derivations of such varieties: Aghizi Shami, Amellau, Ascolano, Ascolano dura, Azapa, Balady, Barouni, Carydolia, Cucco, Gigante di Cerignola, Gordale, Grosane, Jahlut, Polymorpha, Prunara, Ropades, Sevillano, Saint Agostino, Tafahi, and Touffahi.

§ 932.7 Variety group 2.

"Variety group 2" means the following varieties and any mutations, sports, or other derivations of such varieties: Manzanillo, Mission, Nevadillo, Obliza, Redding Picholine.

§ 932.8 Natural condition olives.

"Natural condition olives" means olives in their fresh-harvested state prior to being placed in water or any curing or preserving solution including, but not limited to, acid, alkaline, or salt solutions, or agents.

§ 932.9 Packaged olives.

"Packaged olives" means (a) processed olives in hermetically sealed containers and heat sterilized under pressure, otherwise known as "canned ripe olives" and including the three distinct types, "ripe," "green ripe," and "tree-ripened"; or (b) olives, packed in brine, and which have been fermented and cured, otherwise known as "green olives."

§ 932.10 Lot.

"Lot" means the total net weight of natural condition olives of any one variety delivered to a handler at any one time.

§ 932.11 Grade.

"Grade" means the classification of olives as to quality according to the grading specifications established pursuant to the provisions of this part.

§ 932.12 Size.

"Size" means the number of whole olives contained in a pound and may be referred to in terms of size ranges.

§ 932.13 Size-grade.

"Size-grade" means to classify olives, or to cause olives to be classified, by sample or otherwise, into separate size designations.

§ 932.14 Process.

"Process" means to change olives in any way from their natural condition by any commercial process.

§ 932.15 Handler.

"Handler" means any person who handles olives.

§ 932.16 Handle.

"Handle" means to: (a) Size-grade olives, (b) process olives, or (c) use processed olives in the production of packaged olives, within the production area, or (d) ship packaged olives from the area to any point outside thereof or within the area: *Provided,* This term shall not include olives acquired and used solely for fresh shipment, olive oil, salt cured oil coated olives (also variously referred to as "Greek Olives," "Greek Style Olives," or "Oil Cured Olives"), or Sicilian Style Olives.

§ 932.17 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of olives for market as packaged olives.

§ 932.18 Committee.

"Committee" means the Olive Administrative Committee established pursuant to § 932.25.

§ 932.19 Crop year and fiscal year.

"Crop year" and "fiscal year" are synonymous and mean the 12-month period beginning September 1 of any year and ending August 31 of the following year, both dates inclusive.

§ 932.20 Part and subpart.

"Part" means the Order Regulating the Handling of Olives Grown in California and all rules and regulations, and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Olives Grown in California shall be a "subpart" of such part.

§ 932.21 District.

"District" means any of the following geographical areas of the State of California:

(a) "District 1" shall include the counties of Glenn, Tehama, and Shasta.

(b) "District 2" shall include the counties of Mono, Mariposa, Merced, San Benito, Monterey, Madera, Fresno, Tulare, and all counties to the south thereof.

(c) "District 3" shall include all counties not included in Districts 1 and 2.

OLIVE ADMINISTRATIVE COMMITTEE

§ 932.25 Establishment and membership.

An Olive Administrative Committee consisting of 16 members, with an alternate for each such member who shall have the same qualifications as the member for whom he is an alternate, is hereby established to administer the terms and provisions of this part. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be (a) three members to represent cooperative marketing organizations, herein referred to as "cooperative handlers"; (b) four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers"; and (c) one member to represent cooperative marketing organizations or independent handlers, whichever handled as first handlers more than 50 percent of the olives handled by all handlers during the two preceding crop years.

§ 932.26 Term of office.

The term of office of members and alternate members of the committee shall be 2 years beginning on June 1 and ending on May 31 of odd numbered years: *Provided,* That the term of office of initial members and alternate members shall begin on the effective date of this subpart. Each such member and alternate member shall serve during that portion of the term of office for which he is selected and has qualified and shall continue to serve until his successor is selected and has qualified.

§ 932.27 Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate numbers specified in § 932.25 by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other persons eligible for nominations for such positions.

§ 932.28 **Eligibility.**

Each producer member of the committee shall, at the time of his selection and during his term of office, be a producer in the district for which selected and, except for producers who are members of cooperative handlers shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee. Each handler member of the committee shall, at the time of his selection and during his term of office, be a handler in the group he represents or a director, officer, or employee of such handler.

§ 932.29 **Nominations.**

(a) *Initial members*. Nominations for each of the eight initial producer members and eight initial handler members of the committee, together with the nominations for the initial alternate members for each position, shall be obtained by means of meetings of the producers and handlers called by the Secretary. Such meetings shall be held as soon as practicable after the effective date of this subpart, and shall be conducted in the manner provided in paragraph (b) of this section.

(b) *Successor members*. (1) Candidates for nominees for successor producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and for voting on the candidates selected thereat as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(3) Cooperative handlers shall, at meetings of such handlers called by the committee, nominate three qualified persons for three member positions and three qualified persons for three alternate member positions (as provided in § 932.28) on the committee: *Provided*, That, whenever, during the 2 crop years preceding such meeting, such cooperative handlers handled as first handlers not less than 50 percent of the total quantity of olives so handled by all handlers, such cooperative handlers shall nominate four qualified persons for four member positions and four qualified persons for four alternate member positions on the committee.

(4) The four largest independent handlers, based upon the volume of olives first handled during the preceding 2 crop years by independent handlers, shall, at meetings of such handlers called by the committee, nominate three qualified persons for three independent handler member positions and three qualified persons for three independent handler alternate member positions.

(5) All other independent handlers shall nominate one qualified person for one independent handler member position and one qualified person for one independent handler alternate member position: *Provided*, That, whenever, during the preceding 2 crop years, independent handlers handled as first handlers not less than 50 percent of the total quantity of olives so handled by all handlers, such other independent handlers shall nominate two qualified persons for two independent handler member positions and two qualified persons for two independent handler alternate member positions.

(6) Each handler shall be entitled to cast only one vote for each nominee for cooperative handler member or alternate member or independent handler member or alternate member, as the case may be, which vote shall be weighted by the tonnage of olives he handled during the two preceding crop years.

(7) Not more than one nominee for member position and one nominee for alternate member position affiliated with the same handler shall be eligible for nomination to such positions.

(8) In the event the committee determines that the provisions of this section do not result in an allocation of membership which is equitable to the producers in all districts or as to the cooperative handlers and independent handlers, it shall recommend to the Secretary such modifications of such provisions as will tend to assure equitable representation. The Secretary, on the basis of such recommendation or other available information, may so modify the provisions of this section.

§ 932.30 **Alternates.**

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members.

§ 932.31 **Failure to nominate.**

If nominations for any position on the committee are not received by the Secretary by May 1 of the year in which nominations are to be made, the Secretary may select an eligible individual without regard to nomination.

§ 932.32 **Acceptance.**

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 932.33 **Vacancies.**

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in § 932.29 insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 60 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the applicable representations and qualifications set forth in §§ 932.25, 932.27, and 932.28.

§ 932.34 **Powers.**

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

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

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

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

§ 932.35 **Duties.**

The committee shall have, among others, the following duties:

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

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

(c) To make, subject to approval by the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to olives, which are necessary in connection with the performance of its official duties;

(d) To submit to the Secretary such available information with respect to olives as he may request or as the committee may deem desirable and pertinent;

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

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

(g) To submit to the Secretary, prior to the beginning of each crop year and not later than August 15, a budget of the anticipated expenses of the committee and the proposed assessment rate for such crop year, together with a report thereon: *Provided*, That, with respect to the initial crop year, the committee shall submit such budget, rate of assessment, and report to the Secretary as soon as practicable after the effective date of this subpart;

(h) To cause the books of the committee to be audited by one or more certified public accountants at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit report shall be submitted to the Secretary.

(i) To prepare monthly statements of its financial operations and make such statements, together with the minutes of its meetings, available at the office of the committee for inspection by any producer or handler, and to submit copies of such statements and minutes to the Secretary;

(j) To give reasonable advance notice of each meeting by mail addressed to each member, and such notice shall be given as widespread publicity as practicable. The same notice of meetings given to members shall be given to the Secretary;

(k) To redefine, with the approval of the Secretary, the districts into which the area has been divided in § 932.21 and to reapportion the membership in accordance therewith: *Provided*, That any such change reflects insofar as practicable shifts in olive acreages within the districts and area, and is equitable as to producers; and

(l) To investigate compliance with the provisions of this part.

§ 932.36 Procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affirmative votes from handler members. A quorum shall consist of at least 10 members of whom at least 5 shall be producer members and at least 5 shall be handler members. Except in case of an emergency, a minimum of 5 days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, 1 dissenting vote shall prevent its adoption and at least 10 affirmative votes, 5 of which shall be producer votes, and 5 of which shall be handler votes, shall be required for adoption.

§ 932.37 Compensation and expenses.

The members of the committee and alternates when acting as members, shall serve without compensation, but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part.

Expenses and Assessments

§ 932.38 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in § 932.39.

§ 932.39 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during such period shall pay to the committee, upon demand, assessments on all olives so handled. The payment of assessments for maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the crop year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all olives handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part during the first part of a crop year before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money, for such purpose.

§ 932.40 Accounting.

(a) If, at the end of a crop year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, the committee shall refund or credit to handler accounts the aforesaid excess. Each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual net expenses of the committee for such crop year. Excess funds may be used temporarily by the committee to defray expenses of the subsequent crop year: *Provided*, That each handler's share of such excess shall be made available to it by the committee within 5 months after the end of the crop year.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not equal approximately 1 crop year's expenses. Such reserve funds may be used for any expenses authorized pursuant to § 932.38 and for necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

Research and Development

§ 932.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of olives. The expenses of such projects shall be paid from funds collected pursuant to § 932.39.

Marketing Policy

§ 932.50 Report of marketing policy.

Not later than August 15 of each crop year, the committee shall hold a meeting for the purpose of formulating a marketing policy for the coming crop year: *Provided*, That with respect to the initial crop year the committee shall hold a meeting for such purpose as soon as practicable after the effective date of this subpart. The committee shall prepare and submit to the Secretary promptly after each such meeting, a report setting forth its recommended marketing policy for the ensuing crop year. In the event it becomes advisable to modify such policy, because of changed supply, demand, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the handler carryover, production, probable quality and composition of olive sizes in the crop, trade demand, probable imports, whether producer prices are likely to exceed parity, the probable assessable tonnage and such other factors as may have a bearing on the marketing of olives or the administration of this part. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers and handlers.

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service, and classified into separate size designations in accordance with the size designations set forth in Table I of the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title), and a certification with respect thereto by such inspection service: *Provided*, That, for the purpose of this part, the size designations in said Table I shall be deemed to include the following two additional size designations:

Designation(s)	Approximate count (per pound)	Average count (per pound)
Sub-petite		181 and up.
Petite	160	140 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size designation, the quantity of olives classified as culls by the handler: *Provided*, That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls," the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler shall, under the supervision of any such inspection service and subject to such tolerances as the committee, with the approval of the Secretary, may establish, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, which are classified as smaller than extra large;

(ii) Variety group 1 olives of the Ascolano, Barouni, and Saint Agostino varieties which are classified as smaller than large;

(iii) Variety group 2 olives, except the Obliza variety, which are classified as smaller than petite;

(iv) Variety group 2 olives of the Obliza variety which are classified as smaller than small or select or standard; and

(v) Olives classified as culls.

(b) Whenever a handler receives a lot of natural condition olives solely for use in the production of green olives or canned ripe olives of the "tree-ripened" type, he may handle such olives without regard to the provisions of this section and § 932.52, only if (1) the identity of all lots of such olives is maintained by keeping them separate and apart from other olives he receives; (2) the packaged olives produced from such olives after processing are canned ripe olives of the "tree-ripened" type or green olives; and (3) there are no outgoing regulations pursuant to § 932.52 then applicable to packaged olives that are canned ripe olives of the "tree-ripened" type or green olives.

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* No handler shall use processed olives in the production of packaged olives or ship such packaged olives unless they have first been inspected as required pursuant to § 932.53 and meet each of the following applicable requirements:

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current United States Standards for Canned Ripe Olives (§§ 52.3751–52.3766 of this title).

(2) Canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the size designations of "single size" or of the blended sizes "Family," "King," or "Royal," as set forth in said United States Standards for Canned Ripe Olives, and shall be of a size not smaller than the following applicable minimum size requirements: *Provided*, That the Secretary, on the basis of a recommendation of the committee or other available information, may change the percentage tolerances that are prescribed for undersize olives:

(i) With respect to variety group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall each weigh not less than $\frac{1}{75}$ pound except that for olives of the mammoth size designation not more than 15 percent, by count, of such olives may weigh less than $\frac{1}{75}$ pound each and for all other size designations not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{75}$ pound each;

(ii) With respect to variety group 1 olives of the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall each weigh not less than $\frac{1}{88}$ pound except that for olives of the extra large size designation not more than 15 percent, by count, of such olives may weigh less than $\frac{1}{88}$ pound each and for all other size designations not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{88}$ pound each;

(iii) With respect to variety group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than $\frac{1}{140}$ pound except that for olives of the small, select, or standard size designation not more than 15 percent, by count, of such olives may weigh less than $\frac{1}{140}$ pound each and for all other size designations not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{140}$ pound each; and

(iv) With respect to variety group 2 olives of the Obliza variety the individual fruits shall each weigh not less than $\frac{1}{121}$ pound except that for olives of the medium size designation not more than 15 percent, by count, of such olives may weigh less than $\frac{1}{121}$ pound each and for all other size designations not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{121}$ pound each.

(3) Processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives which do not meet such size requirements may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives, as defined in said United States Standards, if such olives are not smaller than the following applicable minimum size requirements:

(i) With respect to variety group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall be not smaller than olives of the size designation extra large;

(ii) With respect to variety group 1 olives of the Ascolano, Barouni, or Saint Agostino varieties, the individual fruits shall each be not smaller than olives of the size designation large;

(iii) With respect to variety group 2 olives, except the Obliza variety, the individual fruits shall each be not smaller than olives of the size designation petite; and

(iv) With respect to variety group 2 olives of the Obliza variety, the individual fruits shall each be not smaller than olives of the size designation small, select, or standard.

(4) Canned ripe olives of the "tree-ripened" type and green olives shall meet such grade, size, and pack requirements as may be established by the Secretary based upon the recommendations of the committee or other available information.

(5) The size designations (mammoth, large, petite, etc.) used in this section mean the size designations described in paragraph (a)(1)(ii) of § 932.51.

§ 932.53 Inspection and certification.

(a) Each handler shall have the olives he handles inspected and certified as for conformance with all applicable requirements pursuant to §§ 932.51 and 932.52 with respect to such handling. Inspection and certification for conformance with the requirements of § 932.51 shall be by the Federal or Federal-State Inspection service, and inspection for conformance with the requirements of § 932.52 shall be by the Processed Products Standardization and Inspection Branch, USDA, except the disposition of olives, other than as canned ripe olives, in accordance with the requirements of § 932.51(a)(2) may be under the supervision of any of such inspection services. A copy of each certification by the said inspection services pursuant to the provisions of this section, shall be furnished to the committee.

(b) The committee may enter into an agreement with either or both of said inspection services with respect to the costs of the inspection required by this section and may collect from handlers their respective pro rata share of such costs.

§ 932.54 Interhandler transfers.

Transfers within the area of olives from one handler to another for further handling within the area are permitted. Whenever such a transfer of olives is made, the transferring handler shall comply with all applicable regulations up to the time of such transfer, and the receiving handler shall comply with all applicable regulations subsequent to such transfer.

§ 932.55 Exemption.

(a) The provisions of this subpart shall not be applicable to processed olives on hand on the effective date of this subpart but only if the identity of such olives is maintained and such olives are not commingled with olives processed after such effective date in the production of packaged olives. However, olives on hand on such effective date that are commingled with olives processed after such date and are used in the production of packaged olivec shall be subject to all relevant provisions applicable to the handling of packaged olives.

(b) Upon the basis of the recommendation submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements pursuant to this part, the handling of olives in such minimum quantities as the committee, with the approval of the Secretary, may prescribe.

(c) The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to ensure that olives exempted under the provisions of this section are handled only as authorized.

§ 932.56 Applicability to green olives and canned ripe olives of the "tree-ripened" type.

Except during any fiscal year in which outgoing regulations pursuant to § 932.52 are applicable to packaged olives that are canned ripe olives of the "tree-ripened" type or green olives, the provisions of § 932.39 shall not be applicable to such packaged olives or the natural condition olives used in the processing and production of such packaged olives.

REPORTS AND RECORDS

§ 932.60 Reports of acquisitions, sales, uses, and shipments.

(a) Each handler shall file such reports of his acquisitions, sales, uses, and shipments of olives, as may be requested by the committee.

(b) Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this part.

§ 932.61 Records.

Each handler shall maintain such records of olives acquired, held, and disposed of by him as may be prescribed by the committee and needed by it to perform its functions under this subpart. Such records shall be retained for at least two years beyond the crop year in which the transaction occurred.

§ 932.62 Verification of reports.

For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any olives held by such handler, and any and all records of the handler with respect to his acquisition, sales, uses and shipments of olives. Each handler shall furnish all labor and equipment necessary to make such inspections.

§ 932.63 Confidential information.

All reports and information submitted by handlers pursuant to the provisions of this part shall be received by, and at all times be in the custody of one or more designated employees of the committee. No such employees shall disclose to any person, other than the Secretary upon request therefor, data, or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available in the form of general reports in which the identities of the individual handlers furnishing the information is not disclosed.

MISCELLANEOUS PROVISIONS

§ 932.65 Compliance.

Except as provided in this part, no person shall handle olives, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part, and no person shall handle olives except in conformity with the provisions of this part and the regulations issued hereunder.

§ 932.66 Right of the Secretary.

The members of the committee (including successors and alternates) and any agents or employees appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, such disapproved action shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 932.67 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, above his signature, and shall continue in force until terminated in one of the ways specified in § 932.68.

§ 932.68 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

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

(c) The Secretary shall terminate the provisions of this subpart at the end of any crop year whenever he finds that such termination is favored by a majority of producers who, during a representative period determined by the Secretary, have been engaged in the area in the production of olives for market as packaged olives: *Provided*, That such majority have during such representative period produced for market more than 50 percent of the volume of such olives produced for market, but such termination shall be effective only if announced on or before August 15 of the then current crop year.

(d) The Secretary shall, during the month of June 1968, conduct a referendum of producers and a poll of handlers to ascertain whether the continuation of this subpart is favored by them. The persons entitled to vote in such referendum shall be the producers of olives during the then current crop year; and the poll of handlers shall be confined to handlers of olives produced during such crop year. If it develops from said referendum that 50 percent of the producers, by number or volume of production represented in said referendum, favor termination of this subpart, the Secretary shall give consideration to the termination or suspension thereof in accordance with paragraph (b) of this section.

§ 932.69 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by such trustee shall require the concurrence of a majority of the trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 932.70 Effect of termination or amendment.

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

Secretary or any other person with respect to any such violation.

§ 932.71 **Duration of immunities.**

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

§ 932.72 **Agents.**

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

§ 932.73 **Derogation.**

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

§ 932.74 **Personal liability.**

No member or alternate member of the committee or any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 932.75 **Separability.**

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

Issued at Washington, D.C., this 29th day of September 1965, to become effective upon publication in the FEDERAL REGISTER, except for §§ 932.51, 932.52, and 932.53 which are to become effective September 1, 1966.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-10516; Filed, Oct. 1, 1965; 8:45 a.m.]

[948.348 Amdt. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments, Area No. 3

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1965 crop potatoes grown in Area No. 3 are now being made, (2) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (3) issuance of this amendment will not require any special preparation by handlers, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area and (5) this amendment relieves restrictions on the handling of production area potatoes by allowing the shipment of Size B potatoes of U.S. No. 1 or better quality.

Order, as amended. In § 948.348 (30 F.R. 9674, 10229) amend paragraph (a) to read as follows:

§ 948.348 **Limitation of shipments.**

* * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade, 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade, 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B if U.S. No. 1, or better grade.

* * * * *

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

Dated September 29, 1965, to become effective October 4, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-10517; Filed, Oct. 1, 1965; 8:45 a.m.]

[Tangelo Reg. 28]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.471 **Tangelo Regulation 28.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1965. The committee held an open meeting on September 28, 1965, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangelos, grown in the production area, at the start of this marketing season; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 4, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

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

Dated: September 30, 1965.

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

[F.R. Doc. 65-10583; Filed, Oct. 1, 1965; 8:46 a.m.]

[Tangerine Reg. 28]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.470 Tangerine Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1965. The Growers Administrative Committee held an open meeting on September 28, 1965, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810-51.1834 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., October 4, 1965, and ending at 12:01 a.m., e.s.t., August 1, 1966, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

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

Dated: September 30, 1965.

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

[F.R. Doc. 65-10584; Filed, Oct. 1, 1965; 8:46 a.m.]

[Valencia Orange Reg. 140]

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

Limitation of Handling

§ 908.440 Valencia Orange Regulation 140.

(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 30, 1965.

(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., October 3, 1965, and ending at 12:01 a.m., P.s.t., October 10, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 600,000 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: October 1, 1965.

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

[F.R. Doc. 65-10613; Filed, Oct. 1, 1965; 11:33 a.m.]

[Lemon Reg. 181]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.481 Lemon Regulation 181.

(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 September 28, 1965.

(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., October 3, 1965, and ending at 12:01 a.m., P.s.t., October 10, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 148,800 cartons;
(iii) District 3: 16,167 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 30, 1965.

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

[F.R. Doc. 65-10543; Filed, Oct. 1, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1724) filed by Shell Chemical Co., a division of Shell Oil Co., Inc., 110 West 51st Street, New York, N.Y., 10020, and other relevant material, has concluded that § 121.2566 of the food additive regulations should be amended to increase from 0.5 percent to 1.0 percent the maximum level permitted for safe use of 1,3,5-trimethyl-2,4,6-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene as a stabilizer in nylon resins identified in § 121.2502. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2566(b) is amended by changing the use limitations for the subject food additive to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* * *
1,3,5-Trimethyl-2,4,6-tris (3,5-di-*tert*-butyl-4-hydroxybenzyl) benzene.	For use only: 1. At levels not to exceed 0.5 percent by weight of polymers except nylon resins identified in § 121.2502. 2. At levels not to exceed 1 percent by weight of nylon resins identified in § 121.2502.
* * *	* * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-10521; Filed, Oct. 1, 1965; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Nafcillin Monohydrate; Sodium Nafcillin Monohydrate for Oral Solution

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended, to provide for the certification of sodium nafcillin monohydrate and sodium nafcillin monohydrate for oral solution, by adding the following new sections:

§ 141a.124 Sodium nafcillin monohydrate.

(a) *Potency.* Use the nafcillin working standard as the standard of comparison, and proceed as directed in § 141a.1, except:

(1) If the plate assay is used:

(i) Accurately weigh approximately 30 milligrams of the nafcillin working standard and dissolve in sufficient 1 percent potassium phosphate buffer, pH 6.0, to obtain a stock standard solution of 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution with pH 6.0 potassium phosphate buffer to final concentrations of 1.28, 1.60, 2.00, 2.50, and 3.12 micrograms per milliliter. The 2.00 micrograms per milliliter concentration is the reference concentration.

(ii) Determine the inoculum of the *Staphylococcus aureus* suspension to be used for the seed layer by adding varying volumes of the standardize suspension to 100-milliliter volumes of the seed agar. Run test plates with the different inocula and the nafcillin reference concentration. Select as the optimum inoculum the one that results in the clearest and best defined zones of inhibition.

(2) If the iodometric assay is used, use a solution containing 1.25 milligrams per milliliter.

(b) *Toxicity*. Proceed as directed in § 141a.4, except use sterilized U.S.P. saline test solution as the diluent and inject 0.5 milliliter of a solution containing 16 milligrams per milliliter.

(c) *Moisture*. Proceed as directed in § 141a.26(e).

(d) *pH*. Proceed as directed in § 141a.5 (b), using an aqueous solution containing 30 milligrams per milliliter.

(e) *Microscopical test for crystallinity*. Mount a few crystals of the sample in mineral oil and add one drop of ethyl alcohol. Allow to react for about 30 seconds and examine by means of a polarizing microscope. The sample shows resolvable particles which reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

(f) *Sodium nafcillin content*. Place an accurately weighed sample of approximately 25 milligrams in a 50-milliliter volumetric flask. Dissolve and make to volume with distilled water. Remove a 5-milliliter aliquot and dilute to 50 milliliters with distilled water. Determine the absorbance of the sample at the absorption maximum at $280 \pm 3 m_{\mu}$, using a suitable ultraviolet spectrophotometer and quartz cells. Treat a sample of the working standard in the same manner. (The exact position of the maximum should be determined for the particular instrument used.)

$$\text{Percent sodium nafcillin} = \frac{(\text{Absorbance of sample})\ (\text{milligrams of standard})\ (\text{percent sodium nafcillin of standard})}{(\text{Absorbance of standard})\ (\text{milligrams of sample})}$$

§ 141a.125 Sodium nafcillin monohydrate for oral solution.

(a) *Potency*. Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) in a 250-milliliter volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0. Mix well and proceed as directed in § 141a.124(a). Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of nafcillin that it is represented to contain.

(b) *pH*. Proceed as directed in § 141a.5(b), except use the solution obtained after reconstituting the drug as directed in its labeling.

(c) *Moisture*. Proceed as directed in § 141a.26(e), using the sodium nafcillin monohydrate powder.

§ 146a.120 Sodium nafcillin monohydrate.

(a) *Standards of identity, strength, quality, and purity*. Sodium nafcillin monohydrate is the monohydrate sodium salt of 6-(2-ethoxy-1-naphthamido) penicillanic acid. It is so purified and dried that:

(1) It contains not less than 820 micrograms of the free acid of nafcillin per milligram.

(2) It passes the toxicity test.

(3) Its moisture content is not less than 3.5 percent and not more than 5.3 percent.

(4) Its pH in an aqueous solution containing 30 milligrams per milliliter is not less than 5.0 and not more than 7.0.

(5) When mounted in mineral oil, it will, after reaction with ethyl alcohol, exhibit crystalline behavior.

(6) Its sodium nafcillin content is not less than 85.6 percent.

(b) *Packaging*. In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(d) *Request for certification, check tests and assays; samples*. (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, sodium nafcillin content, and crystallinity.

(2) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams, taken from a different part of the batch and packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which sodium nafcillin monohydrate is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays of a sample of such batch taken as prescribed in subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of each check test and assay so requested.

(e) *Fees*. The fees for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by this paragraph shall accompany the request for certification, unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.121 Sodium nafcillin monohydrate for oral solution.

(a) *Standards of identity, strength, quality, and purity*. Sodium nafcillin monohydrate for oral solution is a packaged combination of one immediate container of sodium nafcillin monohydrate and one immediate container of an aqueous diluent containing one or more suitable and harmless colorings, flavorings, buffers, dispersants, diluents, and preservatives. The moisture content of the sodium nafcillin monohydrate is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 5.5 and not more than 7.5. Each milliliter of the reconstituted solution contains 50 milligrams of nafcillin. The sodium nafcillin monohydrate used conforms to the requirements of § 146a.120(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging*. In all cases the immediate containers shall be tight containers as defined by the U.S.P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling*. In addition to the labeling, as hereinafter indicated, the follow- (b) of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its label and labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(2) On the immediate container, the statement, "After mixing, the solution may be stored in a refrigerator for 1 week without significant loss of potency".

(d) *Request for certification; samples*. (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium nafcillin monohydrate for oral solution shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the date on which the latest assay of the batch was completed, the batch mark and (unless it was previously submitted) the date on which the latest assay of the sodium nafcillin monohydrate used in making such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements therefor, if any, of this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch:

(a) The sodium nafcillin monohydrate: Moisture.

(b) The reconstituted oral solution of sodium nafcillin monohydrate: Potency and pH.

(ii) The sodium nafcillin monohydrate used in making the batch: Potency, toxicity, moisture, pH, sodium nafcillin content, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One packaged combination for each 5,000 packaged combinations in the batch, but in no case less than 5 packaged combinations, collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The sodium nafcillin monohydrate used in making the batch: 10 packages, each containing not less than 300 milligrams, packaged in accordance with the requirements of § 146a.120(b).

(iii) In the case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(4) The results referred to in subparagraph (2)(ii) of this paragraph and the sample refered to in subparagraph (3)(ii) of this paragraph are not required if such results and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of sodium nafcillin monohydrate for oral solution under the regulations in this section shall be:

(1) $4.00 for each packaged combination in the samples submitted in accordance with paragraph (d)(3)(i) and (iii) of this section; $5.00 for each package of the sample submitted in accordance with paragraph (d)(3)(ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

The antibiotic drugs covered by this order have been determined to be safe and efficacious for use, conditions prerequisite to their certification under the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act, and I find that it would not be in the best interests of the public and the affected industry to delay the use of these antibiotic drugs for the period of time required for notice and public procedure and delayed effective date.

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

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: September 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-10523; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Dept. Reg. 108.524]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Grants to Foreign Participants To Observe, Consult, or Demonstrate Special Skills

Section 61.3(c) is amended by adding the following sentence at the end of the paragraph: "The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated." Paragraph (c) as amended reads as follows:

§ 61.3 Grants to foreign participants to observe, consult, or demonstrate special skills.

* * * * *

(c) *Per diem allowances.* Per diem allowance not to exceed $20 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions: *Provided, however,* That, in accordance with standards and procedures prescribed from time to time by the Assistant Secretary of State for Educational and Cultural Affairs, a per diem allowance of not to exceed $35 may be established in the case of participants whose status and position require special treatment: *And provided further,* That the Assistant Secretary of State for Educational and Cultural Affairs may in the case of any particular participant authorize a per diem allowance in excess of $35. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated.

* * * * *

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary for Administration.

SEPTEMBER 23, 1965.

[F.R. Doc. 65-10489; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 58—ARMED FORCES PHYSICIANS' APPOINTMENT AND RESIDENCY CONSIDERATION PROGRAM

The Assistant Secretary of Defense (Manpower) approved the following on September 16, 1965:

AUTHORITY: The provisions of this Part 58 issued under 161 of the revised Statutes (5 U.S.C. 22).

§ 58.1 Purpose and objective.

(a) This part prescribes a program, jointly sponsored by the Department of Defense and the Selective Service System, designed to fill the requirements of the Military Departments for physician specialists.

(b) It permits participating physicians to be brought to active duty in fulfillment of their obligation for military duty at mutually acceptable times by providing for the (1) appointment in the Reserve components of qualified participants in the program who are vulnerable for military service under the provisions of the Universal Military Training and Service Act, as amended (50 U.S.C. app. 454(a)), and (2) deferment from military service of selected participants in order to permit them to undergo approved residency training in the various specialties required by the Armed Services.

§ 58.2 Applicability and scope.

(a) The provisions of this Part apply to the Military Departments.

(b) Senior medical students already selected by one of the Military Departments for participation in their Senior Medical Student Program (DoD Instruction 1322.5, "Senior Medical Student Program Policy," February 12, 1957) are not eligible for participation in this program.

(c) Physicians who are already commissioned in the Reserve of one of the Military Departments at the time they apply for participation in this program shall be eligible for allocation only to that department.

§ 58.3 Program procedures.

(a) The Deputy Assistant Secretary of Defense (Manpower-Health and Medical) will:

(1) Determine, insofar as practicable, early in their internship year, whether or not physicians vulnerable for military service desire to accept a Reserve commission and receive consideration for deferment for essential residency training.

(2) Allocate to the Military Departments for commissioning purposes physicians who indicate a desire for a Reserve commission. Such physicians will be allocated to the Military Department of their choice insofar as practicable.

(3) Select during their internships those physicians who are vulnerable for military service, who will be considered for deferment for essential residency training. In making such selections, consideration will be given to the future needs of the Military Departments for physicians with partial or completed residency training in the various specialties.

(4) Forward to the Director, Selective Service System, the names of the selected participants after they have been commissioned in the Reserve of one of the Military Departments, and request the deferment of such participants for the required specialty training. Such requests will be renewed annually.

(b) The Secretaries of the Military Departments will:

(1) Offer allocated physicians the opportunity to apply for a Reserve commission and tender commissions to those who are found qualified.

(2) Ascertain from allocated physicians who accept commissions their desires regarding time of entrance on active duty following completion of internships. Their desires in this regard will be adhered to insofar as the requirements of the Military Departments will permit.

(3) After those allocated physicians who are selected for residency training have been commissioned in the Reserve, delay their entrance on active duty and forward their names to the Deputy Assistant Secretary of Defense (Manpower—Health and Medical). The names of those physicians in residency training will be forwarded annually.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-10504; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Receiving Priority Payment

The Small Business Size Standards (Revision 5) (30 F.R. 224), as amended (30 F.R. 4252, 6778, 8825) is hereby further amended by:

1. Revising paragraph (b) of § 121.3–13 to read as follows:

§ 121.3–13 Definition of Small Business for Receiving Priority Payment Under Section 213(a) of the War Claims Act of 1948, as amended.

* * * * *

(b) *Request for size determination.* Requests for size determinations may be received only from the Foreign Claims Settlement Commission of the United States and determinations of the size status of a claimant shall be made by the SBA Regional Director for the region in which the claimant resides, or, in the case of claimants residing in foreign countries, by the SBA Regional Director at Washington, D.C.

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

Dated: September 17, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-10497; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

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

[NSA Order 1 (AGE-1, Rev., Amdt. 1)]

AGE-1—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Miscellaneous Amendments

AGE-1 is hereby amended as set forth below:

1. Section 2(a) is amended (a) by changing the parenthetical notation "(Consolidated as of 5-60)" at the beginning of the standard form of General Agency Agreement to read:

Amendment 8-65

and (b) by adding a new article following Article 20 *Renegotiation* reading as follows:

ARTICLE 21. *Nondiscrimination in employment.* During the performance of this contract, the General Agent agrees as follows:

(a) The General Agent will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The General Agent will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The General Agent agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the United States setting forth the provisions of this nondiscrimination clause.

(b) The General Agent will, in all solicitations or advertisements for employees placed by or on behalf of the General Agent, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The General Agent will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the United States advising the said labor union or workers' representative of the General Agent's commitments under this Article, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The General Agent will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The General Agent will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to its books, records, and accounts by the United States and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the General Agent's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended, in whole or in part, and the General Agent may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The General Agent will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The General Agent will take such action with respect to any subcontract or purchase order as the United States may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the General Agent becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the United States the General Agent may request the United States to enter into such litigation to protect the interests of the United States.

2. A new section is added reading as follows:

Sec. 3. Addendum to GAA 3-19-51.

Each party holding a General Agency Agreement (GAA 3-19-51) shall be required to execute an addendum to the Agreement in the following form:

Contract No. MA-______
Addendum No.

THIS ADDENDUM dated as of the ______ day of ____________, 19__, between the UNITED STATES OF AMERICA (herein called the "United States"), acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and ______________ (herein called the "General Agent").

WITNESSETH

Whereas, the United States and the General Agent as of the ______ day of __________, 19__, executed a General Agency Agreement, Contract MA-______ (herein called the "Agreement"); and

Whereas, Article 15(d) of the Agreement provides for the modification thereof at any time by mutual consent; and

Whereas, section 301 of Executive Order No. 10925 of March 6, 1961, 26 F.R. 1977, as amended by Executive Order No. 11114 of June 22, 1963, 28 F.R. 6485, prescribes a form of nondiscrimination clause and requires all Government contracting agencies to include such clause in every Government contract thereafter entered into, except in contracts exempted in accordance with section 303 of said Executive Order No. 10925; and

Whereas, the parties desire to amend the Agreement to conform with the aforementioned mandate of said Executive Order.

Now, therefore, in consideration of the premises, the parties hereto agree that the Agreement be, and hereby is, modified by adding a new article following Article 20 reading as follows:

[Here insert in full Article 21 "Nondiscrimination in Employment" as set forth in section 2(a).]

In witness whereof, the parties hereto have executed this Addendum in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE,
MARITIME ADMINISTRATION,

Director, National Shipping Authority.

[CORPORATE SEAL] ---------------------------------

By: ---------------------------------

Attest:

By: ---------------------------------
(Secretary)

Approved as to form:

(General Counsel,
Maritime Administration)

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 301, E.O. 10925, as amended)

Approved: September 24, 1965.

NICHOLAS JOHNSON,
Director,
National Shipping Authority.

[F.R. Doc. 65-10520; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 142—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

PART 143—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

Miscellaneous Amendments

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

I. In Part 142 make the following change:

In § 142.2, paragraph (b) is amended to reflect change in the export regulations for general licenses for the Commerce Department. As so amended, paragraph (b) reads as follows:

§ 142.2 General licenses.

* * * * *

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Cuba; to the Far Eastern Communist countries (Continental China, Tibet, Inner Mongolia, and the Communist-controlled area of Vietnam); to the following countries in the Eastern European Soviet bloc: Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet Sector of Berlin), Hungary, Latvia, Lithuania, Outer Mongolia, and U.S.S.R.; and to Hong Kong and Macao. Packages for these areas may not bear any general license except as follows:

Destination	*General License Symbols Permitted*
Cuba	GIFT, G-DEST,[1] GUS, BAGGAGE.
Far Eastern Communist countries	G-DEST,[1] GUS, BAGGAGE.
Eastern European Soviet bloc	GIFT, G-DEST, GUS, BAGGAGE.
Hong Kong and Macao	GIFT, G-DEST, GUS, BAGGAGE, GLV.

General licenses GTDP and GTDS for technical data, requiring no symbol on the package, may be used for any of the restricted destinations named above; and GTDU, also requiring no symbol on the package, may be used for Hong Kong and Macao.

* * * * *

NOTE: The corresponding Postal Manual section is 252.22.

II. In Part 143 make the following change:

Section 143.1 is amended to conform with revised State Department licensing regulations governing the exportation of firearms. As so amended, § 143.1 reads as follows:

§ 143.1 Individual licenses.

Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms subject to license include non-automatic and semi-automatic rifles, carbines, revolvers and pistols, except those of .50 caliber or less manufactured prior to 1898; also all machineguns, submachine-guns, machine pistols and fully automatic rifles.

NOTE: The corresponding Postal Manual section is 253.1.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-10490; Filed, Oct. 1, 1965; 8:45 a.m.]

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[1] For Cuba and the Far Eastern Communist countries, general license G-DEST may be used only for unclassified printed matter and developed motion picture film.

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3832]

[New Mexico 0557202]

NEW MEXICO

Partly Revoking Public Water Reserve No. 107

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107 is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 15 S., R. 25 E.,
Sec. 21, SE¼NE¼.

The area described contains 40 acres.

2. The land is located four miles west of Lake Arthur, N. Mex., in an area of low rolling to nearly level land. The elevation ranges from 3,450 to 3,470 feet with a northwest to southeast shallow drainage crossing the northeastern portion. Average annual rainfall is 12 inches. The soil is sandy loam and ranges from thin, with a caliche type base on the higher portions, to medium thick on the lower portions. The vegetative cover consists of a poor turf of native grasses, primarily burro and tobosa, with scattered creosote bush and yucca except for the east central portion which has a rather dense growth of mesquite 5 to 6 feet high. U.S. Highway No. 285 traverses the east end of the land.

3. At 10 a.m. on November 2, 1965, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 2, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The land has been open to applications and offers under the mineral leasing laws and to location under the mining laws for metalliferous minerals. It will be open to location for nonmetalliferous minerals at 10 a.m. on November 2, 1965.

The State of New Mexico has waived the preference rights of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands, shall be addressed to the Manager, Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10479; Filed, Oct. 1, 1965; 8:45 a.m.]

[Public Land Order 3833]

[Nevada 051736]

NEVADA

Partial Revocation of Executive Order No. 7558

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 7558 of February 23, 1937, so far as it withdrew the following-described lands for use of the Soil Conservation Service for erosion control demonstrations, is hereby revoked:

MOUNT DIABLO MERIDIAN

CRYSTAL SPRINGS AREA

T. 4 S., R. 59 E.,
Sec. 35, E½;
Sec. 36, All.
T. 5 S., R. 59 E.,
Sec. 1, All;
Secs. 2 and 11, E½;
Secs. 12 and 13, All;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24, NW¼.
T. 4 S., R. 60 E.,
Secs. 31 and 32, All;
Sec. 33, W½.
T. 5 S., R. 60 E.,
Sec. 4, W½;
Secs. 5, 6, 7, 8, All;
Sec. 9, W½;
Sec. 17, NW¼;
Sec. 18, N½, SW¼.

PANACA AREA

T. 1 S., R. 68 E.,
Sec. 36, All.
T. 2 S., R. 68 E.,
Secs. 1 and 12, All.
T. 1 S., R. 69 E.,
Sec. 31, All;
Sec. 32, S½.
T. 2 S., R. 69 E.,
Secs. 2 and 3, S½;
Secs. 4 through 12, inclusive.

Aggregating approximately 18,379.25 acres.

2. At 10 a.m. on November 2, 1965, the lands shall become subject to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 2, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location under the U.S. mining laws for non-metalliferous minerals after 10 a.m. on November 2, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10480; Filed, Oct. 1, 1965; 8:45 a.m.]

[Public Land Order 3834]

[BLM 080857]

MICHIGAN

Adding Lands to Manistee and Hiawatha National Forests

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and section 1 of the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby added to and reserved as parts of the national forest as indicated, and shall hereafter be subject to all laws and regulations applicable thereto:

MICHIGAN MERIDIAN

MANISTEE NATIONAL FOREST

T. 1 N., R. 10 W.,
Sec. 7, Islands 1, 2 and 3.
T. 39 N., R. 9 W.,
Sec. 2, lot 2.
T. 8 N., R. 5 E.,
Sec. 3, lot 7;
Sec. 10, lot 6;
Sec. 15, lots 15, 16, 17 and 18.
T. 26 N., R. 10 W.,
Sec. 2, lots 15 and 17.
T. 27 N., R. 11 W.,
Sec. 31, lot 12.
T. 7 N., R. 11 W.,
Sec. 5, lot 1.
T. 16 N., R. 18 W.,
Sec. 2, NE¼SE¼, NE¼NE¼.
T. 30 N., R. 4 W.,
Sec. 25, lot 9;
Sec. 36, lot 8.

HIAWATHA NATIONAL FOREST

T. 46 N., R. 27 W.,
Sec. 11, NE¼NE¼.

The areas described aggregate 170.98 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10481; Filed, Oct. 1, 1965; 8:45 a.m.]

[Public Land Order 3835]

[Arizona 017239]

ARIZONA

Withdrawal for Proposed Buttes Dam and Reservoir, Middle Gila River Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the proposed Buttes Dam and Reservoir, Middle Gila River Project:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 10 E.,
Sec. 10, SE¼SE¼;
Sec. 13, NW¼NW¼, S½N½, S½;
Sec. 14, S½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 15, NW¼, NW¼SW¼, S½SE¼.
T. 4 S., R. 11 E.
Sec. 1, SE¼, S½SW¼;
Sec. 4, S½;
Sec. 5;
Sec. 7, lots 1, 3, 4, 7, SE¼SW¼, S½SE¼;
Secs. 8, 9, 10, 11 and 12;
Sec. 13, N½, N½S½, SW¼SW¼, S½SE¼;
Secs. 14, 15 and 17;
Sec. 22, NE¼SE¼.
T. 3 S., R. 12 E.,
Sec. 33, S½;
Secs. 34 and 35.
T. 4 S., R. 12 E.,
Sec. 1;
Sec. 3, S½;
Secs. 4 and 5;
Sec. 6, lots 1, 2, 3, 4, 5, 6, S½NE¼;
Sec. 7, lots 3, 4, SE¼;
Secs. 8, 9, and 10;
Sec. 11, N½;
Sec. 12, N½;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, E½;
Sec. 19, lots 1, 2, 3, 4, E½;
Sec. 20;
Sec. 21, W½;
Secs. 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½;
Sec. 31, lots 1, 2, NE¼;
Sec. 33.
T. 5 S., R. 12 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½;
Sec. 5, lots 1, 2, 3, 4, S½N½.
T. 3 S., R. 13 E.,
Sec. 31, lots 3, 4, E½SW¼.
T. 4 S., R. 13 E.,
Sec. 1, lots 4, 5, W½SW¼;
Sec. 2, lots 1, 2;
Sec. 3;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Secs. 5 and 6;
Sec. 7, lots 1 and 2, E½NW¼, NE¼;
Sec. 8, N½;
Sec. 9, lots 1, 2, 3, 4, N½N½, S½NW¼, N½S½, S½SE¼;
Sec. 12, lots 1, 2, 4, and part of lots 3, 5, 6, 7, 8, Part S½NW¼, that are Federal lands; NW¼NW¼.
T. 4 S., R. 14 E.,
Sec. 7, lot 6;
Sec. 8, E½SW¼, SW¼SW¼;
Sec. 18, lots 1, 2, 3, 4, 9, 10, 11;
Sec. 19, W½NE¼;
Sec. 20, SW¼NW¼, SW¼SW¼.
T. 5 S., R. 15 E.,
Sec. 7, SE¼SW¼;
Sec. 13, lot 4;
Sec. 24, lots 1 and 4, W½SE¼.
T. 5 S., R. 16 E.,
Sec. 5, lots 1 to 6, S½NE¼, N½SE¼, SW¼SE¼;
Sec. 6, lot 1, and unsurveyed portion of SE¼SE¼;
Sec. 7, lot 1, pt. lot 2, E½NE¼, N½SE¼, and unsurveyed portion of N½NW¼, NW¼NE¼;
Sec. 8, NW¼NW¼.

The areas described aggregate approximately 26,164.28 acres in Pinal County.

2. The use and administration of the lands will become subject to the provisions of the reclamation laws (Act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license or permit, at such time as the Buttes Dam and Reservoir, Middle Gila River Project, is authorized by the Congress.

3. Pending authorization of the project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources, other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10482; Filed, Oct. 1, 1965; 8:45 a.m.]

[Public Land Order 3836]

[BLM 048089]

ARKANSAS

Transferring Jurisdiction Over Oil and Gas Deposits Underlying Certain Acquired Lands at Fort Chaffee Military Reservation

Whereas, the hereinafter described lands to which title has been acquired by the United States, and which comprise a portion of the Fort Chaffee Military Reservation, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of such drainage or threatened drainage; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such acquired lands be transferred from the Department of the Army to the Department of the Interior, in which transfer the Secretary of the Army concurs,

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following-described lands is hereby transferred from the Department of the Army to the Department of the Interior:

FIFTH PRINCIPAL MERIDIAN

T. 6 N., R. 29 W.,
Secs. 1, 2, 7, 8 and 9;
Sec. 10, NE¼, S½NW¼ and S½;
Sec. 11;
Sec. 12, N½N½ and S½ those portions lying west of Rattlesnake Canyon Road;
Sec. 13, those portions lying west of Rattlesnake Canyon Road;
Secs. 14 and 15;

Sec. 16, N½, N½S½, SW¼SW¼ and SE¼SE¼;
Secs. 17 and 18;
Sec. 20, N½N½NE¼NW¼ and N½NW¼NW¼;
Sec. 21, N½NE¼NE¼ and N½S½NE¼NE¼.
T. 6 N., R. 30 W.,
Sec. 11, S½, less 8 acres in N½NW¼NW¼SW¼;
Secs. 12, 13 and 14;
Sec. 23, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 24, N½N½ and SW¼NW¼.
T. 8 N., R. 31 W.,
Secs. 22, 23, 26, 27, 34 and 35 (less approximately 40.95 acres of county-owned lands).

The areas described aggregate 13,294.45 acres of acquired lands.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of the drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such deposits shall be limited only by the primary jurisdiction of the Department of the Army over the lands for military purposes.

4. The jurisdiction of the Department of the Interior over such deposits of oil and gas shall continue until revocation of this Public Land Order, and no action which may be taken by the Department of the Army to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Army shall affect in any way the jurisdiction of the Department of the Interior over the oil and gas deposits.

5. Public Land Order No. 2248 of December 28, 1960, so far as it withdrew the following-described public lands for use of the Department of the Army for military purposes in connection with the Fort Chaffee Military Reservation, is hereby modified to the extent necessary to permit leasing of the said lands for oil and gas under the Act of February 25, 1920 (41 Stat. 437), as amended and supplemented:

FIFTH PRINCIPAL MERIDIAN

T. 6 N., R. 29 W.,
Sec. 10, N½NW¼;
Sec. 12, S½N½.

Containing approximately 240 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10483; Filed, Oct. 1, 1965; 8:45 a.m.]

[Public Land Order 3837]

[Oregon 016416]

OREGON

Withdrawal for Materials Site (Sugarloaf Mountain)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, for a Department of the Interior Materials Site:

WILLAMETTE MERIDIAN

SUGARLOAF MOUNTAIN MATERIAL SITE

T. 29 S., R. 12 W.,
Sec. 23, E½ and E½SW¼;
Sec. 24, SW¼SW¼.

The areas described aggregate 440 acres of revested O&C Railroad grant lands and public domain.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1965.

[F.R. Doc. 65-10484; Filed, Oct. 1, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

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.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and rabbits on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 42,590 acres, is delineated on a map available at the refuge headquarters, Route 1, Brooksville, Miss., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and rabbits subject to the following conditions:

(1) The open season extends from October 15 through October 30, 1965, excluding Sundays.

(2) The use of dogs is not permitted.

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 October 30, 1965.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-10478; Filed, Oct. 1, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 948]

[948.349 Amdt. 1]

IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments, Area No. 2

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, hereinafter set forth, which was recommended by the Area No. 2 Committee, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Order, as proposed to be amended. Section 948.349 (30 F.R. 11132) is proposed to be amended to read as follows:

§ 948.349 Limitation of shipments.

During the period October 25, 1965, through June 30, 1966, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), (f), (g), and (h) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 16, 1965, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better, grade, and if handled in accordance with the reporting requirements of paragraph (h) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 2 inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) *Other special purposes.* (i) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief, or charity.

(ii) The quality, maturity, and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6 but any lot of potatoes handled for seed shall be subject to assessments.

(e) *Safeguards.* (1) Each handler of potatoes which do not meet the quality, maturity, and container requirements of paragraphs (a), (b) and (c) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall,

(i) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (d) of this section shall be mutilated so as to render them unfit for commercial tablestock market.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(g) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (d)(1) of this section shall be exempt from this requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each ship is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(h) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(i) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(j) *Applicability to imports.* Pursuant to Section 608e–1 of the act and § 980.1, *Import regulations* (§ 980.1 of this chapter), red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1965, through June 30, 1966, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: September 29, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-10518; Filed, Oct. 1, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56492]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

SEPTEMBER 28, 1965.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1965, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1965, made by the U.S. Department of Agriculture as of September 1, 1965, was 28,674,200,000 pounds.

In accordance with headnote 2, part 8A of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

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

[F.R. Doc. 65-10514; Filed, Oct. 1, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Operating License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Operating License No. DPR-4. The license, as previously amended, authorized Saxton Nuclear Experimental Corp. to operate its light water moderated and cooled, pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pa. Amendment No. 2 authorizes the licensee to replace its present uranium-oxide reactor core with a partial plutonium core, in accordance with its application for license amendment dated April 2, 1965, as supplemented May 28, 1965.

The license amendment, as issued, is in the form published in the Notice of Proposed Issuance of Operating License Amendment published in the FEDERAL REGISTER on August 18, 1965, 30 F.R. 10249.

Dated at Bethesda, Md., this 18th day of September 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-10505; Filed, Oct. 1, 1965; 8:45 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Proposed Issuance of Provisional Operating License Amendment

Please take notice that, pursuant to section 189 of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission is considering the issuance of Amendment No. 3, set forth below, to Provisional Operating License No. DPR-11 which authorizes Northern States Power Co. to operate the Pathfinder nuclear reactor located near Sioux Falls, S.D. The proposed amendment would authorize the licensee to increase the steady state operating power level of the reactor from the presently authorized one megawatt thermal to a maximum of 190 megawatts thermal.

The Pathfinder reactor is a boiling water reactor with integral nuclear superheat. At design rated conditions, approximately 158 megawatts thermal will be generated in the boiler region of the core while a maximum of about 32 megawatts thermal will be generated in the superheater region.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant 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 regulations, 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.

Prior to the issuance of the amendment, the facility will be inspected to determine that it has been constructed, including performance of all preoperational tests, in accordance with the provisions of the construction permit. Upon such completion of construction, and upon the making of findings, set forth in the attached proposed provisional operating license amendment by the Commission, the amendment may be issued.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated February 12, 1965, and supplements thereto dated March 5, 1965, and April 28, 1965; (2) the report of the Advisory Committee on Reactor Safeguards dated May 20, 1965; and (3) the related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the proposed technical specifications to the proposed license will also be available for inspection in the Public Document Room. 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 September 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[License No. DPR-11, Amdt. 3]

The Atomic Energy Commission having found that:

a. The application for license amendment dated February 12, 1965, as amended March 5, 1965, and April 28, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the reactor can be operated at steady state power levels not in excess of 190 megawatts thermal in accordance with this license, as amended, 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 licensee 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 licensee has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140; and

e. The issuance of this license, as amended, will not be inimical to the common defense and security or to the health and safety of the public;

Facility License No. DPR-11, as amended, which authorizes Northern States Power Co. to operate the Pathfinder nuclear reactor located near Sioux Falls, S. Dak., is hereby further amended in accordance with the application by amending subparagraph 3.A. in its entirety to read:

A. Operation of the reactor may proceed in accordance with the power ascension program described in Northern States' letter dated July 12, 1965, in the following increments of power—20, 40 and 100 megawatts (thermal), and thereafter at steady state power levels up to a maximum of 190 megawatts (thermal), providing that Northern States furnishes proof of financial protection and receives notice of amendment of Indemnity Agreement No. B-27 prior to attaining each level of operation.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-10540; Filed, Oct. 1, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16257]

PORTLAND-SEATTLE NONSTOP INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 19, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 28, 1965.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 65-10506; Filed, Oct. 1, 1965; 8:45 a.m.]

CIVIL SERVICE COMMISSION

ARCHIVIST SERIES

Notice of Decision To Revise Prescribed Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously approved minimum educational requirements for positions in the Archivist Series, GS-1420, should be superseded by revised requirements. Identification of the superseded requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE ARCHIVIST SERIES, GS-1420

(ALL GRADES)

Superseded requirements. The following material supersedes that previously appearing in 5 CFR 24.36(a)(4) published originally in 20 F.R. 9380, December 15, 1955), as amended by 21 F.R. 5249, July 14, 1956.

Minimum educational requirements. For all positions applicants for all grades must have successfully completed one of the following:

A. A full 4-year course in an accredited college or university which has included or been supplemented by 18 semester hours in the history of the United States or in American Government, or a combination of these, and 12 semester hours in any one or any combination of the following: history, American civilization, economics, political science, public administration or government.

B. Courses in an accredited college or university as described in A above, plus additional appropriate education or experience which, when combined, have provided the candidate with the substantial equivalent of A above.

Duties. The duties of these positions involve analyzing and evaluating public records to determine their continuing values and to make recommendations and decisions regarding their ultimate disposition. They study the history of the organizations which produced the documents, or the functions to which the documents relate and employ this knowledge in (1) determining the organizational or functional relationships of the records, (2) describing the arrangement and content of records and (3) conducting documentary research. Archivists provide advice and assistance to the various departments and agencies of Government in the identification of records of enduring value and negotiate for the transfer of such records into archival custody. They also provide advice, assistance and consultative service to public administrators, scholars and others regarding the resources of the archival collection and engage in the preparation of definitive publications of important archival records for the use of scholars, educators and the general public.

Reasons for establishing requirements. The successful performance of professional archival work requires, as a minimum, a comprehensive knowledge of United States history, the history of the institutions and organization of the Federal Government and a thorough understanding of the needs, methods and techniques of scholarly research, with particular emphasis in history and the social sciences. Applicants must have the ability to apply these knowledges in advising on or solving specific problems and in conducting documentary research. These knowledges can be acquired only through a planned and directed course of study in an accredited college or university which provides adequate library facilities, and thoroughly trained instructors who can give specific guidance and evaluate the progress of the professional training competently.

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

[F.R. Doc. 65-10508; Filed, Oct. 1, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

N. V. VAN NIEVELT GOUDRIANN STOOMVAART MAATSCHAPPIJ AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. T. L. Gusman, Assistant Vice President, Traffic, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La.

Agreement 9501 covers a through billing arrangement for the transportation of general cargo under through bills of lading from loading ports of the originating carrier, N. V. Van Nievelt Goudriann Stoomvaart Maatschappij, in North Spain and Portugal to United States Gulf ports of call of the second carrier, Lykes Bros. Steamship Co., Inc., with transshipment at Antwerp and/or Rotterdam. Provision is made for appointment of the through rates and transshipment expenses in accordance with the terms and conditions stated therein.

Dated: September 29, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10509; Filed, Oct. 1, 1965; 8:45 a.m.]

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Port of Seattle, Post Office Box 1209, Seattle, Wash., 98111.

Agreement No. T-1847-1 between Port of Seattle (Seattle) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement which provides for the lease of a portion of Pier 5, Seattle, Wash., which Sea-Land will use for the loading and discharging of its vessels and for operations incidental thereto. The purpose of the modification is to provide for the construction and placement of a new type container crane at the leased premises, the total cost of which shall not exceed $670,000. Upon installation, Sea-Land will be reimbursed for the cost of the crane and electrical distribution systems, whereupon title to same shall pass to Seattle.

Dated: September 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10492; Filed, Oct. 1, 1965; 8:45 a.m.]

SEATRAIN LINES, INC., AND SEATRAIN INTER-CARIBBEAN, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

W. O. Gohlke, Vice President, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement DC-21 between Seatrain Lines, Inc., and Seatrain Inter-Caribbean, Inc., a wholly owned subsidiary, provides for transportation of general and refrigerated cargo in the United States/Virgin Island trade with transshipment at San Juan, P.R. Seatrain Lines, Inc., will file joint rates covering the through service with the Federal Maritime Commission and 60 percent of such rates will be apportioned to Seatrain Lines, Inc., and 40 percent to Seatrain Inter-Caribbean, Inc. Seatrain Lines, Inc., will absorb 60 percent of the transshipment expenses at San Juan, P.R., and the remaining 40 percent will be absorbed by Seatrain Inter-Caribbean, Inc.

The agreement shall become effective when approved by the Commission pursuant to section 15, Shipping Act, 1916.

Dated: September 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10493; Filed, Oct. 1, 1965; 8:45 a.m.]

TRIANGLE FORWARDING CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat .763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Triangle Forwarding Corp., New York, N.Y., and Heide Co., Inc., Wilmington, N.C. (Branch)	FF-2349
Trans World Shipping Corp., New York, N.Y., and Heide Co., Inc., Wilmington, N.C. (Branch)	FF-2657
F. J. Herbelin Forwarding Co., Inc., Houston, Tex., and L. E. Coppersmith, Inc., Los Angeles, Calif.	FF-2658
Fred P. Gaskell Co., Inc., New York, N.Y. (Branches), and Heide Co., Inc., Wilmington, N.C. (Branch)	FF-2659
Block Overseas Shipping Co., New York, N.Y., and General Foreign Freight Forwarders, Norfolk, Va.	FF-2660
General Foreign Freight Forwarders, Norfolk, Va., and Lockwood Shipping Service, New York, N.Y.	FF-2661
W. O. Smith & Co., Inc., Norfolk, Va., and Leading Export Service Corp., New York, N.Y.	FF-2662
Chas. Kurz Co., Phila., Pa., and Gerhard & Hey Co., Inc., New York, N.Y. (Intersped, Inc.)	FF-2663
Penson Forwarding Corp., New York, N.Y. (Branches), and Pistorino & Co., Inc., Boston, Mass.	FF-2664
H. L. Ziegler, Inc., Galveston, Tex., and Common Market Forwarders, Inc., Houston, Tex.	FF-2665
Luigi Serra, Inc., New York, N.Y., and Wilk Forwarding Co., Jacksonville, Fla.	FF-2667
Luigi Serra, Inc., New York, N.Y., and W. G. Carroll & Co., Inc., Atlanta, Ga.	FF-2668
Tice & Lynch, Inc., New York, N.Y., and S. Jackson & Son, McCandless, Inc., New Orleans, La.	FF-2669
C. L. Hutchins & Co., Inc., San Diego, Calif., and George Co., Long Beach, Calif.	FF-2670
Samuel Shapiro & Co., Inc., Baltimore, Md., and Jay A. See Freight Forwarders, Inc., New York, N.Y.	FF-2671
W. R. Zanes & Co., of La., Inc., New Orleans, La., and International Traffic & Trade Spec., Inc., New York, N.Y.	FF-2672
E. Estrella & Co., Inc., New York, N.Y., and J. S. Lipinski Co., Baltimore, Md.	FF-2673

The Cottman Co., Baltimore, Md., is party (a) to the following agreements, the terms of which are identical. The other parties are:

L. Grodwohl & Son, New York, N.Y.	FF-1697
Major Forwarding Co., Inc., New York, N.Y.	FF-1698

On shipments loaded at Baltimore, Md., party (b) agrees to pay party (a) $5.00 for completing export declarations and filing them with the customhouse, and $10.00 for any shipment which exceeds one hundred (100) tons in weight. As heretofore, party (b) would arrange for shipping space, preparation for customs declaration and bill of lading in blank, and party (a) would be expected to complete these documents and have the bills of lading returned promptly to party (b). Ocean freight compensation, to be retained by party (b) who will perform the booking of space.

Agreement FF-2348 between C. S. Greene & Co., Inc., Chicago, Ill., and Reney Forwarding Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are $3.50 for passing of shipper's export declaration only. Special services remain subject to negotiation and agreement on each transaction. Ocean freight compensation is to be retained by the originating forwarder.

Agreement FF-2666 between Acco Foreign Shipping, Inc., Miami, Fla. and Alltransport, Inc., New York, N.Y., is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage to be collected in full by initiating forwarder. This brokerage will be restricted to those shipments handled on behalf of each other.

CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) are scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreements have requested in writing that the agreements be terminated.

Heide Co., Inc., Wilmington, N.C. (Branch), and Fred P. Gaskell & Co., Inc., New York, N.Y., (Branches) ____ FF-1896
Freedman & Slater, Inc., New York, N.Y., and Bevon International, Inc., Charleston, S.C. ____ FF-2553

Dated: September 29, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10510; Filed, Oct. 1, 1965; 8:45 a.m.]

HOLLAND-AMERICA LINE ET AL.

Notice of Extension of Time for the Filing of Comments

Notice is hereby given that interested parties are granted until October 15, 1965, to file comments on Agreement No. 9498 between Holland-America Line, Swedish American Line, Swedish Transatlantic Line and Wallenius Line. Notice of filing of this agreement appeared in the FEDERAL REGISTER of September 25, 1965.

Dated: September 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10491; Filed, Oct. 1, 1965; 8:45 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C.

Agreement 5850-5, between the member lines of the North Atlantic Westbound Freight Association (5850, as amended), modifies the basic agreement to comply with the Commission's General Order 9 (46 CFR Part 523) relating to Admission, Withdrawal and Expulsion of members to conference agreements.

Dated: September 29, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10511; Filed, Oct. 1, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1687]

ISRAEL FUND, INC.

Notice of Filing of Application for Temporary Exemption and Extension of Exemption

SEPTEMBER 28, 1965.

Notice is hereby given that the Israel Fund, Inc. ("Fund"), 4200 Hayward Avenue, Baltimore, Md., 21215, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting, until the date of its annual meeting of stockholders in March 1966, (i) an exemption from section 32(a) of the Act and (ii) an amended order of exemption from sections 15(a) and 16(a) of the Act to the extent that these sections require shareholder ratification of the selection of an independent public accountant, shareholder approval of investment advisory agreements, and the election of directors by shareholders. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On January 14, 1965, the Commission issued an order (Investment Company Act Release No. 4138) which exempted the Fund, its proposed investment adviser and its directors from said provisions of sections 15(a) and 16(a) of the Act. This order was to be effective until the first annual meeting of stockholders, then proposed to be held in 1965, as stated in the notice of the application for exemption (Investment Company Act Release No. 4113, Dec. 24, 1964). The amended application has been filed in order to avoid the cost and expense of holding a stockholders meeting by the Fund in 1965 in addition to the annual meeting of shareholders required by the Fund's by-laws to be held in March 1966.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 20, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10485; Filed, Oct. 1, 1965; 8:45 a.m.]

[File No. 7-2473]

MAGNAVOX CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 28, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Magnavox Co., File 7-2473.

Upon receipt of a request, on or before October 14, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and

Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-10486; Filed, Oct. 1, 1965; 8:45 a.m.]

[File No. 7-2474]

NORTHWEST AIRLINES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 28, 1965.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Northwest Airlines, Inc., File 7-2474.

Upon receipt of a request, on or before October 14, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-10487; Filed, Oct. 1, 1965; 8:45 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

SEPTEMBER 28, 1965.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1965, through October 8, 1965, both dates inclusive.

By the Commission.

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

[F.R. Doc. 65-10488; Filed, Oct. 1, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 04-0018]

SOUTHERN GROWTH INDUSTRIES, INC.

Order Revoking License

Whereas, Southern Growth Industries, Inc., was incorporated under the laws of the State of South Carolina solely to perform the functions of a small business investment company.

Whereas, Southern Growth Industries, Inc., was licensed by the Small Business Administration as a small business investment company.

Whereas, section 308 of the Small Business Investment Act of 1958, as amended, provides that the license of a small business investment company may be forfeited if said small business investment company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Whereas, the Federal District Court for the Western District of South Carolina by its Order dated September 2, 1965, in Matter of Southern Growth Industries, Inc., Bankruptcy No. B/2149 determined and adjudged noncompliance with and violations of the Act and the regulations promulgated thereunder, to wit:

Southern Growth Industries, Inc., is capitally impaired in that its accumulated retained earnings deficit is in excess of 50 percent of its paid-in capital and paid-in surplus. Such impairment is a violation of the Small Business Investment Act and the regulations promulgated thereunder.

Now, therefore, as Deputy Administrator for Investment of the Small Business Administration and by the authority vested in me by the Small Business Investment Act of 1958, as amended, I hereby revoke License No. 04-0018 issued to Southern Growth Industries, Inc., and cause notice of this revocation to be served upon Clifford F. Gaddy, Jr., receiver of Southern Growth Industries, Inc., and to be published in the FEDERAL REGISTER.

Dated: September 23, 1965.

SMALL BUSINESS ADMINISTRATION,
RICHARD E. KELLEY,
Deputy Administrator for Investment.

[F.R. Doc. 65-10498; Filed, Oct. 1, 1965; 8:45 a.m.]

[Delegation of Authority 30—Casper Regional Office]

CASPER REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Rocky Mountain Area, 30 F.R. 2741, as amended, 30 F.R. 8080 and 30 F.R. 8426:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine the eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington and Area approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*,
By ------------------------
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies

of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing;

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *No delegation.*

E. *No delegation.*

F. *No delegation.*

G. *Reserved.*

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government Bills of Lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. September 1, 1965.

WM. M. JACK,
Regional Director,
Casper Regional Office.

[F.R. Doc. 65-10499; Filed, Oct. 1, 1965; 8:45 a.m.]

[Delegation of Authority 30, Denver, Colo., Rocky Mountain Area, Disaster 1, Rev. 2]

MANAGER, DISASTER FIELD OFFICE, DENVER, COLO.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, F.R. 2741, as amended, there is hereby redelegated to the Manager of Denver Disaster Field Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ________________________
(Name)
Manager, Denver Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

III. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. August 25, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-10500; Filed, Oct. 1, 1965; 8:45 a.m.]

[Delegation of Authority 30, Denver, Colo., Rocky Mountain Area, Disaster 4, Rev. 2]

MANAGER, DISASTER FIELD OFFICE, PUEBLO, COLO.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, F.R. 2741, as amended, there is hereby redelegated to the Manager of Pueblo Disaster Field Office, the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ________________________
(Name)
Manager, Pueblo Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

IV. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. August 25, 1965.

LACY L. WILKINSON,
Regional Director, Denver, Colo.

[F.R. Doc. 65-10501; Filed, Oct. 1, 1965; 8:45 a.m.]

[Delegation of Authority 4.2; Temporary]

ASSISTANT DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE (ECONOMIC DEVELOPMENT ASSISTANCE)

Delegation of Temporary Disaster Program Authority Covering La., Miss. and Ala.

I. Pursuant to the authority delegated to me in Revision 1 of Delegation of Authority No. 1 (30 F.R. 12140), I hereby temporarily delegate, with full authority to redelegate, the following authorities to the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) to be exercised by him within the States of Louisiana, Mississippi, and Alabama during the time they remain disaster areas by virtue of Declaration of Disaster No. 548 (30 F.R. 12140):

a. To establish disaster field offices; to advise on making disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

b. In connection with the establishment of disaster loan offices to (1) obligate the Small Business Administration to reimburse General Services Administration for the rental of office space; (2) rent office equipment; and (3) procure (without dollar limitations) emergency supplies and materials.

c. To designate managers of disaster loan offices which may be established within the area.

d. To create and appoint members of a review board committee which will consider and approve loan applications in excess of $100,000.

Effective date. September 14, 1965.

ROSS DAVIS,
Executive Administrator.

[F.R. Doc. 65-10502; Filed, Oct. 1, 1965; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 579, (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anvil Brand, Inc., Uwharrie Street, High Point, N.C.; effective 10-1-65 to 9-30-66 (casual pants, dress jeans and dungarees).

The Arrow Co., division of Cluett, Peabody & Co., Inc., 105 Hill Street, Corinth, N.Y.; effective 10-1-65 to 9-30-66 (men's and boys' dress shirts).

Glenn Berry Manufacturers, Inc., 126 North River, Commerce, Okla.; effective 9-20-65 to 9-19-66 (men's army fatigues).

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-65 to 9-17-66 (men's and boys' work pants).

Branchville Shirt Co., Inc., 106 Carroll Street, Branchville, S.C.; effective 9-30-65 to 9-29-66 (sport shirts).

Carolina Lingerie Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 9-30-65 to 9-29-66 (men's pajamas, ladies' pajamas and dresses).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 9-30-65 to 9-29-66 (men's and boys' trousers).

Daut Manufacturing Co., Red Hill, Pa.; effective 9-17-65 to 9-16-66 (children's dresses).

Diaper Jeans, Inc., 320 North Travis Street, Denison, Tex.; effective 9-13-65 to 9-12-66 (infants' dresses, girls' dresses and blouses).

Dunbrooke Shirt Co., El Dorado Springs, Mo.; effective 10-1-65 to 9-30-66 (men's sport shirts).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 9-19-65 to 9-18-66 (boys' shirts).

Gregg-Harriet Shirt Co., Broad Street, Exmore, Va.; effective 9-16-65 to 9-15-66 (men's and boys' sport and dress shirts).

Hagale Garment Manufacturing Co., Reeds Spring, Mo.; effective 9-28-65 to 9-27-66 (men's and boys' dress pants).

Hallmark Manufacturing Co., Clinton, S.C.; effective 10-1-65 to 9-30-66 (men's sport and dress shirts).

Hopkinsville Clothing Manufacturing Co., Inc., Skyline Drive; Hopkinsville, Ky.; effective 10-1-65 to 9-30-66 (men's and boys' work and casual pants).

Janmark, Inc., Post Office Box 8, Highway No. 111 North, Albertson, N.C.; effective 9-20-65 to 9-19-66 (children's orlon and pile outerwear jackets).

Laurel Industrial Garment Manufacturing Co., Post Office Box 2397, Laurel, Miss.; effective 9-20-65 to 9-19-66 (men's work shirts).

Oshkosh B'Gosh, Inc., Celina Division; Celina, Tenn.; effective 10-8-65 to 10-7-66 (men's pants and shirts).

Phillips-Van Heusen Corp., Fort Payne, Ala.; effective 9-21-65 to 9-20-66 (men's dress shirts).

Publix Shirt Corp., Myerstown, Pa.; effective 10-2-65 to 10-1-66 (men's and boys' dress shirts).

Ridgely Manufacturing Co., Ridgely, Tenn.; effective 9-14-65 to 9-13-66 (men's and boys' car coats).

Sagamore Manufacturing Co., Shirt Division, Fall River, Mass.; effective 9-20-65 to 9-19-66 (men's dress shirts).

Saltillo Manufacturing Co., Division of Henry I. Siegel Co., Inc., Saltillo, Tenn.; effective 9-20-65 to 9-19-66 (men's and boys' sport shirts, ladies' and girls' shirts).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex.; effective 9-27-65 to 9-26-66 (men's and boys' causal pants).

Susan Garment, Inc., 425 Crowell Street, Lebanon, Pa.; effective 9-22-65 to 9-21-66 (ladies' blouses).

Toll-Gate Garment Co., Inc., Hamilton, Ala.; effective 10-1-65 to 9-30-66 (men's sport and dress shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N.Y.; effective 10-1-65 to 9-30-66 (men's sport shirts).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; effective 9-30-65 to 9-29-66 (men's dress slacks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairmont Manufacturing Co., Inc., Post Office Box 625, Fairmont, N.C.; effective 9-14-65 to 9-13-66; 10 learners (ladies' cotton night gowns, pajamas).

Rhoda Gloria Frocks, Inc., 415 Lackawanna Avenue, Olyphant, Pa.; effective 9-17-65 to 9-16-66; 10 learners (ladies' dresses).

Ronox Dress, Inc., Noxen, Pa.; effective 9-17-65 to 9-16-66; 10 learners (ladies' dresses).

Sweet-Orr & Co., Inc., First Street, Bushong Building, Pulaski, Va.; effective 9-18-65 to 9-17-66; 10 learners (men's work pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ardmore Industries, Inc., Ardmore, Tenn.; effective 9-20-65 to 3-19-66; 150 learners (men's and boys' sport shirts).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; Greenville, Ala.; effective 9-20-65 to 3-19-66; 30 learners (pajamas).

Saltillo Manufacturing Co., Division of Henry I. Siegel Co., Inc., Saltillo, Tenn.; effective 9-14-65 to 3-13-66; 50 learners (men's and boys' sport shirts, ladies' and girls' shirts).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 9-18-65 to 3-17-66; 45 learners for plant expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

B & K Hosiery Mills, Inc., 150 41st Street SW., Hickory, N.C.; effective 9-23-65 to 9-22-66; 5 learners for normal labor turnover purposes (seamless).

Broadway Hosiery Mills, Inc., 53 Burton Street, Asheville, N.C.; effective 9-22-65 to 9-21-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 9-17-65 to 9-16-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Kingston Knitting Mills, Inc., 139 Cornell Street, Kingston, N.Y.; effective 9-23-65 to 9-22-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Robinson Manufacturing Co., 520 South Market Street, Dayton, Tenn.; effective 10-1-65 to 9-30-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton underwear).

Russell Mills, Inc., Alexander City, Ala.; effective 10-1-65 to 9-30-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (athletic knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Guantes de Ponce, Avenida Hostos No. 88, Apartado 191, Estacion 6, Ponce, P.R.; effective 8-16-65 to 2-15-66; 20 learners for plant expansion purposes in the occupation of machine stitching, laying off, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (fabric and leather gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 24th day of September 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-10496; Filed, Oct. 1, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 29, 1965.

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. 40043—*Iron or steel articles to Bay St. Louis and Pascagoula, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2805), for interested rail carriers. Rates on iron or steelplate or sheet, noibn, painted, in carloads, from points in New York, Ohio, Pennsylvania, and West Virginia, also Claymont, Del., and Sparrows Point, Md., to Bay St. Louis and Pascagoula, Miss.

Grounds for relief—Market competition.

FSA No. 40044—*Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 95), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 12 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40045—*Beet or cane sugar to points in Colorado and Nebraska.* Filed by Southwestern Freight Bureau, agent (No. B-8760), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from Ovid and Sterling, Colo., Bayard, Gering, Mitchell, and Scottsbluff, Nebr., to points in New Mexico and Texas, also Texarkana, Ark.-Tex.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southwestern Freight Bureau, agent, tariff ICC 4434.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-10512; Filed, Oct. 1, 1965; 8:45 a.m.]

[Notice 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 18 TA), filed September 27, 1965. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Post Office Box 146, Mercer, Pa., 16137. Applicant's representative: Thomas M. Knebel, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys*, in dump vehicles, from Niagara Falls, N.Y., to Saginaw, Mich., for 180 days. Supporting shipper: Pittsburgh Metallurgical Co., Division of Air Reduction Co., Incorporated, Niagara Falls, N.Y. Send protests to: Gasper Plovarchy, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., 15222.

No. MC 5697 (Sub-No. 4 TA), filed September 27, 1965. Applicant: Kenneth Holmstrom, Varna, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dried and air dried barrel staves and heading*, from Peoria, Ill., to Memphis, Tenn., Louisville and Lebanon, Ky., and return same material from Memphis, Tenn., Louisville and Lebanon, Ky., to Peoria, Ill., for 150 days. Supporting shipper: Hiram Walker & Sons, Inc., 2409 Southwest Washington Street, Peoria, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn, Chicago, Ill., 60604.

No. MC 66562 (Sub-No. 2121 TA), filed September 27, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: Robert C. Boozer, 2015 Bank of Georgia Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service (including class A and B explosives), between Clayton, Ala., and Eufaula, Ala., from Clayton over Alabama Highway 30 to junction U.S. Highway 431, thence over U.S. Highway 431 to Eufaula, and return over the same route, serving no intermediate points, for 150 days. Supporting shippers: Bank of Commerce, Clayton, Ala.; Clayton Drug Co., Clayton, Ala.; T. W. Parish, Clayton, Ala.; Beauty Motor Co., Clayton, Ala.; Clayton Auto Sales, Inc., Clayton, Ala.; Henry's, Clayton, Ala.; and City Tire Service, Clayton, Ala. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 106644 (Sub-No. 55 TA), filed September 27, 1965. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga., Office: 2770 Peyton Road NW. Applicant's representative: Otis H. Stovall, 2770 Peyton Road NW., Atlanta, Ga., 30321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium impregnated coke*, from Birmingham, Ala., to Moline, and East Moline, Ill., for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala., 38202. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 107839 (Sub-No. 88 TA), filed September 27, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., Office: 5135 York Street, Denver, Colo., 80216, Mail: Post Office Box 16021. Applicant's representative: Ronald W. Watters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled dairy products, chilled dairy product substitutes*, manufactured from vegetable fats, and *chilled syrups and toppings*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to Dallas, Tex.; Pueblo, Colorado Springs, and Denver, Colo., for 180 days. Supporting shipper: Reddi-wip Co. of Florida, Post Office Box 5733, Jacksonville 7, Fla. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 113908 (Sub-No. 176 TA), filed September 27, 1965. Applicant: ERICKSON TRANSPORTATION CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, in tank vehicles, from Kansas City, Kans., to Fort Worth, Tex.; Jackson, Miss., Minneapolis, Minn., Russellville, Ky., Springdale, Ark.; Des Moines, Iowa; Chicago, Ill.; Baltimore, Md.; and Port Huron, Mich., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, Kans., Mail address: Post Office Box 768, Kansas City, Mo., 64141. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

No. MC 116390 (Sub-No. 3 TA), filed September 27, 1965. Applicant: LYNN C. GEORGE, 158 Hermosa Street, Pagosa Springs, Colo. Applicant's representative: R. Franklin McKelvey, Post Office Box 1160, Durango, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pagosa Springs, Colo., and El Vado Dam, N. Mex., from Pagosa Springs over U.S. Highway 84 to Parkview, N. Mex., thence over New Mexico Highway 112 to El Vado Dam, and return over the same route, serving all intermediate points and the off-route point of Herron Dam, N. Mex. Supporting shipper: Peter Kiewit & Son's Co., Post Office Box 245, Omaha, Nebr. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 116879 (Sub-No. 3TA), filed September 27, 1965. Applicant: RICHARD T. BESTWICK, 716 South 12th, Sabetha, Kans., 66534. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid condensed milk*, in shipper owned tanks, from Sabetha, Kans., to El Dorado Springs and Springfield, Mo., for 150 days. Supporting shipper: Eugene Marti, assistant general manager, Nemaha Cooperative Creamery Association, Sabetha, Kans., 66534. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 Federal Building, Topeka, Kans., 66603.

No. MC 117119 (Sub-No. 270TA), filed September 27, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark., 72728. Applicant's representative: John H. Joyce, 26 North College Street, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products* (other than frozen) with or without other ingredients, cooked, diced, flaked, powdered, shredded or sliced, from the plantsite or warehouse facilities used by Ore-Ida Foods, Inc., within the commercial zone of Greenville, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Dwaine E. Griffity, general traffic manager, Ore-Ida Foods, Inc., Post Office Box 60, Ontario, Oreg. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark., 72201.

No. MC 125787 (Sub-No. 2 TA), filed September 27, 1965. Applicant: M & H TRUCKING, INC., Post Office Box 1995, 5001 East Main, Farmington, N. Mex. Applicant's representative: Alvin J. Meiklejohn, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Flagstaff, Ariz., on the one hand, and, on the other, points in Arizona on the Navajo and Hopi Reservations (except Page, Ariz.), for 150 days. Supporting shippers: John M. Conrad (Motel), Kayenta, Ariz., Al's Market Navajo Trail Shopping Center, Tuba City, Ariz., Cow Springs Trading Post, Cow Springs, Ariz., Jim Porter, doing business as Tsegi Trading Post, Tonalea, Ariz., Monument Valley Inn, Bud Gibson, doing business as, Kayenta, Ariz., Kayenta Lodge and Cafe, Bill D. Crawley doing business as, Kayenta, Ariz., Kayenta Trading Post, Kayenta, Ariz., Hugo Zimmer, doing business as Graves Truck Stop, Kayenta, Ariz., Floyd Peterson, doing business as Kayenta Motors & Supply, Kayenta, Ariz., Sears Roebuck and Co., Flagstaff, Ariz., Babbitt Brothers Trading Co., Post Office Box 1328, Flagstaff, Ariz., Kayenta United Presbyterian Church, Post Office Box A-5, Kayenta, Ariz., and Kaibeto Trading Post, Kaibeto, Ariz. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse, Albuquerque, N. Mex.

No. MC 126045 (Sub-No. 3 TA), filed September 27, 1965. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, Davenport, Iowa. Applicant's representative: Eugene D. Anderson, 135 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients, which include dicalcium, phosphate and difluorinated phosphate*, from Davenport, Iowa, to points in Arkansas, Illinois, Kentucky, Michigan, Minnesota, Mississippi, Missouri (except points in the St. Louis-East St. Louis commercial zone), Nebraska, Ohio, Pennsylvania on and west of U.S. Highway 219, South Dakota, Tennessee, Wisconsin, and from Montpelier, Iowa, to points in Ohio, Michigan, Pennsylvania on and west of U.S. Highway 219, Kentucky, Tennessee, Mississippi, and Arkansas, for 180 days. Supporting shipper: Hooker Chemical Corp., Phosphorous Division, Jeffersonville, Ind., 47130. Send protests to: Chas. C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 235 U.S. Post Office Building, Davenport, Iowa, 52801.

No. MC 126700 (Sub-No. 1 TA), filed September 27, 1965. Applicant: REIMER EXPRESS LINES, LTD., 1390 Pacific Avenue, Winnipeg, Manitoba, Canada. Applicant's representative: A. S. Mowat (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from the ports of entry between the United States and Canada, located at Pembina, N. Dak., and Noyes, Minn., to Minneapolis, and St. Paul, Minn., Milwaukee, Wis., and Chicago, Ill., for 90 days. Supporting shipper: Canada Packers Ltd., St. Boniface, Manitoba, Canada. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak.

No. MC 127594 TA, filed September 24, 1965. Applicant: FRANCIS PETRELLA AND JOSEPH PETRELLA, a partnership, doing business as PETRELLA'S EXPRESS, Saint Joseph's Lane, Downingtown, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Downingtown, Pa., and Baltimore, Md., Washington, D.C., Newark, Elizabeth, and Jersey City, N.J., and Richmond, Va., and *Scrap paper*, and *pallets*, from the above destination points in Downingtown, Pa., for 150 days. Supporting shipper: Downingtown Paper Co., Brandywine Avenue, Downingtown, Pa. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 127595 TA, filed September 27, 1965. Applicant: THOMAS J. TRACY, JR., doing business as SPEEDY MESSENGER SERVICE, 305 Philmar Avenue, Ashland, N.J. Applicant's representative: Harold A. Lockwood, Jr., 2015 Land Title Building, Philadelphia, Pa., 19110.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, parcels* and *packages* not exceeding 75 pounds in weight (except such commodities ordinarily dealt in by retail stores, premium redemption companies, mail-order houses, medical, dental, optical, and photographic supplies, materials and products, medicines, drugs, health foods, processed and unprocessed films, photo-engraving supplies and dangerous explosives), between points in Camden, Burlington, and Gloucester Counties, N.J., and points in Bucks, Delaware, Philadelphia, and Montgomery Counties, Pa., for 180 days. Supporting shippers: Stockwell Rubber Co., Inc., 117-21 Shackamaxon Street, Philadelphia, Pa., 19125; Kegler Publications, Box 48, Stratford, N.J., 08084; the Esterbrook Pen Co., Box 230, Cherry Hill, N.J., 08034; Mako Products Co., Post Office Box 36, Oaklyn, N.J.; Continental Can Co., Inc., 3500 East Biddle Street, Baltimore 13, Md.; Apex Molded Products Co., 3574 Ruth Street, Philadelphia, Pa., 19134; Karl Link Manufacturing Co., 15 North Pine Street, Maple Shade, N.J.; Delaware Valley Manufacturing Co., Inc., Northwood and Olive Streets, Cherry Hill, N.J., 08034. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 127596 TA, filed September 24, 1965. Applicant: JERRY M. GILMORE, doing business as GILMORE ENTERPRISES, INC., 196 Hollywood Boulevard, Fort Walton Beach, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Florida within a 100-mile radius of Fort Walton Beach, on traffic having a prior or subsequent movement to or from out of State points, for 180 days. Supporting shipper: None, but applicant states the above transportation will be military traffic mostly from Eglin Field and Hurlburt Field, Fla. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla.

MOTOR CARRIERS OF PASSENGERS

No. MC 127597 TA, filed September 24, 1965. Applicant: TRANSPORTATION UNLIMITED, INC., 5441 Paradise Road, Las Vegas, Nev., 89109. Applicant's representative: Silver and Rosen, 140 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, in sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within five (5) miles thereof, and extending to Grand Canyon National Park, Ariz., and Death Valley National Monument, Calif., for 180 days. Supporting shippers: The E. F. McDonald Travel Co., 14501 West McNichols, Detroit, Mich., Fugazy Travel Bureau, Inc., 488 Madison Avenue, New York, N.Y., Le Beau Tours, 100 West 42d Street, New York, N.Y., Maritz Travel Co., 20770 Greenfield Road, Detroit, Mich., the Dunes Hotel, U.S. Highway 91 South, Las Vegas, Nev., the Stardust Hotel, Las Vegas Boulevard South, Las Vegas, Nev., the Riviera Hotel, Las Vegas Boulevard South, Las Vegas, Nev., the Fabulous Flamingo Hotel, Las Vegas Boulevard South, Las Vegas, Nev., Hotel Tropicana, Las Vegas Boulevard South, Las Vegas, Nev., the Sands Hotel (2), Las Vegas Boulevard South, Las Vegas, Nev., the Desert Inn Hotel, Las Vegas Boulevard South, Las Vegas, Nev., World Wide Travel, 600 Maryland Parkway, Las Vegas, Nev., Dazey Travel Service, 4643 Paradise Road, Las Vegas, Nev., Walter Hobart, Las Vegas, Nev. (ex-bell captain, Fremont Hotel), Richard R. Snee, Las Vegas, Nev. (bell captain, Flamingo Hotel), Lee Maynard, Las Vegas, Nev. (superintendent of service, Stardust Hotel), James M. Hutchinson, Las Vegas, Nev. (bell captain, Elwell Hotel). Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev., 89701.

By the Commission.

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

[F.R. Doc. 65-10513; Filed, Oct. 1, 1965; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

MONTGOMERY COUNTY, ALABAMA

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

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Montgomery County, Alabama. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

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

SEPTEMBER 29, 1965.

[F.R. Doc. 65-10619; Filed, Oct. 1, 1965; 2:11 p.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.